

**TRANSFORMATION OF THE UKRAINIAN INSTITUTIONAL APPARATUS  
BETWEEN 2017 AND 2022**

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## Contents

<b>Acknowledgments</b> .....	<b>iv</b>
<b>Acronyms</b> .....	<b>v</b>
<b>Introduction</b> .....	<b>vi</b>
Research question:.....	ix
Empirical Literature Review: .....	xi
Theoretical Literature Review:.....	xv
Methodological approach:.....	xx
<b>Chapter 1: Historical evolution of the Ukrainian institutional structure</b> .....	<b>1</b>
1.1 Post-Soviet Ukraine: 1991 – 2004 .....	1
1.2 Post-independence revolutions: 2004 and 2014 .....	8
1.3 Petro Poroshenko and the beginning of the transition from patronal democracy: 2014-2019	13
1.4 Volodymyr Zelensky and the transition to a new institutional schema: 2019-2022 .....	17
<b>Chapter 2: Systema in Ukraine</b> .....	<b>25</b>
2.1 Transparency and Accountability as determinants to transform the “systema” .....	30
The 2021 Anti-Oligarch Act.....	31
The National Security and Defense Council of Ukraine (NSDC), .....	34
2.2 Western proposals for institutional transformation. Assimilation by the “systema” .....	41
International Monetary Fund: Stand-By Arrangement (2020).....	42

EU judicial reform benchmarks .....	43
Constitutional Court as a battleground for reform legitimacy .....	47
Selective Enforcement and Institutional Backlash Against Reformers .....	50
Party dynamics within Servant of the People: Internal tensions over reform.....	52
<b>Chapter 3: Key actors in the transformation of the Ukrainian institutional apparatus.....</b>	<b>55</b>
3.1 External organizations and the pressure on domestic institutional transformation.....	55
EU, NATO, and Ukraine .....	56
3.2 Presidential figure in Ukraine and its influence in the domestic landscape.....	67
3.3 Civil society after the Revolution of 2014 .....	72
<b>Summary of findings.....</b>	<b>77</b>
Final conclusions.....	79
Future Scenarios: Reform, Recovery, and European Integration.....	80
<b>References .....</b>	<b>84</b>

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## Acronyms

Union of Soviet Socialist Republics (USSR)	Macro-Financial Assistance (MFA)
European Union (EU)	Extended Fund Facility (EFF)
North Atlantic Treaty Organization (NATO)	Partnership and Cooperation Agreement (PCA)
International Monetary Fund (IMF)	High Qualification Commission of Judges (HCQJ)
World Bank (WB)	National Security and Defence Council of Ukraine (NSDC)
Organization for Security and Co-operation in Europe (OSCE)	Specialized Anti-Corruption Prosecutor's Office (SAPO)
Reanimation Package of Reforms (RPR)	High Anti-Corruption Court (HACC)
National Anti-Corruption Bureau (NABU)	Court of Justice of the European Union (CJEU)
Stand-by Arrangement (SBA)	European Court of Human Rights (ECHR)
Constitutional Court of Ukraine (CCU)	High Council of Justice (HCJ)

## Introduction

Ukraine presents a compelling case study in institutional transformation, marked by persistent structural evolution since gaining independence in 1991. In the immediate post-Soviet period, legacy institutions from the Union of Soviet Socialist Republics (USSR) continued to exert significant influence over the country's political and administrative systems. The absence of a robust legal framework and effective rule of law<sup>1</sup> during the 1990s created opportunities for political elites and oligarchs to exploit transitional justice mechanisms for personal economic gain.

Since gaining independence in 1991, Ukraine has consistently sought to break from its Soviet past and align itself with the democratic norms of the West. A cornerstone of this strategic reorientation has been the pursuit of integration into Western institutions, most notably the European Union (EU) and the North Atlantic Treaty Organization (NATO). This strategic orientation is not only reflected in political discourse but also formally embedded in the Ukrainian Constitution. The preamble, along with Articles 85, 102, and 116, assigns responsibility for advancing Euro-Atlantic integration to the Verkhovna Rada (Parliament), the President, and the Cabinet of Ministers, respectively. These constitutional provisions highlight the state's long-term commitment to aligning with Western democratic standards and institutional frameworks.

This constitutional commitment was soon reflected in Ukraine's foreign policy, beginning with its participation in NATO's Partnership for Peace program that Kyiv joined in 1994, and the Partnership and Cooperation Agreement signed with the EU that same year. The latter conflicted with the existence of parties that were still pro-Russian. This has shaped the domestic and external politics of the Ukrainian government since the 90s up until today.

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<sup>1</sup> The principle that laws should govern a nation, rather than arbitrary decisions by leaders.

This thesis examines the restructuring of Ukraine’s institutional apparatus during the period from 2017 to 2022. This timeframe has been deliberately chosen to encompass the final two years of Petro Poroshenko’s presidency as an administration still caught in the core dynamics of what Madlovics and Magyar (2020) have labelled “patronal democracy”, and the transition the subsequent election of Volodymyr Zelensky in 2019. It marks a pivotal phase in Ukrainian politics, during which significant institutional transformations occurred, some of which had previously been politically unfeasible.

The study focuses on key reforms that emerged during this period, particularly those that were not initially part of President Zelensky’s political agenda but were instead shaped by the need to address external pressures and international expectations.

Among the reforms analyzed in this thesis are the 2021 Anti-Oligarch Act and the creation of a specialized institution within the National Security and Defense Council. These measures, introduced under Zelensky’s non-conventional<sup>2</sup> administration, marked a decisive break from the tacit arrangements that had long governed relations between the state and oligarchs. By challenging the entrenched economic and political influence of these actors, the reforms risked mutual assured destruction, undermining both oligarchic control and the financial support traditionally extended to politicians.

The thesis also explores the controversial land reform and the opening of the land market, a policy that has remained highly contentious since Ukraine’s independence in 1991. Despite domestic

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<sup>2</sup> After 1991, Ukrainian politicians were majorly influenced by the country’s oligarchs. The latter held the economic power and were determined to attain the political one. Most of the appointments in the legislative, executive, and the judiciary worked in their favor. The oligarchs supported the candidates and expected favors in return. This changed when for the first time in 2019 was elected a candidate with no links to the oligarchy up until that moment, and with no background in politics. The election of Volodymyr Zelensky opened a new episode in Ukrainian politics.

resistance, the reform was a prerequisite for securing international financial assistance and aligning Ukraine with Western policy frameworks.

Additionally, the study analyzes the adoption of a new electoral code, alongside reforms in the banking and judicial systems, each of which played a role in redefining Ukraine's institutional landscape during this transformative period.

This study is grounded in both Comparative Politics and International Relations. Though its theoretical concepts and analytical framework draw mostly on the regional subfield literature, particularly on political reform in the post-Soviet space, it can also be situated in the broader scholarship on institutional change and governance. By integrating institutionalist and internationalization perspectives, the thesis contributes to Political Science by explaining reform dynamics in Ukraine, highlighting its experience as a hybrid regime embedded in a broader international context.

Building on this foundation, the thesis adds to the academic literature by offering a comprehensive and multi-layered analysis of Ukraine's institutional transformation between 2017 and 2022. Unlike earlier studies that focus on individual reforms or specific actors, this research examines how domestic and international pressures interact, and how informal networks adapt to absorb reform efforts while maintaining control. By analyzing the relationships between civil society, executive leadership, and external conditionality, the study provides a deeper understanding of how institutional change occurs in hybrid regimes. This approach reveals not only the resilience of informal power structures, but also the conditions under which meaningful reform becomes possible. Additionally, the thesis offers a brief assessment of Ukraine's evolving foreign policy priorities since independence, with particular attention to how these priorities have been

recalibrated under successive administrations in response to internal developments and external imperatives.

### **Research question:**

Many political scientists have studied institutional transformation in Ukraine. The country is an interesting case because of its history, its geopolitical significance, the aftermath process following Soviet rule, and the active conflicts that remain unsolved since its independence. In less than ten years, Kyiv witnessed two revolutions: the Orange Revolution in 2004 and the Revolution of Dignity or Euromaidan between November 2013 and February 2014.

Researchers have studied the relations between the European Union (EU), the North Atlantic Treaty Organization (NATO), and Ukraine. However, the debate on institutional transformation in Ukraine after the election of current president Volodymyr Zelensky remains open. This period is relevant because of the radical internal changes that a non-conventional administration has implemented. Zelensky could be considered the first non-patronal actor<sup>3</sup> to have successfully attained the presidency in Ukraine.

This investigation is guided by a central research question that serves to focus the analysis and frame the examination of institutional changes in Ukraine during the selected period from 2017 to 2022.

### **Research question:**

**How did external and internal pressure factors impact the restructuring of the Ukrainian institutional system between 2017 and 2022?**

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<sup>3</sup> Unlinked from the reach of oligarchs

The analysis begins in 2017, as this point of departure allows for a meaningful contrast between the final two years of Petro Poroshenko’s presidency and the election of Volodymyr Zelensky in 2019. Although the thesis does not pursue an in-depth comparative study of both presidencies, one section is devoted to highlighting their differing political approaches. This contextual foundation proves essential for understanding the scope and implications of the institutional reforms assessed in the subsequent chapters.

Building on this rationale, the five-year period was chosen because it captures the shift away from the “patronal democracy” model that has shaped Ukrainian politics since independence. This timeframe is short enough for detailed analysis within the limits of a master’s thesis, yet long enough to compare conditions before and after the transition. Earlier turning points, such as independence and the two revolutions, are treated as background rather than the focus. The study ends before the 2022 invasion because the war represents another critical juncture with exceptional dynamics that would greatly expand the scope. Ending at early 2022 also provides enough distance for initial evaluation without relying on speculation about ongoing events.

The restructuring of Ukraine’s institutional apparatus between 2017 and 2022 was primarily driven by three interrelated factors. First, the aftermath of the Euromaidan revolution reinforced Ukraine’s strategic orientation toward European integration, framing it as a national security imperative. Second, the 2019 election of Volodymyr Zelensky and his party, Servant of the People (Sluha Narodu), introduced a non-traditional political leadership that redefined both domestic governance and foreign policy priorities. Third, the Ukrainian government’s proactive steps toward integration into the European system of collective security reflected a deliberate shift in state policy, one that prioritized alignment with Western institutions over debates concerning sovereignty concessions.

Before proceeding with the analysis, the thesis presents both an empirical and a theoretical literature review. This section aims to contextualize the study by outlining the existing scholarly debates on institutional development in Ukraine, thereby providing a foundation for the analysis that follows.

### **Empirical Literature Review:**

The process of joining the European Union (EU) and the North Atlantic Treaty Organization (NATO) seems straightforward. The Union establishes that after presenting an official request, the European Council must approve it. Only then will the country be considered a candidate. The steps involve negotiating to accept the organization's laws and regulations. In the case of the Alliance, the country must be invited to discuss the possibility of negotiating an accession protocol (Wall, Elizabeth Anna, 2013, p. 1). However, candidates are asked to restructure their economies, security systems, and judicial systems, under the assumption that this will signal an alignment with Euro-Atlantic and European values.

### **Ukraine's path towards EU and NATO:**

Many scholars have studied the Ukrainian case and its intention to join the Western world. Olech Ksawery analyzed Ukraine's desire for accession, an objective that goes back to the beginning of the '90s, with the fall of the Soviet Union and the Socialist bloc. Kyiv started negotiations with NATO in 1991, and representatives of both parties met in January 1992. In 1994, the country signed a framework document for the Partnership for Peace program, and the Ukrainian Parliament (Verkhovna Rada) approved the admission to European structures as one of the priorities for the country's foreign policy ( Ksawery, 2019, p. 2).

The Alliance has requested that Ukraine take significant steps towards its accession, including economic reforms to gain stability, supported by external loans from the International Monetary Fund (IMF) and the World Bank (WB), restructuring the country's foreign policy priorities, and remodeling its security system. Only then will the candidature be considered in full. The demands were made clear to Volodymyr Zelensky after his election in 2019.

The said requirements were implemented through policies approved by the state after Zelensky arrived at the presidency. It was possible thanks to the popular support of the new government. As established by Matthew Rojansky, both Zelensky and former president Petro Poroshenko had a decisive influence in the parliament, due to the number of seats their parties held in the Rada.

The Zelensky period was preceded by a dead point where Euro-Atlantic and European aspirations were frustrated by the internal political and economic crisis the country faced after the Orange Revolution. The newly elected president was determined to take all necessary measures to ensure Kyiv's European aspiration and had the political capital to make it happen. One of the changes was the land reform.

Since independence, land reform has remained one of Ukraine's most contentious issues. A longstanding moratorium on land sales hindered agrarian reform and discouraged foreign investment (Harust et al., 2021). Weak institutions for land registration, legal ambiguity, and widespread corruption created an environment where laws could be manipulated to benefit oligarchic interests rather than support rural development.

Moreover, critics of the reform mentioned above considered that opening the land market would lead to the existence of a gray land market, which would benefit primarily large corporations, and would violate the rights of other business entities (Kostyashkin et al., 2020). The absence of a

comprehensive legislative framework for the effective regulation of the agricultural land market, coupled with ambiguity surrounding the state's role in managing the economic circulation of land, significantly hindered the sector's development. Additionally, the lack of a systematic land inventory and zoning based on land use types and subtypes created a legal vacuum. This environment allowed existing laws to be manipulated in favor of individual or oligarchic interests, rather than being leveraged to support the sustainable development of rural communities. (Ibatullin et al., 2024, p. 3)

On March 31, 2020, the Verkhovna Rada passed Law No. 552-IX, "On Amendments to Certain Legislative Acts of Ukraine regarding the Conditions of Turnover of Agricultural Land", specifying the terms and conditions of agricultural land mobility. This law entered into force on July 1, 2021. The market is supposed to open gradually. Until January 1<sup>st</sup>, 2024, only Ukrainian nationals would be able to acquire land. Afterwards, the agricultural land could also be purchased by legal entities established and registered under the laws of Ukraine, by citizens of Ukraine, by the State, or by amalgamated territorial communities. (Popov, 2023, p. 25)

Among the legislative measures introduced during Volodymyr Zelensky's ascent to power was the Anti-Oligarch Act, an integral component of Ukraine's broader de-oligarchization strategy. This initiative formed part of a long-standing anti-corruption agenda that both domestic reformers and international partners had urged the country to implement for years.

High levels of corruption were always present in Ukrainian politics. Even after the Revolution of Dignity in 2014, the people perceived the institutions and the State in Ukraine as corrupt. Zelensky's promise to eliminate corruption earned him high levels of popular approval. This, among other factors that will be later deepened in the thesis, led on November 3, 2021, to the approval by a parliamentary majority of 279 votes of the Law of Ukraine "On the Prevention of

Threats to National Security Related to the Excessive Influence of Persons who Have Significant Economic or Political Weight in Public Life (Oligarchs)”. Becoming effective on May 7, 2022, the bill established a rather comprehensive legal framework for disallowing those registered as oligarchs from being active in Ukrainian politics. (Minakov, 2023, p. 141-147)

After the law was passed, all officials had an obligation to declare all contacts with oligarchs or their representatives. This policy applied to all those whose decisions had an impact on society and the functioning of Ukrainian institutions.

Besides the laws previously discussed, others have also marked Zelensky’s presidency. Another case was the reform of the Electoral Code, which had been a demand since 2005. Krzysztof Eckhardt (2020) studied this specific process. It had been a recommendation of the Parliamentary Assembly of the Council of Europe, the Venice Commission, and the Organization for Security and Co-operation in Europe (OSCE). In August 2019, Zelensky proposed some changes to the Rada that included among others a new wording of articles 76 and 77, which is to be applied after the next elections. The amendment provides for a reduction of the number of deputies to 300, the introduction of proficiency in the state language as a condition for running for the Verkhovna Rada, and a proportional electoral system.

The authors cited in this empirical literature review have addressed individual areas of institutional change, such as legal and economic reforms, or reforms tackling political corruption. In some cases, they have made a comprehensive study of a particular institution going back to the country’s independence in 1991, including the steps taken towards European and Euro-Atlantic integration.

What sets this study apart from previous empirical literature is its holistic and integrative approach to institutional transformation in Ukraine during the period 2017–2022. While existing research

has often focused on individual reforms, such as anti-corruption measures, judicial restructuring, or electoral changes, this thesis examines the interplay of these reforms within a broader framework of internal and external pressures.

Furthermore, by concentrating on the post-Euromaidan period and the presidency of Volodymyr Zelensky, the study captures a critical juncture in Ukraine's political development that has not yet been comprehensively analyzed in the academic literature. This period is particularly significant due to the emergence of a non-patronal leadership and the intensification of Ukraine's alignment with Euro-Atlantic institutions, offering new insights into the dynamics of post-Soviet state transformation.

While the empirical literature provides a detailed account of Ukraine's reform trajectory, the theoretical literature offers conceptual tools to understand the mechanisms and actors driving these changes. The following section explores these frameworks.

### **Theoretical Literature Review:**

Institutional transformation is an inevitable and dynamic process in every country worldwide. Institutions change depending on the balance of power, domestic actors, international pressure, ideologies, etc. In the case of Ukraine, it is important to refer to influential oligarchs, civil society, and international organizations, mainly after the Revolution of Dignity in 2014.

After 1990 Kyiv strived to separate itself from the Soviet past. Nevertheless, the heritage was so strong that the country could not move past the existing status quo.

The academic literature focuses on specific groups of major reforms the country has been dealing with since the 90s: anti-corruption reform, the rule of law, the judiciary, and the electoral code, all under the influence of domestic and external actors.

Dmytryshyn et al. argue that to implement major institutional changes, it is necessary to establish them locally. Only then will the people be ready to accept and work through them. They make their case by studying the Ukrainian decentralization reform in 2015. It was a process intended to establish efficient mechanisms to transfer power to resolve local affairs to the primary level of self-government, the community. (Dmytryshyn et al., 2021)

Henry Hale and Volodymyr Kulyk also champion the need for decentralization and other internal changes that were actively included in the public discourse: lustration<sup>4</sup>, marketization, Europeanization, military consolidation, the restoration of territorial integrity, de-Sovietization of historical memory (once again at the center of Ukrainian politics), limitation of Russian cultural influence, and promotion of the Ukrainian language. (Hale & Kulyk, 2021). The authors apply their argument to the period after 2016 and give special relevance to the context created after Euromaidan.

The revolution of 2014 was indeed a turning point in the Ukrainian political scene. Until that moment, the country was led by oligarchs with immense influence. Oksana Huss establishes that this was because since independence, Ukraine has been a patronal democracy with a close interdependency between politics and so-called oligarchs. The oligarchs have historically used established democratic mechanisms to ensure that the people approved by them are the ones that get far in the political arena. The appointments made in the legislative, executive, and judiciary branches of power follow the logic of patronage instead of meritocracy. (Huss, 2023)

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<sup>4</sup> In the context of Ukraine and the post-Soviet countries, this term was used to describe the process to scrutinize and exclude from power those individuals that cannot comply with democratic principles. In the case of Ukraine, those individuals who intended to continue with Soviet practices.

Dmytryshyn et al. (2021) also agreed that it was not until 2014 and the new conditions in the country's domestic setting that Kyiv adopted the concept of reforming local self-government and territorial organization. Their work provides a comprehensive view of the expected changes from decentralization. To these reforms, Hale and Kulyk also add other types of reforms like post-imperial emancipatory (PIE) reforms and marketization<sup>5</sup>. The desire for emancipation from the imperial past is common in other countries in the post-Soviet space. It takes on special relevance in Ukraine after 2014 because the country was until then ruled following a pro-Russian approach. This changed, with the victors and Ukrainian people subsequently returning to the European path. John Lough refers to Ukrainian oligarchs as part of a "systema" that since 1990 has proven to be impressively resilient, especially after the political and economic disruption in 2004–2005 with the Orange Revolution. The author exposes the "systema" as a catalyzer of an environment of corruption.

Lough agrees that the apparatus has suffered setbacks since the Revolution of Dignity, but it still has considerable residual strength.

An element that appears in the academic analysis of institutional change in Ukraine after 2014 is the role of civil society. It came to support the existing pressure of international bodies like the International Monetary Fund (IMF), the World Bank (WB), and the European Union (EU).

A key example of civil society mobilization in post-Euromaidan Ukraine is the Reanimation Package of Reforms (RPR). Formed in 2014, RPR aimed to unite organizations from various sectors, including media, economics, law, and public administration, under a comprehensive

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<sup>5</sup> Marketization was a challenge for all post-Soviet republics. Until early 90s, they followed economic rules that differ from how the market usually works. This process was key in the transition from a communist to a capitalist economy.

reform framework. Its goal was to revitalize nearly all areas of public life and prepare the country for deeper integration with the European Union (Cherevko & Dvorovyi, 2022., p. 5).

The RPR brought together over 80 civil society organizations, making it the most significant cross-sectoral reform coalition in Ukraine's modern history. It played a central role in shaping the national reform agenda by engaging directly with policymakers, drafting legislation, and monitoring the implementation of reforms. The emergence of RPR signaled a shift toward more institutionalized and coordinated civil society participation in governance, highlighting a broader trend of democratization and increased public accountability in the post-Euromaidan period.

It is important to clarify that while civil society gained significant visibility during the Orange Revolution in 2004 and the Euromaidan in 2014, its roots trace back to the early 1990s. Although fragmented and under-resourced in the post-Soviet period, civic organizations played a foundational role in mobilizing public sentiment and laying the groundwork for later mass mobilizations.

The new context was said to foster a democratization process. In 2018, Silviya Nitsova, Grigore Pop-Eleches, and Graeme Robertson proposed the term “sandwich model” to represent this process. This model depicts the trajectory of a democratic reform process through a combination of international involvement and pressure from domestic civil society. (Nitsova et al., 2018)

European integration and the conditionality measures that come with it have been the backbone of reforms in Ukraine, just as they have influenced reforms in other aspirant countries. In the study of the importance of external conditionality on domestic institutional reform, researchers have compared the scope of the required integration of EU norms and rules that have been demanded of every individual country. In the case of the EU, the conditions are set in the respective

association agreements. Alexander Duleba concludes that compared with other EU integration agreements with third countries, Ukraine's Association Agreement features the largest structural asymmetry, that is, the biggest gap between the largest volume of *acquis*, which Ukraine has to incorporate into its national legislation, on the one hand, and the lowest level of institutional involvement of Ukraine in policy-shaping within the EU, on the other. (Duleba, 2022)

The conditions for Ukraine include changes in the rule of law and specifically the fight against corruption. Oksana Huss conceptualizes corruption as a tool that patronal actors can use to maintain power legitimately and prevent non-patronal entities (representatives of civil society, citizens, and possibly international organizations) from establishing new rules that would change the status quo. The author highlights a historical institutionalist approach as an alternative explanation of the incremental structural change toward effective anti-corruption policies in Ukraine.

Huss determines that system of corruption in Ukraine has manifested itself through four interrelated characteristics: close interdependency between politics and so-called oligarchs; elections and competition among political parties as a façade for the competition among patronal networks (clientelism in decision-making); appointments made in the legislative, executive, and judiciary branches of power follow the logic of patronage instead of meritocracy; and formal institutions, such as the constitution and legislation, do not serve to establish the rule of law, rather, formal legislation mirrors who has power. The debate goes back to the oligarchs.

Most of the policies oriented to the eradication of corruption in Ukraine have been focused on the necessity of restructuring the rule of law. Gherasimov and Solonenko (2020) argue that this opportunity appeared with the election of Zelensky in 2019 and his high rates of approval.

Zelensky was in a particularly good position to carry on with the changes that until that time had been blocked by political elites connected with the oligarchs.

After having analyzed the results of the first year of Zelensky's presidency, the outcomes were not ideal according to the authors. They confirm that Ukrainians have not seen sufficient progress on the bold changes that were promised during 2019's election campaigns: delivering justice, standing up to oligarchs, strengthening the economy, and bringing peace to Donbas. Strong vested interests, weak rule-of-law institutions, and endemic corruption still seriously affect Ukraine's economy, governance, and society.

The study of institutional change in Ukraine is far from over. There is currently a new dynamic, with the 2022 Russian invasion that has changed the status quo in the country even more.

#### **Methodological approach:**

The present study employs a qualitative methodology, grounded in a comprehensive review of both primary and secondary sources. Primary sources included governmental legislation and official reports issued by institutions such as the European Union (EU), the North Atlantic Treaty Organization (NATO), the International Monetary Fund (IMF), and the World Bank (WB). Secondary sources consisted of scholarly analyses and political science literature focused on Ukraine and the broader Eastern European region.

The analytical framework was based on abductive inference, which allowed for an open-ended examination of the available evidence to identify the most plausible explanations for the observed institutional transformations. This iterative process between empirical data and theoretical insights enabled a nuanced understanding of Ukraine's evolving institutional landscape.

This abductive approach facilitated the formulation of explanatory hypotheses without being constrained by pre-existing theoretical assumptions. It provided the flexibility to integrate diverse types of evidence and to develop interpretations grounded in the specificities of the Ukrainian context.

The study was conducted as an “ex post facto” investigation, aiming to establish causal relationships between the transformation of Ukraine’s institutional apparatus and the internal and external forces that shaped it.

The study’s qualitative methodology relied on documentary review and historical analysis to gather information relevant to the research topic. Process tracing was used to identify causal mechanisms and sequences that shaped institutional transformation. Additionally, the analysis occasionally drew on existing statistical inference and multivariate analyses conducted by other scholars to support and contextualize the findings.

With the methodological framework established, the thesis now turns to a historical overview of Ukraine’s institutional evolution to provide the necessary context for the subsequent analysis.

## **Chapter 1: Historical evolution of the Ukrainian institutional structure**

This chapter provides a concise historical overview of Ukraine's institutional development from independence in 1991 through the major political turning points of 2004, 2014, and 2019. Its primary purpose is to establish the political and institutional context necessary for understanding the more detailed analytical discussions that follow in Chapters 2 and 3.

While the structure of this chapter is largely chronological, it also introduces several key analytical themes, such as systemic corruption, transitional justice, the role of civil society, and the influence of external actors, that have shaped Ukraine's institutional trajectory. These themes are only briefly outlined here, with fuller exploration and theoretical framing reserved for later chapters. Readers are encouraged to view these early references as signposts that will be developed in depth in the subsequent analysis. This approach is intended to balance historical narrative with conceptual continuity, helping to situate the reader without prematurely elaborating arguments that are central to the thesis's core chapters.

### **1.1 Post-Soviet Ukraine: 1991 – 2004**

Ukraine declared independence on August 24, 1991, a decision that was overwhelmingly supported by the Ukrainian people in a nationwide referendum. The new independent state had the challenge to establish an effective transitional mechanism that would take the country to the new reality.

All the republics previously part of the USSR had to reform their power structures and rule of law to adjust to the newly acquired independent status. Kotsur and Voitenko argue that the transition period in Ukraine was not successful due to the inexperience of its 1990 political leaders in establishing democratic principles and managing a market economy. The country underwent a

period of economic instability with high levels of poverty and inflation, which made it difficult to pass drastic economic and social reforms. (Kotsur & Voitenko, 2023, p. 187)

The Ukrainian political leadership continued to be formed by previous members of the Soviet ruling structures. They utilized the uncertainty that characterized the transition period to seize power and continued to rule the country. Even though independence was attained in 1991, it wasn't until June 28, 1996, that the country passed a new constitution.

Leftist parties continued to exert significant influence over Ukrainian politics during the early post-independence period. In the presidential and parliamentary elections that followed independence, left and center-left factions consistently secured a substantial share of the vote. These political forces largely advocated for maintaining close ties with Russia, positioning it as the principal successor to the Soviet Union. Ukrainian society, however, became increasingly divided along geopolitical lines, between regions favoring integration with Russia and those supporting alignment with Europe. This fundamental contradiction has persisted in Ukraine's political landscape since 1991.

The first parliamentary elections were held in 1994. Only 338 seats were filled, out of 450. The left faction and the center-left parties won the majority in the parliament. Proportionally, the leftists and center-leftists had 41%, and the rightists and center-rightists had 12%. The 1994 parliamentary elections in Ukraine resulted in a highly fragmented legislature, reflecting the transitional and regionally diverse nature of the country's post-Soviet political landscape. The distribution of seats among political parties and independents is presented in the table below (Bojcun, 1995, p. 239):

**Table 1. Distribution of Seats in the 1994 Ukrainian Parliamentary Elections**

<b>Political Alignment</b>	<b>Party</b>	<b>Seats Won</b>	<b>% of Total</b>
<b>Left Parties</b>	Communist Party of Ukraine	86	25.4%
	Peasant Party	18	5.3%
	Socialist Party	14	4.1%
	Communist Party of Crimea	5	1.5%
<b>Centrist Parties</b>	Interregional Bloc for Reforms	15	4.4%
	Party of Democratic Renewal	4	1.2%
	Labour Party	4	1.2%
	Social Democratic Party	2	0.6%
	Civic Congress	2	0.6%
<b>National-Democratic Parties</b>	Rukh	25	7.4%
	Republican Party	11	3.3%
	Congress of Ukrainian Nationalists	7	2.1%
	Democratic Party	3	0.9%
	Christian Democratic Party	1	0.3%
<b>Integral Nationalist Parties</b>	Ukrainian National Assembly	3	0.9%

<b>Political Alignment</b>	<b>Party</b>	<b>Seats Won</b>	<b>% of Total</b>
	Conservative Republican Party	2	0.6%
<b>Independents</b>	Non-affiliated/Independent Deputies	136	40.2%
	<b>Total Elected</b>	<b>338</b>	<b>100%</b>

\***Note:** Elections failed in 112 constituencies, requiring by-elections.

By the 2002 parliamentary elections, the political landscape began to shift. Although leftist parties retained a plurality in the Rada, the number of seats went down to 65. In this scenario, the left and center-left parties were still winning in representation. This characteristic trait represented an obstacle to an effective rapprochement between Ukraine and Europe. The pro-Russians were still dominating the political scene and did not have an effective opposition that could represent change. This was the case with the presidents that came into power after 1991. The situation slightly changed with in 2004 after the Orange Revolution. The country moved towards Europe and the elected president, Victor Yushchenko, promised to lead the country in this direction and implement the necessary reforms. This implied the need for a robust system of accountability and anticorruption initiatives. The results were not the ones expected, and the country went back to an administration that was pro-Russian, with a pro-European opposition.

**Table 2. Ukrainian Presidents (1991–2014)**

<b>President</b>	<b>Political affiliation</b>	<b>Term</b>	<b>Observations</b>
Leonid Kravchuk	Socialist Party of Ukraine (later aligned with centrist parties)	December 5, 1991 – July 19, 1994	First president of independent Ukraine.

President	Political affiliation	Term	Observations
			His administration faced the difficulties of the transition period.
Leonid Kuchma	People's Democratic Party of Ukraine	July 19, 1994 – January 23, 2005	His administration was characterized by privatization process and official discourse regarding market reforms. The transition process between the Soviet era and independent Ukraine was marked by the existence of a “shadow economy”, inflation, government debt, privatization, de-monopolization, and deregulation of the business environment (Kravchuk, 2005, p. 50).
Viktor Yushchenko	Our Ukraine (center-right)	January 23, 2005 – February 25, 2010	Resulted from the Orange revolution in 2004. Balanced the scales towards Europe but did not manage to see it through. Struggled with internal political battles and economic difficulties.
Viktor Yanukovych	Party of Regions (pro-Russian, conservative)	February 25, 2010 – February 22, 2014	While the government pivoted back toward Russia, opposition forces continued to maintain pressure for a pro-European trajectory. The administration concluded with the second revolution that yielded a complete redirection of Ukraine towards Europe.

**Source:** Compilation by the author

The internal balance of power in Ukraine after 1991 was dominated by the relation between the president, the parliament, and the government. With the adoption of the constitution in 1996, the

figure of the president obtained even more relevance (Voitenko, 2023, p.188). The role of the president has always been predominant in the country, even though Ukraine is officially a semi-presidential system. This might be explained by the historical centralization that characterized the country while under Soviet rule, weak parliamentary institutions, and public demand for strong leadership. Officially, Kravchuk claimed to favour this power balance to ensure proper governance. This claim is suspect, since it might just represent the need to stay in power and not be affected by the establishment of a strong rule of law and a very much needed process of lustration.

### **Transitional justice in the ex-Soviet republics**

Although transitional justice<sup>6</sup> and lustration are often seen as essential components of post-authoritarian transformation, Ukraine's early post-independence period saw limited progress in this area. These mechanisms, intended to hold former regime actors accountable and establish a new legal order, were weakly implemented in the 1990s. Their absence contributed to the persistence of Soviet-era elites and informal power networks, laying the groundwork for the entrenched corruption and patronalism that would later be described as the "systema." (Saltan, 2016, p. 7) This theme, while introduced here, will re-emerge throughout the thesis as a persistent obstacle to institutional reform.

A process of lustration could imply a negative backlash for the politicians previously serving Soviet structures. The Ukrainian institutional system did not undergo significant changes during

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<sup>6</sup> Legal, political, and social framework used to hold subjects accountable for past human rights violations during political transitions.

the transition process. Economic stabilization became a central policy priority, and the politicians in charge were not interested in really changing the status quo.

Lustration within the transitional system schema implies the implementation of efficient mechanisms to provide checks and balances, and in turn assure the legality of the process: examples might be national constitutional courts, or international organisations and control bodies (e.g. decisions of the European Court of Human Rights, the International Labour Organisation, UN, or the European Council) (Saltan, 2016, p. 15). Even pressure from a partner state can serve this role. This element is further analyzed in the thesis since external pressure is one of the variables assessed in the study.

The absence of efficient transitional justice mechanisms has impacted the Ukrainian institutional system, and such mechanisms were at the heart of the demands from both Ukrainian civil society and external actors. In the end, some of the structural challenges in Ukraine include instituting the elements of accountability through a well-established rule of law.

The weak institutional framework created favorable conditions for the rise of Ukraine's oligarchic class. A key factor was the role of energy imports, especially Russian gas, during the 1990s. Monopoly contracts for importing and reselling gas at world prices allowed a small group of actors to accumulate wealth and political influence. This entrenched oligarchic dominance and made Ukraine vulnerable to Russian leverage. These dynamics shaped the country's political economy and continued to influence informal networks even after Euromaidan. The Maidan movement aimed to dismantle this system, marking a turning point in Ukraine's efforts toward energy independence and institutional reform.

Dependence on energy imports not only strengthened oligarchic power but also shaped Ukraine's foreign policy<sup>7</sup>. As the country tried to move away from its Soviet legacy and align with Western democratic norms, these economic legacies complicated reform efforts and deepened tensions between pro-European and pro-Russian forces. This shows how domestic vulnerabilities and external pressures interacted throughout Ukraine's reform trajectory.

The Ukrainian case confirms a central lesson: weak rule of law enables systemic corruption and allows elites to exploit state resources for personal gain. Transforming the system into a structure that prioritizes accountability, guarantees fair trials, and ensures independent institutions is essential for democratic consolidation. Effective legal reforms and strong oversight mechanisms remain critical to prevent entrenched power structures from undermining Ukraine's democratic aspirations.

## **1.2 Post-independence revolutions: 2004 and 2014**

The 1990s were followed by two revolutionary processes that rocked the institutional system in Ukraine. The people had observed a stagnation that failed to bring meaningful change to the system.

Civil society in Ukraine, though present since independence, remained fragmented and relatively weak during the 1990s. Nonetheless, even in its early, less institutionalized form, it provided the foundation for the politicized civic engagement that would later become more visible. Grassroots movements, student organizations, and independent media began to challenge state narratives and mobilize around key issues. These early formations were crucial in enabling the mass

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<sup>7</sup> After independence in 1991, 89 percent of Ukraine's oil needs and 56 percent of its gas needs were covered by imports, mainly from Russia. (Balmaseda, 2018, p.45)

mobilizations that characterized the Orange Revolution in 2004 (Şimşek, 2005, p. 8) and the Euromaidan in 2014.

While these two revolutions undeniably strengthened and expanded the role of civil society, they would not have been possible without the existence of an already emerging, though informal, network of politically conscious actors. These transformative events marked a shift from latent civic engagement to organized political activism, positioning civil society as a key domestic force in the push for institutional reform. The evolution of this role is explored in greater detail in Chapter 3.

The period that followed the 1990s was marked by the constitutional reform of 1996. This turned out to be another mechanism used by the political elite to exercise their power. The reform favoured presidential power and its accumulation (Ruiz Ramas, 2018, p. 198). As a result, the President was given extensive rights of appointment and significant powers to dissolve Parliament (art. 106), while the conditions required for Parliament to dismiss the President were defined strictly (art. 111) (Verkhovna Rada of Ukraine, 1996).

The 1996 Constitution consolidated presidential power, reinforcing a centralized governance model (Verkhovna Rada of Ukraine, 1996). This institutional design, inherited from the Soviet era, laid the groundwork for what would later be described as Ukraine's "systema", a deeply entrenched network of patronal relationships and informal power structures. Understanding this early configuration is essential to grasp the persistence of corruption and elite capture in the decades that followed.

In 2002, Kuchma attempted to set up a new power game that would include the establishment of a parliamentary-presidential system. The Ukrainian Rada would elect the president. He sought to

give a leading role to the main oligarchs. As a result, Viktor Medvedchuk became head of the presidential cabinet. (Fritz Verena, 2007, p. 180)

The election of Viktor Yuschenko on December 26, 2004, marked the beginning of the “Orange Revolution”. The losing candidate, Viktor Yanukovich, denounced a series of irregularities, just as Yuschenko had done in the elections held a month earlier, which were annulled by the Supreme Court, contrary to an earlier decision by the Central Electoral Commission, which had proclaimed Yanukovich the winner. (García Andrés, 2018)

Following the Orange Revolution of 2004, the country experienced a period of institutional and political instability that impacted the functioning of institutions like Parliament (Verkhovna Rada). The political winners of the revolution, Viktor Yushchenko and Yuliya Tymoshenko, were unable to retain the political capital they had acquired, allowing Viktor Yanukovich to become president in 2010.

The lack of public support for both leading politicians at the time contributed significantly to Viktor Yanukovich’s electoral victory. Yuliya Tymoshenko, then Prime Minister, was widely perceived by the public as having failed to effectively utilize the resources available to her government, most notably a substantial loan from the IMF, to improve Ukraine’s economic situation. Viktor Yushchenko, meanwhile, was increasingly viewed as an ineffective president, unable to maintain cooperative relations either with his government or with Russia. For many voters, these shortcomings underscored a broader inability to lead the country through a period of deep political and economic crisis (Bojcun, 2013).

The 2010 government was made up of oligarchs and leading figures from the Party of the Regions. It was made possible by the President's influence and the Party of the Regions’ parliamentary

victory in 2012. The main areas occupied were the Interior, Foreign Affairs, Finance and Treasury, as well as the Prosecutor General's Office and the security services.

Nevertheless, Yanukovich's policy aimed to position him above the Ukrainian oligarchy, which ultimately did not benefit him, considering that Ukraine was predominantly an oligarchic state (Ruiz Ramas, 2015, p. 236). This situation served as a breeding ground for the emergence of a new revolution, referred to as the "Revolution of Dignity" in November 2013. Due to the nature of the demands made by the participants, it was also known as Euromaidan.

Yanukovich's election in 2010 marked a shift towards convergence with Russian interests. There was a remarkable interest in Ukraine joining a Eurasian Customs Union, which had been under negotiation for approximately ten years and was established on January 1, 2010, between Russia, Belarus and Kazakhstan. This orientation towards Russia was contrary to Ukraine's European orientation, which was reflected at the time in the signing of the association agreement.

The Ukrainian government's refusal to move forward with the deal made with the EU marked the start of a new wave of revolts that ended in the 2014 revolution. At the heart of this conflict was a desire for closer ties with Europe and the decline of Russian influence in the country.

The Revolution of Dignity represented the will of the Ukrainian people to sever the status quo and steer the wheel completely towards the European Union. It began on November 21, 2013, and is considered one of the most important political events in the history of independent Ukraine (García Andrés, 2024, p. 934). The people reacted to the government's decision to suspend the association agreement with the European Union, allegedly due to the lack of a diplomatic agreement (Dorado Díaz, 2020).

Scholars have argued that both revolutions in 2004 and 2014 were possible because of the political instability and continuous deterioration of the rule of law and control of corruption in the country.

Corruption, often viewed as a legacy of the Soviet administrative system, has been widely recognized as one of the central challenges in the restructuring of Ukraine's institutional framework. It has not only been a major source of frustration and mobilization among the Ukrainian population but has also raised serious concerns among European institutions. In the context of Ukraine's efforts toward European integration, corruption has been a recurring point of contention and a key criterion in assessing the country's readiness to align with EU standards. As such, it has featured prominently in both domestic reform agendas and the conditionalities imposed by international partners.

To better understand the roots of corruption in Ukraine, we can refer to Amundsen's definition of redistributive corruption. It states that this phenomenon takes place in a context where various social and economic groups have organized and become powerful enough to impose their influence over state individuals and entire state agencies. These organized groups obtain preferential business opportunities and privileges (Amundsen, 1999, p. 13).

Ukraine has been considered as one of the most corrupt countries in the world and the most corrupt in Europe, according to Transparency International. It has caused hesitations for business between third parties and Ukraine, thus affecting economic growth. Many authors agree that higher levels of corruption negatively correlate with positive economic growth. (Chang, 2016, p. 2)

In the pursuit of integration with Europe, the establishment of control mechanisms to reduce corruption at the different levels of the system has been demanded. To this end, developing the framework for liberal institutions, freedom of speech, press, religion, markets, civil rights,

democratic societies, secular governments, and international cooperation, has become an integral part of the fight against political corruption<sup>8</sup>. (Chang, 2016, p. 3)

### **1.3 Petro Poroshenko and the beginning of the transition from patronal democracy: 2014-2019**

After Euromaidan, Ukraine shifted towards Europe. The president elected in the new context was Petro Poroshenko.

The period following the Euromaidan was marked by a series of reforms aimed at strengthening governance and the rule of law in Ukraine. Combating corruption remained a central priority for the newly elected administration. However, the outcomes of these efforts fell short of the expectations held by both the public and organized civil society. While “the people” expressed their dissatisfaction largely through public opinion and protest, civil society emerged as a more structured and influential domestic actor. It played an increasingly prominent role in monitoring reforms, shaping public discourse, and holding political elites accountable within the evolving political landscape.

It is important first off to establish that the new transformative regime sought to align with European values and address the critiques that for years were made by the EU and the different organizations that had offered aid to Ukraine in exchange for certain conditionalities in areas like economy, the judiciary, the banking sector, and security, just to mention a few.

Poroshenko accelerated reforms to comply with Ukraine's EU accession agreement. In 2016, he presented “Strategy 2020” to the Rada. This was a program of 60 initiatives that would guarantee

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<sup>8</sup> Political corruption is any transaction between private and public sector actors through which collective goods are illegitimately converted into private-regarding payoffs. (Amundsen, 1999 p.3)

the country's accession to the European system four years later. Reforms included state reshaping and decentralization, reform of the judiciary, law enforcement, security and defense, deregulation and development of the business sector, and tax reform (García Andrés, 2018, p. 408).

It is important to recognize that Poroshenko was still connected to the old patronal system and was part of the group of oligarchs whose interests influenced political decisions. However, his presidency faced different challenges that called for a change in the status quo. He was expected to do things differently, and every decision would be under a lot more scrutiny from civil society and the international community. Pressure from both directions of the aforementioned “sandwich model” has been key in all the changes. Nitsova argues that the efficacy of the “sandwich” did not depend on the willingness of those in power or the opposition to carry on with the institutional transformations (Nitsova et al., 2018, p.2).

Civil society was able to influence the transformation within the country, among others, because of the influence that it gained through the Reanimation Package of Reforms (RPR)<sup>9</sup>. Christina Parandii and Balázs Jarábik identify this phenomenon as decisive to civil society's crucial role in advocating for reforms (Mondoux, 2021). The RPR championed the adoption of more than 80 laws related to media ownership transparency, reforms in the public services broadcaster, and state-financed print media (Cherevko & Dvorovy, 2022, p. 5). The impact of civil society as a promoter of change in Ukraine will be analyzed in Chapter Three of the thesis.

The period until the revolution of 2014 had been mainly structured by the conflicting interests of Europe and Russia. The Kremlin had the upper hand here. However, Euromaidan presented a

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<sup>9</sup> The RPR is an association of 72 NGOs and 23 different expert groups whose primary function is to bring civil society directly into the process of policymaking.

context for change and the country started to transition from a patronal democracy into a new institutional schema.

The revolutionary movement of 2014 highlighted the importance of mobilisation and public demand in shaping Ukraine's path, unlike some post-Soviet states where European integration was primarily elite-driven. The Orange Revolution and the Revolution of Dignity were both rooted in a popular desire to align with European norms and institutions. By contrast, countries like Armenia or Kazakhstan have maintained closer ties with Russia and have not experienced comparable civic movements pushing for EU or NATO accession. This distinction underlines the unique role of civil society in Ukraine's foreign policy orientation.

External pressure from international institutions, particularly the EU, IMF, and NATO, has also been a consistent force shaping Ukraine's reform agenda since the 1990s. However, its influence became more pronounced after the 2014 Revolution of Dignity, when Ukraine's strategic orientation toward the West intensified. This chapter highlights how such pressure intersected with domestic political will, especially under President Poroshenko, to drive reforms in governance, anti-corruption, and decentralization.

Attempts to combat corruption in Ukraine following the 2014 Revolution of Dignity yielded only limited success in the short term. While the Poroshenko administration introduced several anti-corruption institutions and legislative frameworks, their implementation was uneven and often undermined by entrenched patronal interests. However, the situation slightly improved in terms of electoral competition and media freedom. The change of president, whose campaign focused on European integration to respond to the demands of the 2014 revolution participants, was not generally considered sufficient.

Ukraine still needed a structural transformation following three important principles: reform would have to be fundamental and systematic and carried out without respect to political party or position, the breadth and depth of the problem meant that reform would be difficult and was likely to be resisted from all sides of the political spectrum, and to overcome this domestic resistance, support from outside of Ukraine would be essential. (Nitsova et al., 2018, p. 3-4).

The situation began to shift more significantly after the 2019 election of Volodymyr Zelensky, whose campaign centered on transparency, accountability, and European integration. Under Zelensky, reforms such as the Anti-Oligarch Act and judicial restructuring marked a more assertive approach to dismantling oligarchic influence. Although challenges remain, this period saw notable improvements in areas such as electoral competition and media freedom, reflecting a broader commitment to institutional transformation.

Petro Poroshenko's bloc<sup>10</sup>, later known in 2019 as European Solidarity, represented a wide variety of politicians that included those who were pro-change in keeping with the new context emerging in the country, and others who still represented the previous status quo of an autocratic regime led by oligarchs and moved by their interests.

Poroshenko's administration marked the beginning of a new period of transformation following the 2014 revolutionary process. He was still an oligarch and part of the status quo that led the country after its independence. However, he was obliged to pursue a path that would bring the country closer to Europe.

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<sup>10</sup> Created in 2000 as Solidarity; rebranded in 2014 as the Petro Poroshenko Bloc and finally renamed European Solidarity in 2019.

The rapprochement took place due to internal demands by the civil society, participants of the Revolution of Dignity, and politicians who exerted pressure for the country to change its path and institutional apparatus. Additionally, in this altered context, the conditionality policy of external organizations like the EU and IMF pushed Poroshenko towards the transformational path that had been demanded since the Orange Revolution in 2004 but had not been successful so far.

Poroshenko had to be more transparent about his policy and the policies approved during his administration. An anti-corruption legislative package was approved that sought to create a comprehensive institutional architecture for effective corruption prevention, control, and enforcement (Králiková, 2022, p. 246). Additionally, the post-Euromaidan administration created the National Anti-Corruption Bureau (NABU) and restructured its energy sector.

Despite the changes that took place under Poroshenko, public dissatisfaction with the pace and scope of reforms remained high. The new policies were not fully implemented in many cases, and the anticorruption measures were not applied uniformly, sometimes benefiting allies. In 2019, Poroshenko lost the election against Volodymyr Zelensky and his party, Servant of the People.

#### **1.4 Volodymyr Zelensky and the transition to a new institutional schema: 2019-2022**

The year 2019 marked a turning point in Ukrainian political life. A new president with no political experience and a professional background in the entertainment business was selected as the 6<sup>th</sup> president of Ukraine. The results of the elections showcased the desire for change among Ukrainians.

The trust in the government was very low, since the levels of development during Poroshenko's administration were not what was expected by the people. These conditions favoured Zelensky with 73% of the votes and his party, Servant of the People (Sluha Narodu) with a vast majority in

Parliament (Minakov, 2023, p. 141). For the first time since its independence in 1991, one party controlled the decisions in both the Parliament and the Cabinet.

Zelensky's party obtained 254 out of the 424 seats in Parliament. It was also the first time since 1991 that one party managed to unite the vote. Ukraine had always been divided between a pro-European and a pro-Russian faction. (Milosevich-Juaristi et al., 2019, p. 2)

Zelensky's election marked a turning point in Ukrainian politics, signaling the potential decline of oligarchic influence. For the first time since independence, conditions emerged that could enable Ukraine to move beyond its patronal democratic status quo.

Zelensky's campaign was based on the promises of fighting against corruption, ending the war in the Donbass region, effective European integration, and upscaling the economy. The policies that would be implemented towards this end should result in a closer approach to European institutions and a strengthened rule of law.

Like those who preceded him, Zelensky would not be able to fully implement all the intended policies to fulfil his political promises. However, we will see moving forward that the institutional changes he has so far been able to implement may already be giving rise to a new transitional structure. Among the measures adopted during his tenure, one of the most disruptive to the entrenched systema has been the implementation of the Anti-Oligarch Act. It was an anti-elitist approach that no president had attempted so far.

Even though the evidence suggests that Zelensky genuinely intended to keep his campaign promises, several structural and external obstacles hindered their realization. Ukraine's trajectory under his leadership has remained firmly oriented toward Europe, underscoring continuity in its foreign policy. Yet the COVID-19 pandemic, the escalation of the Russian-Ukrainian conflict, and

the country's reliance on international institutions such as NATO and the EU, as well as on American and European military assistance, have constrained his ability to fully implement many of his initial commitments.

### **Dependence on External Actors**

The IMF has granted substantial loans to Ukraine to sustain the economy and contribute to its growth. The process has been highly supervised and conditioned upon the country's restructuring of domestic institutions.

The dependency resulted from the conditions that Ukraine needed to meet in order to integrate into European structures, and the many loans that the country received over the years. They all came in installments that depended on the adoption of certain policies and structures.

A Stand-by Arrangement (SBA) was approved in 2020 between Ukraine and the IMF. The primary goal of the program was to provide short-term financial assistance to the country in order to deal with balance of payments problems. The package entails periodic reviews and the need to meet certain requirements. In the Ukrainian case we are referring to fiscal policies, central bank transformation to guarantee its political independence, tackling corruption, pushing forward with the implementation of judicial reform, and reducing the role of the state and vested interests in the economy to improve the business environment, strengthen corporate governance, attract investment and raise the economy's potential. (IMF, 2021)

### **The Systema and Anti-Corruption Measures**

The eradication of corruption across all levels of government has been a longstanding demand of the Ukrainian population. The persistent failure to implement an effective anti-corruption framework can be seen as one of the underlying causes of the country's weak rule of law.

Addressing this challenge has required Ukraine to dismantle the oligarchic and patronal structures that were deeply entrenched and largely inherited from the Soviet system.

To understand the process that took place in Ukraine, I find it helpful to emphasise Minako's conceptual distinction between de-oligarchization and anti-patronal transformation:

De-oligarchization means a policy (and its attendant actions) aimed at destroying the established oligarchy. Anti-patronal transformation is a much more multidimensional process aimed at establishing the rule of law. In other words, “de-oligarchization” refers to actors, while “anti-patronal transformation” refers to social relations. (Minakov, 2023, p. 142)

Policies oriented to the attenuation of oligarchic influence in Ukraine had been held back by previous administrations because of the nature of the patronal system, the strong links to the Soviet past, and the existence of an elite that was chosen to maintain the status quo rather than transform it.

To effectively change the system, the country needed to conduct a process of both de-oligarchization and anti-patronal transformation. Zelensky initially intended to implement measures towards this end.

### **Reform of the Judiciary**

The election of Volodymyr Zelensky marked a significant moment for Ukraine's political landscape, including its judicial sector. While the formal institutional framework of the judiciary remained largely intact, its functionality had long been undermined by entrenched informal power networks. These networks have historically manipulated judicial processes, obstructing meaningful reform and impeding the establishment of a robust rule of law.

Zelensky's administration did not pursue a wholesale restructuring of the judiciary. Instead, it prioritized enhancing judicial independence, promoting transparency in judicial appointments, and

shielding the judiciary from political interference. The central challenge lay not in redesigning formal structures, but in developing mechanisms capable of dismantling informal influence and enforcing accountability.

A key initiative in this regard was the establishment of the High Anti-Corruption Court (HACC) in 2019, designed to depoliticize judicial operations and strengthen institutional integrity. This chapter will first outline the formal architecture of Ukraine's judiciary and its historical evolution. The subsequent chapter will critically assess the reforms introduced under Zelensky, evaluating their implementation and effectiveness in restricting informal practices and advancing judicial independence.

It is important to note that the effectiveness of these reforms, including the establishment of HACC, has been shaped by the Constitutional Court's interpretation of judicial self-government. This issue is closely linked to Condition (b) of the EU-Ukraine MFA 2020-2021, which required the creation of an Ethics Commission with international participation (see p. 65). The Constitutional Court's role in this process, including its impact on the implementation of judicial reforms and the broader anti-corruption agenda, is discussed in detail in Chapter 2.

The Ukrainian judicial system is divided between the Supreme Court and the Constitutional Court. The Supreme Court is made up of 95 judges divided into chambers for civil, criminal, commercial and administrative cases, plus a military panel, appointed by the President, the Constitutional Court and Parliament for a six-year term. The Constitutional Court is made up of 18 judges appointed by the Justice Council. (Antsupova, 2023)

External institutions had demanded that Ukraine implement certain changes to align with European standards and strengthen the rule of law. The judicial system perceived as democratic by European standards is characterized by independence in the decision-making process.

Before 1991, the country's judicial structures were subordinate to the authority of the Communist Party. The decision-making power of courts and judges was limited to issues that were not decisive for the party (D'Anieri, 2016, p. 11) The courts were used as an instrument to achieve political goals.

Independent Ukraine has faced the challenge of adapting its judicial system to a market economy. This is a path the country has been striving to follow for the past three decades. (Bourguignon & Pleskovic, 2007, p. 330). The judiciary must be independent of the executive. No influence from the president, parliament, or, in Ukraine's case, the oligarchs, should affect the decisions of the various bodies.

The period prior to 2014 was characterized by a judicial system that systematically favored leading political figures or extra-judicial actors. Under Yanukovich's government, the courts were used to target opposition figures such as Yulia Tymoshenko (Popova, 2016, p. 145).

After the 2014 Revolution of Dignity, the European Union began to support reforms in Ukraine as part of a broader effort to promote democratic state-building. In this context, reforming the judiciary became increasingly important. The Euromaidan protests revealed that the judicial system had played a role in political repression, especially by prosecuting peaceful protesters. This led to strong public pressure for a more independent, transparent, and accountable judiciary, seen as essential for building trust in democratic institutions and the rule of law. (Terzyan, 2020)

After 2015, President Poroshenko introduced several reforms aimed at strengthening democratic governance in Ukraine. Notably, the establishment of the National Anti-Corruption Bureau and the Specialized Anti-Corruption Prosecutor's Office marked important steps toward addressing systemic corruption. These institutions were tasked with investigating high-level corruption and promoting accountability among public officials.

However, despite these developments, the judiciary remained a persistent challenge. Poroshenko and other members of the executive branch were reluctant to relinquish control over judicial mechanisms that could shield them from prosecution related to corruption and embezzlement (Gressel, 2019).

Although the renewal of the judiciary formally continued, culminating in the inauguration of the new Supreme Court in late 2017, many of the reforms lacked depth and failed to dismantle entrenched informal networks that undermined judicial independence. (Terzyan, 2020, p. 53).

As part of tackling the reform of the judicial system, the EU has asked Ukraine to adopt and implement legislation on a selection procedure for Constitutional Court judges, including a pre-selection process based on an assessment of their integrity and professional skills, in line with the recommendations of the Venice Commission. On December 13, 2022, the Ukrainian Parliament adopted, on second reading, draft law № 7662 "On amendments to certain legislative acts of Ukraine on improving the procedure for selecting candidates for the post of judge of the Constitutional Court of Ukraine on a competitive basis" (Milosevich-Juaristi et al., 2019, p. 2.).

So far, we can see that the institutional system in independent Ukraine has been under a process of constant change since 1991. Zelensky's election permitted a move forward in key areas like the judiciary and the rule of law.

In sum, Ukraine's institutional trajectory since 1991 has been marked by both continuity and disruption. While formal structures evolved through constitutional reforms and electoral cycles, deeper transformations were often constrained by entrenched patronal networks and weak rule of law. The revolutions of 2004 and 2014 catalyzed new phases of reform, bringing civil society and international actors to the forefront. These dynamics set the stage for the more ambitious restructuring efforts examined in the following chapters.

Building on this historical foundation, Chapter 2 delves into the concept of systema, a central analytical lens through which Ukraine's institutional challenges are examined.

## Chapter 2: Systema in Ukraine

This chapter examines the evolution of the concept of systema in Ukraine, a deeply embedded network of informal power relations, patronage, and elite capture. Grasping the dynamics of systema is crucial to understanding Ukraine's persistent institutional stagnation and the structural barriers that have consistently blocked reform efforts. The discussion also engages with key normative concepts such as transparency and accountability, particularly within the timeframe under study.

To further unpack the theoretical and practical dimensions of systema, this chapter evaluates the implications of several critical developments: the 2021 Anti-Oligarch Act, the establishment of a special registry within the National Security and Defense Council, and the roles played by the National Anti-Corruption Bureau of Ukraine (NABU) and the High Anti-Corruption Court. In addition, it explores how Western conditionality, in the form of IMF loan tranches and the EU Association Agreement, has been either absorbed into or resisted by the existing structures of the systema.

The concept of systema in Ukraine is closely linked to the rise of an oligarchic structure that developed in the 1990s. Energy dependency played a central role in reinforcing this system, as control over gas imports became a critical source of political leverage and informal power. This link between energy and elite influence entrenched patterns of rent-seeking and shaped the country's political economy.

These arrangements facilitated the emergence of a patronal democracy, a system where political and economic authority is concentrated among a narrow elite. After Ukrainian independence in 1991, systema proved remarkably resilient and adaptable, surviving Ukraine's post-independence

transitions and withstanding the pressures of successive popular uprisings, including those aimed at dismantling oligarchic dominance.

At its core, systema is based on a mutually beneficial relationship between oligarchs and political actors. Politicians rely on oligarchic support for career advancement and financial backing, while oligarchs depend on political patronage to maintain and expand their economic influence. This reciprocal dynamic has allowed systema to endure, embedding itself deeply within the institutional and informal political fabric of the country.

Unlike other manifestations of systema, such as the Russian variant, Ukraine's systema is characterized by the existence of a weak state. It is marked by a concentration of wealth in the hands of a small elite, limited mechanisms of accountability, and a fragile rule of law. Moreover, it enables and often promotes criminality and corrupt practices, reinforcing a system of crony capitalism (Lough, 2021, p. 4). In this context, the public good is often deprioritized, consistently overshadowed by the private interests of influential actors.

Systema in Ukraine is frequently associated with a rent-seeking structure that distorts the rules of the game to favor the economic interests of the ruling elite. Within this system, the concentration of financial assets is not merely a byproduct but a defining characteristic. This entrenched status quo has enabled a narrow group of actors to maintain disproportionate control over both political and economic resources.

This rent-seeking behavior aligns with Madlovics and Magyar's typology of patronal democracies, where informal networks dominate formal institutions (Madlovics & Magyar, 2020, p.268). In Ukraine, the Anti-Oligarch Act can be interpreted as a direct challenge to these networks, yet its selective enforcement suggests that systema has adapted rather than collapsed.

The persistence of systema has been accompanied by deeper institutional problems that have existed since Ukraine's independence: a weak rule of law, limited transparency, and a lack of accountability. These deficiencies have fostered widespread corruption and contributed to the resilience of a system resistant to reform. Consequently, meaningful institutional transformation has faced continuous and significant hurdles.

In this analysis, we use John Lough's four pillars of support for the systema in Ukraine (2021, p. 9):

1. Deep penetration of government decision-making processes via senior officials who favour the interests of big business and benefit from these connections.
2. Influence over the legislative process, including through paid-for support of MPs who either have direct business interests or stand to benefit indirectly from their support of the business interests of others.
3. Influence over the judiciary and law enforcement agencies through the appointment of loyal individuals, as well as the use of bribery and other incentives to protect systema's interests; and
4. Control of the media through ownership of the main outlets that provide a platform for selected politicians to develop their careers and for big business to shape public opinion in systema's favour, including by attacking those who stand in its way.

In addition to Lough's framework, a comprehensive understanding of Ukraine's political status quo requires engaging with several complementary theoretical perspectives that illuminate the persistence of informal power structures. Madlovics and Magyar (2023) contribute a typology of political corruption that is broadly applicable across the post-Soviet space, helping to contextualize Ukraine's challenges within regional patterns. Oksana Huss's concept of patronal

politics offers insight into the informal networks that shape political behavior in Ukraine (Huss, 2023, p.93). Furthermore, Fisun and Movchan's analysis of neopatrimonialism in the pre-Maidan era provides a valuable lens for examining the persistence of personalized power structures and the limitations of formal institutional reform (Fisun & Movchan, 2023, p.119).

Madlovics and Magyar provide a theoretical framework that extends beyond the Ukrainian case to encompass the broader post-Soviet region. Their analysis focuses on the emergence of patronal democracies, systems in which informal networks dominate formal institutions, producing status quos such as Ukraine's systema. According to the authors, patronal challenge, the struggle between competing informal power networks, is a defining feature of post-Soviet political systems. In these contexts, party competition often serves as a façade for democracy, hiding the dominance of elite interests and creating the grounds for systemic corruption (Madlovics & Magyar, 2020, p. 270, 271).

Expanding on this framework, Fisun and Movchan further argue that elites in post-Soviet states, including Ukraine, actively exploit weak transparency and accountability mechanisms to consolidate personal power. When government transparency is low, political competition tends to undermine rather than enhance legislative effectiveness, ultimately worsening the delivery of public goods. In such environments, the potential for state capture increases significantly. The authors emphasize that strengthening the accountability of local elites is essential to counteract this dynamic. Without robust institutions and oversight, elites can exploit institutional weaknesses to capture public budgets and resources for private gain (Fisun & Movchan, 2023, p. 125).

The following section of the thesis will address both concepts within the Ukrainian case and will showcase how a lack of transparency and accountability helped sustain the systema's resilience and aided the oligarchs' efforts to undermine reform pressures over several decades.

Oksana Huss (2023) offers a more actor-centered approach through her concept of patronal politics. Huss argues that historical institutionalism is the most suitable approach for explaining the development of effective anti-corruption measures in Ukraine. According to this perspective, institutions are shaped by long-standing relationships between different groups of actors. Huss suggests that such measures can benefit both patron and non-patronal actors in the context of anti-corruption policy. Policies that support patronal actors tend to focus on petty corruption, while those that empower non-patronal actors aim to tackle grand corruption (Huss, 2023, p.92). The latter path is more likely to lead to meaningful democratic change. We agree with Huss's view that the Revolution of Dignity acted as a catalyst for increasing the influence of non-patronal actors in Ukraine's political system. (Huss, 2023, p. 92).

Complementing these perspectives, Fisun and Movchan apply the concept of neopatrimonialism to explain the functioning of Ukraine's system. They describe neopatrimonialism as a dual structure composed of dominance and legitimacy. In this framework, political elites concentrate power at the center and use the state primarily as a tool for resource extraction and redistribution. Policy decisions are driven by the interests of those in power, and the system is designed to suppress the emergence of autonomous social or political groups that could challenge elite control. The authors conclude that "neopatrimonialism is a contradictory combination of bureaucratic and patrimonial norms" (Fisun & Movchan, 2023, p. 120).

Together, these theoretical perspectives provide a robust foundation for analyzing the persistent stagnation within Ukraine's institutional system. As this chapter and the next will demonstrate, these structural impediments have generated significant friction between Ukraine and the normative standards required by Western institutions. This tension invites a broader theoretical

discussion around key concepts such as transparency, accountability, and rule of law, which are essential for developing an institutional system that genuinely serves the citizenry's interests.

To understand how systema has been challenged in recent years, this chapter now turns to key legislative efforts, beginning with the 2021 Anti-Oligarch Act.

## **2.1 Transparency and Accountability as determinants to transform the “systema”**

Transparency<sup>11</sup> and accountability<sup>12</sup> are foundational to the rule of law and democratic governance. They promote effective public administration, economic growth, and social cohesion. (Public Sector Transparency and Accountability, 2002). In Ukraine, however, these principles have often clashed with entrenched informal structures, making reform efforts difficult to sustain. I use them both as benchmarks in the transformation of the country's institutional system in the study period.

Beyond their normative value, transparency and accountability serve as practical tools for shifting governance away from opaque, clientelist practices toward a more democratic and rule-based institutional order. Transparency in the Ukrainian context translates into the clear, open, and timely disclosure of information about decision-making processes, public spending, and institutional conduct.

Accountability, on the other hand, involves mechanisms to hold public officials and institutions answerable to the law and citizens. Both transparency and accountability constitute the cornerstone of reform efforts in Ukraine, particularly in sectors like anti-corruption, judiciary reform, and

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<sup>11</sup> Transparency is a public value that requires that citizens be informed about how and why decisions are made, including procedures, criteria applied by government decision makers, the evidence used to reach decisions, and results. Often, transparency refers to access to information (Vian, 2020, p. 2).

<sup>12</sup> Accountability is a public value that requires government institutions to explain and make understandable their performance in achieving goals and addressing the needs of the public, in comparison to standards and commitments. It requires visible, responsive action if standards and commitments are not met (Vian, 2020, p. 2).

public procurement. The integration of these principles has often clashed with the entrenched incentives and informal structures of the systema. Oligarchs have exploited weak transparency and accountability, rooted in a flawed rule of law, to reinforce their influence.

Huss identifies public procurement as a key area where this dynamic is evident. When procurement processes lack clarity and oversight, they enable rent-seeking behavior, allowing elites to manipulate institutions for personal gain while avoiding scrutiny. This form of corruption falls within the category of administrative or petty corruption, where routine government functions are used to serve private interests (Huss, 2014, p. 6).

In response to these challenges, several institutional mechanisms have been introduced to operationalize the principles of transparency and accountability in Ukraine's governance. Among the most notable are the 2021 Anti-Oligarch Act, the establishment of a special registry within the National Security and Defense Council, and the institutional roles of the National Anti-Corruption Bureau of Ukraine (NABU) and the High Anti-Corruption Court. These measures represent key steps toward dismantling the informal networks of influence that characterize the systema, although their effectiveness continues to be challenged by entrenched interests and selective implementation.

**The 2021 Anti-Oligarch Act** was signed on November 5<sup>th</sup> of that same year by president Zelensky. It was officially known as the Law of Ukraine “On the Prevention of Threats to National Security Related to the Excessive Influence of Persons who Have Significant Economic or Political Weight in Public Life (Oligarchs)”. Parliament approved the law with a majority of 279 votes on November 3<sup>rd</sup>. (Minakov, 2023, p. 148)

The act was intended to implement a comprehensive legal framework to prevent those registered as oligarchs from holding influence over the institutional structures and being active in Ukrainian society and political decisions.

**Article 2** of the law defines oligarchs as follows:

A natural person who simultaneously matches at least three of the following criteria shall be regarded as a person who wields significant economic and political weight in public life (oligarch):

- 1) is involved in political life.
- 2) exerts a significant influence on mass media.
- 3) is the ultimate beneficial owner of a business entity that, after the enactment of this Law, is a natural monopoly entity or occupies a monopoly (dominant) position in the market according to the Law of Ukraine on Protection of Economic Competition and maintains or strengthens such position within one consecutive year.
- 4) the confirmed value of the person's assets (and those of the business entities in which he/she is a beneficiary) exceeds 1 million subsistence minimums established for able-bodied persons as of January 1 of the respective year.

The institution that was given power to declare who should be considered as an oligarch was the National Security and Defense Council of Ukraine based on a submission from the Cabinet of Ministers of Ukraine, member of the National Security and Defense Council of Ukraine, National Bank of Ukraine, Security Service of Ukraine, or Antimonopoly Committee of Ukraine.

The framework described above encompassed various influential figures who had long held power within Ukraine's political and economic structures. It normatively established mechanisms aimed at curbing their influence. For the first time, oligarchs were openly scrutinized and their power actively contested. As part of this shift, civil servants were required to publicly disclose any connections they maintained with oligarchs, promoting a new standard of transparency and accountability. These measures marked a significant departure from previous practices, where such relationships were often informal, opaque, and largely immune to public oversight.

According to article 7 of the law a person defined as oligarch shall be prohibited from: making donations in support of political parties; making donations to election funds of candidates (other than their own); being a buyer in the process of privatization of large-scale items; financing political campaigning or rallies with political demands. (Verkhovna Rada of Ukraine, 2021)

A major concern surrounding the implementation of such legislation is its potential instrumentalization by political elites seeking to advance their own interests. Instead of functioning as a neutral instrument to dismantle oligarchic influence, the law risks being deployed as a selective tool of political retaliation, thereby eroding the very principles of transparency and accountability it is intended to promote. For instance, if the NSDC only labels oligarchs connected to the opposition and ignores those close to the ruling party, the law could be used for political revenge instead of real reform. This dynamic reflects a persistent feature of the system and illustrates how it has repeatedly undermined the effectiveness of earlier reform efforts, including those introduced under external pressure.

Additionally, the law lacked provisions for liability in cases of non-compliance with its established restrictions. Moreover, it granted disproportionate authority to the National Security and Defense Council, raising concerns about institutional imbalance and the undermining of existing legal and governmental structures.

The 2021 Anti-Oligarch Act constitutes a pivotal moment in Ukraine's ongoing struggle to dismantle the entrenched patronal structures and assert the primacy of democratic governance. The adoption of such a law signaled a shift in the state's posture toward oligarchic influence.

On a normative level, the law addresses long-standing demands from both domestic civil society and international partners. It institutionalizes the boundary between public authority and private

wealth by formally defining oligarchs and restricting their participation in political and economic processes.

While the Act does not eliminate oligarchic influence entirely, it marks a critical juncture in Ukraine's institutional development. If implemented with transparency and accountability, it offers a framework for challenging the system. However, without sustained oversight and complementary reforms, the law risks reinforcing the very dynamics it aims to dismantle.

To ensure that transparency measures support rather than undermine reform, one might argue that several safeguards should be put in place. These could include establishing independent oversight bodies, publishing decisions made by the National Security and Defense Council (NSDC) and involving civil society in monitoring implementation. Such steps might be seen as essential to prevent selective enforcement and maintain public trust in the reform process.

Now let's pay closer attention to the institution that was given the power to identify oligarchs and restrict their influence.

**The National Security and Defense Council of Ukraine (NSDC)**, established in 1998 (Verkhovna Rada of Ukraine, 1998), is formally tasked with coordinating national security and defense policy. According to article 2 of the constitutional law "On the National Security and Defence Council of Ukraine", the NSDC operates under the Constitution, laws of Ukraine, and presidential decrees. Its mandate includes oversight of executive structures, coordination during emergencies, and legislative initiatives in security-related matters.

Furthermore, Article 4 outlines the Council's broad mandate (Verkhovna Rada of Ukraine, 1998). It is empowered to oversee executive structures, coordinate state and local institutions during emergencies, initiate legislation on national security and defense, and monitor its implementation.

The NSDC draws on personnel from across government departments and research institutions, both public and private, to inform its decisions. This extensive scope positions the NSDC as a central actor in Ukraine's security governance.

Despite its formal authority, the NSDC's institutional role has been subject to criticism, particularly considering its expanded powers under the 2021 Anti-Oligarch Act. The Council was tasked with identifying individuals classified as oligarchs, a politically sensitive function with far-reaching implications. Critics argue that the NSDC's proximity to the executive branch, especially its direct subordination to the President, undermines its neutrality and raises concerns about potential politicization of the anti-oligarch framework.

Oleksiy Syvak attributes this vulnerability to the NSDC's conceptual ambiguity. Formed by merging the National Security Council and the Defense Council, the NSDC lacks a clearly defined boundary between military, political, and economic oversight. This has allowed successive administrations to expand its responsibility without establishing robust institutional checks. In the context of the Anti-Oligarch Act, this ambiguity becomes particularly problematic: the Council's decisions are not subject to judicial review, and its composition, dominated by executive appointees, limits transparency and accountability (Syvak, 2003, p. 29).

This institutional ambiguity has become particularly salient in the context of the 2021 Anti-Oligarch Act, for which the NSDC was designated as the primary implementing body. We are referring here to an institution that is, in turn, linked to the executive branch of the government, directly under the president. According to the 2021 law, the council maintains the official list of individuals designated as oligarchs and operates under the executive branch, with input from institutions like the Cabinet of Ministers, the National Bank, and the Security Service.

This centralization of power raises important normative concerns. The delegation of such significant regulatory authority to a body closely tied to the executive branch and the president risks undermining principles of transparency, due process, and institutional checks and balances. Once again, the instrumentalization of the law depends on the political will of the president and other individuals with high influence on the Council.

While the NSDC relies on the executive within Ukraine's anticorruption framework, in this analysis it would be important to turn now to a different structure that operates, in principle, autonomously from political influence, the National Anti-Corruption Bureau of Ukraine (NABU).

NABU was created in the post-2014 period as part of broader anti-corruption reforms. It is officially mandated to investigate high-level cases of corruption, particularly involving public officials and state enterprises, that is, ex-presidents, ministers, MPs, judges, prosecutors, heads of authorities, and local self-government (Sobko et al., 2023). NABU investigators have the right to open a case, demand information about the property, income, and expenses of persons, and freely enter state institutions. The Bureau serves as a key investigative body in Ukraine's anti-corruption architecture, often working alongside the Specialized Anti-Corruption Prosecutor's Office (SAPO).

Unlike traditional law enforcement agencies, NABU was structured to operate outside the direct control of the executive branch, with its director appointed through a competitive selection process involving both domestic and international experts.

The main responsibilities of the NABU, as provided for by the law in its article 16, are to (Verkhovna Rada of Ukraine, 2014):

- 1) carry out operative-search activities for prevention, detection, termination and disclosure of criminal offences within its statutory jurisdiction, and, upon request, to undertake such measures in operational-search cases initiated by other law-enforcement bodies;
- 2) carry out pre-trial investigation of criminal offences falling within its jurisdiction, as well as conduct pre-trial investigation of other criminal offences in cases specified by law;
- 3) take measures for the investigation and seizure of funds and other property that may be subject to confiscation or special confiscation<sup>13</sup> in criminal offences attributed to the National Bureau of Investigation, and carry out activities for the storage of funds and other property that is seized;
- 4) interact with other state bodies, local self-government bodies and other entities for the performance of their duties;
- 5) carry out informational and analytical work in order to identify and eliminate the causes and conditions conducive to the commission of criminal offences;
- 6) ensure personal safety of employees of the National Bureau and other individuals designated by law, and to provide protection against unlawful actions directed at persons involved in criminal proceedings, including those concerning the criminal offences under the Bureau's jurisdiction;
- 7) ensure confidential and voluntary cooperation with persons who report corruption offences;
- 8) report on its activities in accordance with the procedure established by this Law and inform the public about the results of its work;
- 9) carry out international cooperation within the limits of its competence in accordance with the legislation of Ukraine and international treaties of Ukraine.

With the amendments to the Law introduced in October 2019, NABU was given two additional functions, namely to (Verkhovna Rada of Ukraine, 2019):

- 10) Identify illicit or ill-founded assets, collect evidence of their illegitimate origin, and submit the relevant materials to the Specialized Anti-Corruption Prosecutor's Office for the purpose of pursuing claims to recognize such assets as ill-founded, recover them into state revenue, or invalidate agreements in cases stipulated by Ukrainian legislation.
- 11) Collect and sends to the Specialized Anti-Corruption Prosecutor's Office materials for resolving the issue of filing a claim for invalidation of agreements in cases provided for by the legislation of Ukraine.

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<sup>13</sup> Confiscation refers to the legal seizure of assets as a penalty for criminal activity, while special confiscation may apply to assets indirectly linked to criminal offenses or held by third parties.

In an interview with Daniel Kanarbik, Eerik Heldna, an expert at the Estonian Center of Eastern Partnership (ECEAP), argued that creating new institutions like NABU was the right step in Ukraine's anti-corruption efforts. He emphasized that public trust in a new institution, especially one expected to be transparent and maintain a strong reputation, was essential for the success of such reforms (Kanarbik, 2019, p. 30).

Even though NABU was established to be normatively independent, the body has faced significant institutional and political challenges. Political elites have attempted to undermine its authority, which has caused delays in judicial proceedings, and limited enforcement capacity. Some of the tactics used included legal challenges to NABU's leadership, the imposition of budgetary constraints, and media disinformation campaigns targeting its credibility.

Despite these obstacles, the bureau has played a significant role in improving public perception of accountability and transparency within the Ukrainian institutional system. True, it has had to deal with broader systemic weaknesses of Ukraine's judiciary, which remains vulnerable to political influence and corruption. NABU is part of the new system that seeks to strengthen Ukrainian governance.

To continue with the Ukrainian institutional shift linked to transparency and accountability, let us now turn to the High Anti-Corruption Court (HACC), another cornerstone of the country's evolving anti-corruption framework.

The High Anti-Corruption Court (HACC) was formally established in 2019, following a key recommendation made by the Organization for Economic Co-operation and Development (OECD) in 2015 during its assessment of Ukraine's anti-corruption reforms. The OECD, while less publicly visible than the EU or IMF, has also played a significant role in shaping Ukraine's institutional

reform agenda, particularly in promoting judicial integrity and the creation of specialized anti-corruption courts. Its recommendations emphasized the need for independent adjudication mechanisms to complement investigative bodies like NABU and ensure accountability at the highest levels of government.

The primary mandate of the HACC is to adjudicate cases involving high-ranking public officials that have been investigated by the National Anti-Corruption Bureau of Ukraine (NABU). The creation of the HACC was intended to address the persistent problem of impunity among political elites by ensuring that corruption cases are handled by a specialized and independent judicial body, thereby reinforcing the broader institutional framework for transparency and accountability (Drozdz et al., 2020, p. 174)

Another critical element in the establishment of the High Anti-Corruption Court (HACC) was the process for selecting its judges. The Venice Commission, in its Opinion No. 896/2017, emphasized the importance of ensuring that HACC judges are ‘specialized and experienced, adequately protected and, in line with the spirit of the ongoing judicial reform, selected in a way which provides strong safeguards for their integrity and independence.’ It further noted the urgency of the matter, arguing that Ukraine could not afford to wait for the full completion of the broader judicial reform process. (Venice Commission: Council of Europe, 2017)

Prior to the creation of the HACC, judicial appointments in Ukraine were often influenced by political and oligarchic interests, undermining both the independence and credibility of the judiciary. The selection process for HACC judges was therefore designed to break with this tradition. The law implementing the court’s creation incorporated the Venice Commission’s recommendations and introduced specific restrictions, including the disqualification of individuals

who had held certain political positions, to prevent conflicts of interest and ensure impartiality (Drozd et al., 2020, p. 174).

Moreover, the legislation guaranteed financial independence and personal security for HACC judges, two essential conditions for safeguarding judicial autonomy in a politically volatile environment. The principal goal was to establish a judicial institution capable of delivering efficient, impartial, and credible rulings in high-level corruption cases, thereby reinforcing the broader objectives of Ukraine's anti-corruption and rule-of-law reforms.

The anti-corruption framework implemented in Ukraine following the 2014 Revolution of Dignity, and particularly after 2017, has largely mirrored European models and responded to both domestic and international demands for institutional reform. However, the central question remains whether these newly established institutions have been effective in practice. At the heart of this inquiry lies the principle of institutional independence: the ability of anti-corruption bodies to operate free from political interference and oligarchic influence. Without this autonomy, even the most well-designed frameworks risk being co-opted by the very forces they were intended to constrain.

Together, these institutions represent Ukraine's attempt to institutionalize transparency and accountability. However, their effectiveness continues to be tested by political interference, selective enforcement, and the enduring influence of the system.

While domestic reforms such as the Anti-Oligarch Act and the establishment of specialized anti-corruption institutions have aimed to embed transparency and accountability into Ukraine's governance structures, these efforts have not occurred in isolation. The domestic setting has developed in tandem with external influences, particularly the conditionalities imposed by Western partners. The next section explores how international actors, especially the EU and IMF, have

shaped Ukraine’s institutional transformation through financial incentives and policy benchmarks, and how these external pressures have been absorbed, resisted, or redirected by the entrenched dynamics of the systema.

## **2.2 Western proposals for institutional transformation. Assimilation by the “systema”**

This section explores the complex and often contradictory role of external actors, notably the European Union (EU), International Monetary Fund (IMF), and NATO, in shaping Ukraine's reform trajectory. These actors have functioned as both drivers of and constraints on institutional change. While external actors promote reform, their inconsistent enforcement and tolerance of superficial compliance have sometimes enabled systema’s survival. Understanding this dual role is key to evaluating the extent and limits of Ukraine’s institutional transformation.

A central focus of this section is the concept of Western conditionality, which refers to the political and economic reforms required in exchange for aid or integration benefits. Empirical episodes to be examined below such as the 2020 IMF Stand-By Arrangement, EU judicial reform benchmarks, and the delays in Constitutional Court reform illustrate the tension between formal compliance and informal resistance. Although Ukraine may meet technical criteria on paper, the reality often reflects a gap between surface-level adherence and deeper patterns of institutional obstruction or sabotage.

Equally important is how the systema has demonstrated a capacity to absorb or neutralize reforms without altering its core logic. This occurs through mechanisms such as the appointment of loyalists to new institutions, selective enforcement of anti-corruption measures, media campaigns targeting reformers, and internal political reshuffling, particularly within parties like Servant of the

People. These examples underscore how reform initiatives, even when externally driven, can be redirected to reinforce existing power dynamics rather than dismantle them.

### **International Monetary Fund: Stand-By Arrangement (2020)**

In December 2018, the IMF Executive Board approved a 14-month Stand-By Arrangement (SBA) for Ukraine totaling US\$3.9 billion, of which US\$1.4 billion was made available for immediate disbursement (IMF, 2018). The SBA officially aimed to provide a policy anchor for the Ukrainian authorities and support their economic program during a period of heightened political and economic uncertainty.

The arrangement outlined four key policy priorities: the continuation of fiscal consolidation to place public debt on a sustainable downward path; further reduction of inflation, while maintaining a flexible exchange rate regime; the strengthening of the financial sector, including asset recovery and the revitalization of bank lending; and the advancement of a targeted set of structural reforms, particularly in the areas of tax administration, privatization, and governance. The last goal is particularly relevant to this thesis, as it directly aligns with the broader agenda of institutional transformation under study.

Conditionality under the SBA was enforced through semi-annual performance reviews, which were designed to ensure the implementation of agreed reforms. As emphasized by David Lipton, then First Deputy Managing Director and Acting Chair of the IMF, “Further progress on anti-corruption reforms and privatization will help attract investment and improve the business climate more broadly. Priorities include operationalizing the anti-corruption court, privatizing large state-owned enterprises, streamlining regulations, and advancing land reform.” He further noted the significant risks to program implementation, both domestic and external, while acknowledging

steps taken by the Ukrainian authorities to mitigate them, including the adoption of a prudent 2019 budget, increases in gas and heating tariffs, and new legislation to enhance governance in state-owned banks. “The full and timely implementation of the program will be critical for its success in light of the difficult challenges.” (IMF, 2018).

The SBA constitutes another example of how Western financial support has functioned as a lever to promote institutional reforms in Ukraine, initially through monetary incentives and subsequently through conditional disbursement mechanisms.

### **EU judicial reform benchmarks**

The IMF Stand-By Arrangement exemplifies the strategic use of financial instruments as leverage to promote structural reform in Ukraine. However, the role of external actors in driving institutional change extends beyond monetary incentives. The European Union has played a significant role in fostering transformation through targeted interventions in Ukraine’s judicial system.

The implementation of these reforms has faced significant constraints, often failing to progress beyond the normative or declarative stage. Taras Kuzio argues that one of the key constraints lies in the European Union’s longstanding reluctance to offer Ukraine a clear prospect for membership. This absence has significantly limited the EU’s capacity to influence domestic reforms. A second constraint stems from the misguided assumption that Ukrainian political elites would genuinely and consistently support the proposed reforms (Kuzio, 2017, p. 104). In practice, alignment with European standards has often remained superficial, with commitments largely confined to formal declarations rather than substantive implementation (Kuzio, 2017, p. 105-108).

The persistent reluctance to offer Ukraine a clear pathway to NATO or EU membership has been heavily influenced by Russia's opposition to such integration. This external veto power has constrained Western actors, shaping their engagement with Ukraine and limiting the scope of accession-related commitments. This reality slightly shifted after the full invasion in February 2022. Shortly after, in June of that year, Ukraine was granted EU candidate country status.

The European judicial benchmarks were reaffirmed during the Ukraine-EU biannual summit held on February 25, 2013. The European Council emphasized the imperative to end selective justice practices, improve election legislation, and undertake comprehensive judicial reforms. These measures were framed as essential to uphold the rule of law and democratic governance, which are foundational prerequisites for Ukraine's deeper European integration (Kuzio, 2017, p. 106).

The implementation of these reforms was obstructed by entrenched systemic structures that prioritized ties to Russia and personal economic interests over the popular aspiration for European integration. This resistance ultimately contributed to the conditions that sparked the 2014 Revolution of Dignity.

The reforms requested of Ukraine were closely aligned with the EU's Rule of Law (RoL) framework, as advanced by the Court of Justice of the European Union (CJEU) and the European Commission. This framework articulates six core principles that constitute a shared understanding of the rule of law within the EU: legality, including a transparent, accountable, and democratic process for enacting laws; legal certainty; the prohibition of arbitrariness in the exercise of executive power; the existence of independent and impartial courts; effective judicial review, including the protection of fundamental rights; and equality before the law ( Rabinovych, 2024, p. 719).

Consequently, judicial reforms in Ukraine have prioritized strengthening the independence and impartiality of the courts, alongside enhancing the effectiveness of judicial review. These objectives have been central to the EU's Rule of Law promotion strategy since the 2004 EU-Ukraine Action Plan, which sought to lay the groundwork for negotiations on the Association Agreement (Rabinovych, 2024, p. 726).

Before 2014, the transformation also included the reform of Ukraine's civil, criminal and administrative codes, based on EU standards, or creation of the legal basis for effective implementation of judgments by the European Court of Human Rights (ECHR) and international judicial cooperation in civil and criminal matters.

Following the Revolution of Dignity and the subsequent entry into force of the Association Agreement, the EU's approach to judicial reform in Ukraine underwent a notable shift. As Rabinovych (2024) notes, prior to Euromaidan, EU conditionality focused on the adoption of specific legislative reforms. After Euromaidan, conditionality shifted toward building institutional capacity and legal systems, emphasizing the creation and effective functioning of judicial bodies rather than just passing new laws.

This evolution is illustrated by the third Macro-Financial Assistance program (MFA III) launched in 2015, which offered up to €1.8 billion in financial support. Among its conditions were the reinforcement of judicial decision enforcement mechanisms and the introduction of performance assessment methodologies targeting courts as institutional entities, rather than focusing solely on individual judges.

The new approach towards the establishment of the institutions mentioned above is included in two of the formulated conditions under MFA 2020-2021:

(a) the creation of a new High Qualification Commission of Judges of Ukraine (HCQJ) through a transparent selection procedure with international participation; and

(b) the creation of an Ethics Commission with international participation, which would have the mandate to 1) carry out a one-time assessment of the integrity and ethics of members of the High Council of Justice and recommend their dismissal to the electing (appointing) authorities in those cases when the members of the High Council have been found non-compliant with the standards, and 2) establish a pool of pre-selected candidates from which the electing (appointing) authorities for members of the High Council of Justice (HCJ) will draw their nominations. (EU-Ukraine, 2020)

The official objective of the reforms was to complete the lustration of judges, thereby reducing political corruption within the judiciary and addressing systemic deficiencies in the court system.

The effective implementation of the conditions was not attained in its totality. Different institutions within the state still tried to undermine the activities of the Ethics Council. For example, the Congress of Judges of Ukraine repeatedly delayed nominations to the Ethics Council, and the High Council of Justice challenged the Council's authority in court. Additionally, there was a lack of trust between the Ethical Council and acting members of the HCJ. (Meyer, 2022, p. 24)

Transforming the judiciary has proven to be a formidable challenge, marked by persistent resistance from entrenched structures associated with the systema. Both the judiciary and law enforcement agencies were widely perceived by the public as complicit in enabling the repression of Euromaidan protesters and in facilitating the illegal activities of the Yanukovich administration. This perception further undermined public trust and intensified demands for systemic reform.

The subsequent period under President Poroshenko did not yield a substantive transformation of the judiciary. When Volodymyr Zelensky assumed office in 2019, he inherited a judicial system that remained largely unreformed and continued to operate within the logic of the systema. A significant number of judges retained their positions from the previous era, thereby contributing

to the persistence and reinforcement of entrenched informal networks and practices (Gherasimov & Solonenko, 2020, p. 10).

Overall, the transformation of Ukraine's judicial system remains an ongoing process. Conditionality continues to serve as the primary external lever driving reform efforts, with the European Union maintaining its role as a key actor in shaping institutional change through incentive-based mechanisms.

### **Constitutional Court as a battleground for reform legitimacy**

The Constitutional Court of Ukraine (CCU) has served as a central actor in the country's institutional transformation, wielding the authority to review and nullify legislative or executive actions that contravene constitutional norms. Its role underscores the judiciary's potential to either facilitate or obstruct democratic reform, depending on how this power is exercised.

The CCU reformation took place within the framework of the post-Maidan changes within the judiciary in 2016-2017. One of the main changes was the scope given to the judicial body in terms of constitutional review.

According to article 7 of the Law on the CCU, the powers of the Court, as provided by the Constitution of Ukraine, shall include (Venice Commission of the Council of Europe, 2016):

- 1) resolving the issues of conformity with the Constitution of Ukraine (constitutionality) of the laws of Ukraine or other legal acts of the Verkhovna Rada of Ukraine, acts of the President of Ukraine, Cabinet of Ministers of Ukraine, legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea;
- 2) official interpretation of the Constitution of Ukraine;
- 3) provision, on the application by the President of Ukraine or at least forty-five People's Deputies of Ukraine or the Cabinet of Ministers of Ukraine, of its opinions on the conformity with the Constitution of Ukraine of applicable international treaties of Ukraine or those international treaties that may be submitted to the Verkhovna Rada of Ukraine for its consent to their binding nature;

- 4) provision, on the application by the President of Ukraine or at least forty-five People's Deputies of Ukraine or the Cabinet of Ministers of Ukraine, of its opinions on the conformity with the Constitution of Ukraine (constitutionality) of the questions to be put on a popular initiative, to an all-Ukrainian referendum;
- 5) provision, on the application by the Verkhovna Rada of Ukraine, of its opinion on the observance, within the limits established by Articles 111 and 151 of the Constitution of Ukraine, of the constitutional procedure for investigating and considering a case on removal of the President of Ukraine from office through impeachment;
- 6) provision, on the application by the Verkhovna Rada of Ukraine, of its opinion on the conformity with Articles 157 and 158 of the Constitution of Ukraine of a draft law on the amendments to the Constitution of Ukraine;
- 7) provision, on the application by the Verkhovna Rada of Ukraine, of its opinion on the violation by the Verkhovna Rada of the Autonomous Republic of Crimea of the Constitution of Ukraine or laws of Ukraine;
- 8) review, on the application by the President of Ukraine, under Part 2 of Article 137 of the Constitution of Ukraine, of the conformity of regulations adopted by the Verkhovna Rada of the Autonomous Republic of Crimea with the Constitution of Ukraine;
- 9) resolving the matters of conformity with the Constitution of Ukraine (constitutionality) of the laws of Ukraine (or individual provisions thereof), upon a constitutional complaint submitted by a person as applied by a court, who is of the opinion that the law of Ukraine applied in the final court judgment in his/her case contradicts the Constitution of Ukraine

The competencies outlined above illustrate the extensive authority originally granted to the CCU. However, following the adoption of the new Law on the Constitutional Court in 2016, the Court's jurisdiction was narrowed to the interpretation of the Constitution alone, thereby removing its power to interpret ordinary domestic legislation. (Nekoliak, 2022, p. 309-310).

In addition to its core judicial responsibilities, the Constitutional Court of Ukraine (CCU) was granted the authority to assess the constitutionality of proposed constitutional amendments and international agreements prior to their ratification. Furthermore, the Court was empowered to consider individual constitutional complaints, thereby expanding access to constitutional adjudication and enhancing the role of individuals in constitutional oversight (Verkhovna Rada of Ukraine, 1996). This broadened jurisdiction positioned the CCU as a pivotal gatekeeper in

Ukraine's reform trajectory, with the capacity to either facilitate or hinder legislative initiatives aimed at consolidating the rule of law.

Andrii Nekoliak contends that the Constitutional Court of Ukraine (CCU) advanced a political theory of government grounded in a rigid interpretation of judicial independence, which it employed to obstruct the country's reformist trajectory (Nekoliak, 2022, p. 312). By asserting this doctrine at critical junctures, the Court assumed an anti-reformist posture that significantly influenced Ukraine's institutional development. Notable examples that took place later on in 2020 include its legal reasoning in the review of the 2014 Anti-Corruption Law and its stance on President Zelensky's 2019 judicial reform initiative, both of which illustrate the Court's capacity to act as a veto player in moments of transformative change.

In the case of the anticorruption agenda, the CCU downplayed the external donor factor<sup>14</sup> and influence and annulled amendments to the criminal code that had been designed to combat corruption within the civil service and other key sectors targeted by reform (Nekoliak, 2022, p. 301, 313). This decision significantly undermined the broader anti-corruption agenda and weakened institutional efforts to promote accountability.

As for the judicial legislation, the Court acted to preserve the autonomy of judicial self-governance by blocking mechanisms that would have allowed international experts to oversee the judiciary. This move effectively shielded the judicial system from external accountability and limited the scope of reform-oriented oversight.

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<sup>14</sup> The external donor factor refers to the influence of foreign actors, particularly the European Union, in shaping Ukraine's judicial reforms. Reflecting this influence, the 2018 Law on the High Anti-Corruption Court (HACC) and Zelensky's 2019 Law on Judicial Self-Government granted international experts a formal role in the judiciary. These experts participated in the selection and disciplinary processes of judges, including within the Supreme Court. The reforms aimed to overcome the pre-2016 judicial crisis, marked by paralysis and the dominance of politicized judges appointed under Yanukovych. (Nekoliak, 2022, p. 313)

All in all, the CCU has proven to be one of the players within the country to still have links to the systema. The judiciary has been one of the resistance tools against the reformist agenda.

### **Selective Enforcement and Institutional Backlash Against Reformers**

The analysis turns now to the selective enforcement and institutional backlash against reformers, especially in the post-Maidan Ukraine. The resistance presented by the entrenched systema is not only manifested through the inertia of formal reforms, but also in the active use of state institutions to obstruct change. The media have often been instrumentalized as a means to oppose reforms.

The former Director of NABU, Artem Sytnyk, was repeatedly pressured through legal and institutional means. In 2020, the Constitutional Court ruled Sytnyk's appointment as unconstitutional. The public perceived it as a political move aimed at weakening the independence of NABU after it pursued cases against powerful elites, including members of parliament and figures close to oligarchs. Before this event, Sytnyk was also accused and found guilty of taking an elite vacation, allegedly paid for by a businessman and friend (Gherasimov & Solonenko, 2020, p. 15).

Right at that time, NABU was working on two high-profile cases. The first was a corruption case against the son of Minister of Internal Affairs Arsen Avakov, which was closed by the SAPO in 2018. The second was related to oligarchs Ihor Kolomoisky and Gennadiy Boholyubov, the former owners of PrivatBank, Ukraine's largest bank, which was nationalized in 2016 after authorities discovered a \$5.5 billion hole in its ledgers. The case was completely transferred by the Prosecutor General's Office (PGO) to NABU in November 2019 (Idem).

The actions to undermine the competencies of NABU were perceived as politically motivated and a step backward in the country's strengthening of the rule of law. The IMF warned at the time that

to continue on this path would jeopardize the approval of a \$5 billion lending program to Ukraine (Laurenson, 2020).

Another example of the old system's resistance is the pressure on the High Council of Justice (HCJ)<sup>15</sup>. The HCJ was created by the Rada in December 2016 (Verkhovna Rada of Ukraine, 2016). Until that year, the power of judicial appointment fell upon the Parliament, a power which many considered one of the primary sources of judicial corruption.

The reformists envisioned the HCJ as an independent, diverse group of professionals with high integrity. The foundational law initially envisioned that the Council would be composed of 21 members, 10 appointed by the Congress of Judges of Ukraine, and two by each of the following institutions: the Rada, the President, the Congress of Advocates, a congress composed of representatives from law schools and scientific institutions, and the All-Ukrainian Conference of Employees of the Procuracy (Meyer, 2022, p. 23).

This judicial body has been accused of shielding judges linked to the systema, including judges who had issued politically motivated rulings against Euromaidan protesters, while punishing those aligned with the reformist agendas (Meyer, 2022, p. 23). The result we might argue would be a judicial body that undermines the oversight and correctional goal with which it was founded.

The resilience of systema is evident not only in the adaptation of oligarchic networks but also in the continued politicization of key legal institutions, such as the Prosecutor General's office. Despite reforms, this office has often been used to pursue political objectives, reflecting the persistence of executive dominance over judicial processes.

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<sup>15</sup> The HCJ is the most important and powerful institution within the judicial system of Ukraine: it decides on the appointment and dismissal of judges, administers disciplinary responsibility, takes decisions on temporary suspension and authorizes the arrest of judges (Chyzyk, 2022).

Alongside the examples mentioned above, the media has also played a decisive role in hindering the transformation of the institutional system. This has taken the form of media campaigns orchestrated by oligarch-owned outlets, with the ultimate objective of delegitimizing reformers as well as the newly established or restructured institutions.

One example was the media campaigns against Vitaliy Shabunin, head of the Anti-Corruption Action Center (AntAC)<sup>16</sup>. Shabunin has been repeatedly accused of being foreign-funded and personally corrupt. These attacks intensified whenever AntAC exposed high-level corruption or criticized judicial decisions protecting vested interests (Anti-Corruption Action Centre News, 2020).

### **Party dynamics within Servant of the People: Internal tensions over reform**

Another critical dimension of resistance to reform lies within the internal contradictions of the president's party, Servant of the People. Following the 2019 elections, the party secured an unprecedented parliamentary majority, raising hopes that it would swiftly advance institutional reforms and accelerate Ukraine's integration with Western structures.

However, the party's rapid formation and lack of a coherent ideological foundation resulted in significant internal diversity. This heterogeneity, manifested in conflicting priorities and political loyalties, soon led to parliamentary conflicts and factionalism. The absence of a unifying doctrine made the party vulnerable to infiltration by actors aligned with the entrenched system, who sought to preserve patronal networks and obstruct reform.

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<sup>16</sup> The Anti-Corruption Action Centre (AntAC) was established in 2012 to promote the transparency and accountability of public bodies and the fight against corruption in Ukraine. AntAC conducts advocacy aimed at curtailing political corruption, which affects policy decisions by officials (Sigrid Rausing Trust, 2021).

For example, when parliament debated laws to reform the High Council of Justice and the High Qualification Commission of Judges, it became clear that there were serious disagreements within the ruling party. The same happened during the vote on the “anti-Kolomoisky law,” which was meant to stop nationalized banks from being returned to their former owners. Another key moment was how the party responded to a court ruling that weakened anti-corruption laws. In all these cases, the party showed it couldn’t act as a united group. (Kyiv Blog, 2020). In each case, Zelensky was forced to rely on opposition votes to advance his agenda, an unusual dynamic for a party with a parliamentary majority.

Dariia Kolodiazhna’s analysis of parliamentary voting behavior and declining Members of Parliament (MP) participation further illustrates this shift. Her research shows that the party lost its early energy over time. The excitement around reforms faded, and members became less active and more selective in what they supported (Kolodiazhna, 2025).

The transformation over time of Servant of the People underscores the importance of examining not just structural constraints, but also the key actors driving or resisting reform.

This chapter has demonstrated that meaningful reform in Ukraine depends not only on formal institutions but also on the individuals and groups who drive or resist change. While Ukraine has introduced important legal tools to dismantle the systema, such as the Anti-Oligarch Act, NABU, and HACCC, informal networks continue to undermine these efforts. They do so through selective enforcement and by capturing institutions, showing that legal reforms alone are not enough.

The persistence of systema reveals the need for deeper, structural changes that go beyond legislation.

In response, the next chapter will explore the roles of civil society, the presidency, and international organizations, each of which has significantly influenced Ukraine's reform path.

### **Chapter 3: Key actors in the transformation of the Ukrainian institutional apparatus**

This chapter analyzes the roles of key actors in Ukraine's institutional transformation between 2017 and 2022. It focuses on the influence of external organizations, including the European Union, NATO, the International Monetary Fund, and the World Bank, whose involvement has shaped reform trajectories through mechanisms such as conditionality. Special attention is given to the presidency, examining how this institution has historically contributed to the persistence of the systema and continues to shape institutional dynamics. The chapter also considers the role of civil society, which, although not a new actor, gained prominence following the Revolution of Dignity.

To frame this analysis, the chapter employs conceptual tools relevant to the Ukrainian context, including the sandwich model and the conditionality framework, both of which help explain the patterns and drivers of institutional change.

#### **3.1 External organizations and the pressure on domestic institutional transformation**

The persistence of an entrenched systema in Ukraine has posed significant obstacles to meaningful institutional reform. In this context, pressure from international partners has served as a crucial external lever to promote domestic transformation. This external influence has been facilitated by Ukraine's sustained pursuit of a European trajectory, underpinned by a broadly positive public perception of the West and strong societal support for European integration. The extent and nature of each international actor's influence, whether the EU, NATO, the IMF, or the World Bank, have been shaped by Kyiv's official commitment to this path since gaining independence in 1991.

## EU, NATO, and Ukraine

Since Ukraine's independence in 1991, its relations with the European Union and NATO have coexisted uneasily with enduring political, economic, and cultural ties to Russia. The country has remained regionally divided between constituencies favoring alignment with Moscow and those advocating for integration with Western institutions. Supporters of the European path have typically framed their position around the promise of economic modernization, democratic consolidation, and enhanced security, particularly as a safeguard against Russian influence and aggression. These competing geopolitical orientations have been a persistent source of internal tension, shaping Ukraine's foreign policy trajectory and its institutional reform efforts.

Ukraine's journey toward NATO and EU membership has been more complex and uneven than that of other post-Soviet republics. While the Baltic states, Estonia, Latvia, and Lithuania, quickly joined Euro-Atlantic institutions in the early 2000s, aided by well-defined accession paths and strong institutional readiness, Ukraine has faced significant obstacles. These include internal political divisions, entrenched oligarchic power structures, and sustained geopolitical pressure from Russia. Although countries like Georgia and Moldova have also pursued integration with the EU and NATO, Ukraine's larger size, strategic location, and domestic political complexity have made its case especially consequential, and more susceptible to external interference. (Bezhitashvili & Gerdes Scott, 2022).

Post-Soviet State	EU/NATO status	Observations
<b>Estonia</b> <b>Latvia</b> <b>Lithuania</b>	Successfully joined both the EU and NATO in 2004.	Unlike Ukraine, they had clearer accession paths and stronger early institutional reforms. Their smaller size and ethnic homogeneity also

Post-Soviet State	EU/NATO status	Observations
		helped reduce internal resistance
<b>Georgia</b>	Not a member of either but has signed an Association Agreement with the EU and aspires to NATO membership.	Georgia has also pursued reforms under external pressure and has a similarly active civil society but faces challenges with territorial integrity and elite capture. Georgia, like Ukraine, experienced revolutions (Rose Revolution in 2003)
<b>Moldova</b>	Signed an Association Agreement with the EU in 2014; not a NATO member.	Moldova's reform path has been slower and more inconsistent, but election of president Maia Sandu in 2020 and re-election in 2024 have brought pro-European leadership.
<b>Armenia</b>	Member of the Russia-led Eurasian Economic Union; has a Comprehensive and Enhanced Partnership Agreement (CEPA) with the EU.	Unlike Ukraine, Armenia has not pursued NATO membership and remains more aligned with Russian security structures.
<b>Azerbaijan, Kazakhstan, Uzbekistan</b>	No formal EU or NATO integration path.	These states have maintained closer ties with Russia and China.

**3 Source: Compiled by the author, drawing on Bremmer, 2006, p. 141**

A comparative study by Wolczuk (2018) shows that while Georgia, Moldova, and Ukraine have all made progress in aligning with EU standards, Ukraine's reform path stands out as both more ambitious and more contested. Georgia has benefited from steady political leadership, which has helped it implement its Association Agreement more consistently. Moldova, on the other hand, has

struggled due to weak administrative capacity. Ukraine faces a unique set of challenges: despite its bold reform efforts, resistance from entrenched elites and politicized institutions has made implementation difficult. These findings highlight that Ukraine's main obstacle is not a lack of commitment, but the difficulty of turning formal promises into real institutional change (Wolczuk, 2018).

Following independence, Ukraine faced challenges in securing broad acceptance within the European community, partly due to President Leonid Kravchuk's cautious approach to political and economic reform. This trajectory began to change with the election of Leonid Kuchma in 1994, who pursued a pragmatic foreign policy that attempted to balance relations with Russia and rapprochement towards Europe. That same year, Ukraine concluded a Partnership and Cooperation Agreement (PCA) with the European Union, establishing the foundation for deeper political and economic engagement. Concurrently, Ukraine initiated steps toward Euro-Atlantic integration by joining NATO's Partnership for Peace (PfP) program and signing the Charter on a Distinctive Partnership with the Alliance in 1997 <sup>17</sup> (Kubicek, 2023, p. 172). Together, these developments signaled Ukraine's formal alignment with Western institutions.

Trade started to strengthen between Ukraine and European states. During the 90s, the EU provided more than 1 billion euros in economic and technical assistance. Along with European help, by 1997, the United States also recognized Ukraine, and through 2001, the country had received \$2.82 billion in American assistance (Kubicek, 2023, p. 173).

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<sup>17</sup> In 2002, Ukraine declared its ambition to join NATO, formalised through the NATO–Ukraine Action Plan. This was seen as a framework for implementing reforms aligned with NATO standards. At the 2008 Bucharest Summit, NATO affirmed Ukraine's future membership, though without a set timeline. Ukraine's participation in missions like those in Kosovo and Afghanistan strengthened its partnership with the Alliance. The 2009 Annual National Programme further institutionalised reforms to bring Ukraine closer to NATO (Yevdokimov, 2024, p. 3).

Russia remained a key actor in Ukraine's external relations, largely due to Ukraine's geostrategic position as a buffer state between Russia and the Euro-Atlantic community. In addition to geopolitical considerations, Ukraine's heavy reliance on Russian oil and gas further reinforced this dependency. In response to these structural constraints, President Leonid Kuchma adopted a multi-vector foreign policy strategy, seeking to balance relations with both Western institutions and Russia to preserve national autonomy and maximize strategic benefits.

Western conditionality when it comes to helping states and accepting them as being compliant with European democratic standards determined Ukraine's development during the 90s and continues up until today. The European discourse focused on strengthening the rule of law and eradicating corruption. Both elements have been the center of European demands towards Ukraine.

Geir Flikke argues that the European Union's approach to political governance is primarily indirect. Rather than imposing specific institutional models, the EU exerts influence through international organizations, transgovernmental networks, and legal frameworks that foster an environment conducive to the broader project of European integration. This strategy seeks to shape domestic institutions, such as those in Ukraine, by embedding them within a normative and institutional framework grounded in European values and standards (Flikke, 2013, p. 15).

The European Union's conditionality toward Ukraine is grounded not only in technical compliance but also in the country's political integration into core European values. A central focus lies in the strengthening of governance structures and the promotion of transparent and accountable decision-making processes. In addition to normative alignment, the EU sets out a range of stringent benchmarks across political, economic, legal, and social dimensions. These conditions are structured to address both short-term priorities and long-term structural reforms, as illustrated in the table below:

<b>Immediate to Short-Term (1-3 Years)</b>	<b>Medium-Term (3-7 Years)</b>	<b>Long-Term (7-10+ Years)</b>	<b>Final Phase</b>
<p><b>Submission and Approval of Membership</b>  <b>Application:</b> Ukraine has formally submitted its application for European Union (EU) membership. The initial phase involves the European Council and the European Commission assessing Ukraine's readiness and the potential impact on the EU.</p>	<p><b>Economic Reforms and Market Integration:</b>  - Ensuring that Ukraine's economy can cope with competitive pressures within the EU. This involves liberalizing markets, reducing state intervention, and enhancing competition.  - Fully implementing the Deep and Comprehensive Free Trade Area (DCFTA) agreement with the EU, harmonizing trade regulations, and removing barriers to investment (Priority Action Plan, 2022).  - Maintaining sound fiscal policies, reducing budget deficits, and ensuring stable monetary policy to control inflation and support economic growth.</p>	<p><b>Advanced Economic and Social Convergence:</b>  - Achieving economic indicators comparable to those of existing EU member states, including GDP per capita, employment rates, and productivity levels.  - Reducing disparities in income, social services, and quality of life between Ukraine and EU countries.</p>	<p><b>Membership Approval and Transition:</b>  - The European Commission and European Council conduct final assessments to ensure all criteria and benchmarks have been met.  - During the transition period, the implementing transitional arrangements will take place to facilitate smooth integration, which may include temporary measures in areas like migration and labour markets.</p>
<p><b>Political and Institutional Reforms:</b>  - Strengthening the independence and efficiency of the judiciary, including transparent judicial</p>	<p><b>Legal and Regulatory Alignment:</b>  - Aligning specific sectors such as agriculture, energy, transport, and environment with</p>	<p><b>Full Legal and Institutional Integration:</b>  - Ukraine must fully adopt and implement the entire body of EU law (acquis communautaire),</p>	<p><b>Full Membership:</b>  Upon successful completion of all requirements, Ukraine formally joins the EU as a full member</p>

<b>Immediate to Short-Term (1-3 Years)</b>	<b>Medium-Term (3-7 Years)</b>	<b>Long-Term (7-10+ Years)</b>	<b>Final Phase</b>
<p>appointments and anti-corruption measures.</p> <ul style="list-style-type: none"> <li>- Establishing robust anti-corruption institutions and laws, ensuring enforcement, and reducing bureaucratic corruption (On the prevention of threats..., 2023).</li> <li>- Implementing merit-based recruitment and training programs for civil servants to enhance public service delivery and governance</li> </ul>	<p>EU standards. This involves adopting and enforcing EU regulations and policies in these areas.</p> <ul style="list-style-type: none"> <li>- Enhancing the capacity of regulatory bodies and public institutions to implement and enforce EU laws effectively</li> </ul>	<p>demonstrating the capability to function within the EU framework.</p> <ul style="list-style-type: none"> <li>- Ensuring all national institutions are capable of operating within EU structures, including the ability to contribute to and participate in EU decision-making processes.</li> </ul>	<p>state, participating fully in the EU's political, economic, and social systems. Continued efforts to integrate into EU structures and policies will take place, with ongoing support and collaboration from other member states and EU institutions.</p>
<p><b>Alignment with EU Acquis:</b> The European Commission conducts a comprehensive screening process to identify areas where Ukraine's laws and regulations need alignment with the EU acquis. It is also necessary to continue developing detailed roadmaps for adopting and implementing EU laws across various sectors.</p>	<p><b>Social and Human Rights Reforms:</b></p> <ul style="list-style-type: none"> <li>- Ensuring robust legal frameworks to protect human rights, including the rights of minorities, and implementing these protections effectively.</li> <li>- Improving education and healthcare systems to meet EU standards, including investment in infrastructure and training.</li> </ul>	<p><b>Pre-Accession Negotiations:</b></p> <ul style="list-style-type: none"> <li>- Detailed negotiations on specific chapters of the acquis, addressing any remaining issues, and finalizing the terms of membership.</li> <li>- Drafting and ratifying the Accession Treaty, which formally outlines Ukraine's obligations and rights as an EU member state. This treaty must be ratified by all EU member states and Ukraine.</li> </ul>	

Immediate to Short-Term (1-3 Years)	Medium-Term (3-7 Years)	Long-Term (7-10+ Years)	Final Phase
	<p><b>Monitoring and Evaluation:</b>  The European Commission provides regular progress reports assessing Ukraine’s adherence to benchmarks and the implementation of required reforms. Member states and EU institutions may provide technical assistance and conduct peer reviews to support Ukraine’s reform process.</p>		

**4 Source: Table recapitulates information provided by (Soloviova & Fomin, 2025, p. 65-66).**

Regular assessments of Ukraine’s compliance with the conditions set out in the Partnership and Cooperation Agreement (PCA) often revealed insufficient progress toward the institutional reforms required for sustained financial assistance<sup>18</sup>. These evaluations highlighted the gap between formal commitments and actual implementation. Ukraine’s internal divisions, between pro-Russian and pro-European political agendas, further complicated reform efforts, contributing to policy inconsistency and hindering the country’s alignment with European standards.

The domestic political landscape in Ukraine remained deeply contradictory in the post-Soviet period, marked by recurring tensions between reformist aspirations and entrenched oligarchic

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<sup>18</sup> For instance, the 2018 EU Association Implementation Report noted limited progress in judicial independence and persistent corruption concerns (European Commission, 2018) (Wessel, 2022). Similarly, the 2020 report emphasized the need for reform of the High Council of Justice and criticized selective enforcement of anti-corruption laws (European Commission, 2020).

interests. The country experienced two major popular uprisings, the Orange Revolution in 2004 and the Euromaidan in 2014, that challenged the prevailing order. While both movements reflected widespread societal demand for democratic accountability, it was the Euromaidan that produced more significant and lasting shifts in Ukraine's institutional trajectory.

Despite these ruptures, the systema proved remarkably resilient. Economic interests often continued to outweigh democratic commitments, and Ukraine remained under heavy criticism for persistent corruption and the dominance of informal networks in political decision-making. The prevalence of clientelism has been widely regarded as a structural barrier to the consolidation of democratic governance in the country.

### **IMF, World Bank, and Ukraine**

Another key factor examined in this thesis as a catalyst for change is Ukraine's relationship with international financial institutions, particularly the International Monetary Fund (IMF) and the World Bank. Ukraine's engagement with the IMF began in 1994, marked by its first agreement aimed at supporting economic reforms and stabilizing the national currency. The IMF has provided since then numerous Stand-By Arrangements (SBA) and Extended Fund Facility (EFF) programs. This cooperation was part of Ukraine's broader strategy to align more closely with Western institutions and address its fragile domestic economy.

These relations deepened significantly after 2014, when Ukraine decisively oriented itself toward the West. The political and economic environment became more conducive to implementing the institutional reforms required to access IMF funding.

Between 1994 and 2008, Ukraine's cooperation with the International Monetary Fund (IMF) evolved through several financial arrangements aimed at stabilizing its economy. The initial phase

began with the Systemic Transformation Facility (1994–1995), which provided 498.7 million SDR<sup>19</sup> (approximately 763.1 million USD) to support Ukraine’s balance of payments. This was followed by a Stand-by Programme (1995–1998) totaling 1,318.2 million SDR (1.935 billion USD) to stabilize the national currency and address payment deficits. From 1998 to 2002, Ukraine entered an Extended Fund Facility (EFF) worth 2.6 billion USD, though it ultimately received 1.193 billion SDR (1.591 billion USD) to replenish the National Bank’s foreign reserves. Between 2002 and 2008, cooperation shifted toward technical assistance under a Prevention Stand-by Programme, reflecting a national policy direction of reducing reliance on debt-based support.

From 2008 onward, Ukraine’s engagement with the IMF intensified in response to growing economic challenges. The 2008–2010 Stand-by Programme amounted to 11 billion SDR (16.4 billion USD), with 3 billion SDR immediately credited to the National Bank’s reserves. A subsequent programme (2010–2014) provided an additional 10 billion SDR (15.1 billion USD). In 2014, amid escalating conflict in Eastern Ukraine, a new Stand-by Programme was launched, totaling 10.976 billion SDR (16.5 billion USD), though macroeconomic targets were later revised. This was followed in 2015 by a four-year Extended Fund Facility worth 12.348 billion SDR (17.25 billion USD) (Sharov, 2017, p. 319).

The IMF, as we previously analyzed with the EU, works on a conditionality basis, in this case of a financial nature. The demands have been focused on a transformation in areas such as economic reform, energy sector liberalization, and anti-corruption efforts. The latter has translated into the creation of an anti-corruption framework, previously evaluated in this paper.

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<sup>19</sup> Special Drawing Rights (SDR) is a monetary value used by the International Monetary Fund (IMF).

To monitor and evaluate the progress of these reforms, the IMF has employed a structured set of mechanisms. These include Article IV Consultations, which are in-depth assessments conducted by IMF economists to evaluate Ukraine's macroeconomic policies, fiscal balance, and the health of its financial sector.

Additionally, the IMF has set Performance Criteria and Structural Benchmarks that Ukraine must meet, such as inflation thresholds, exchange rate management, and fiscal deficit limits, to qualify for continued financial assistance. Technical Assistance Reports are also regularly issued to assess Ukraine's financial governance, banking system resilience, and anti-corruption measures. Furthermore, the Independent Evaluation Office (IEO) of the IMF conducts periodic reviews to assess the effectiveness and impact of IMF policies in Ukraine (Ivanova, 2025).

The IMF's financial support to Ukraine has played a significant role in transforming the country's institutional framework. While these incentives have encouraged progress in areas such as economic reform, energy sector liberalization, and anti-corruption, they have also required the government to implement policies that, although presented as economically sound, have sometimes led to socio-economic challenges. Over time, the accumulation of IMF loans has placed a considerable burden on Ukraine's long-term financial sustainability. Achieving self-sufficiency remains essential for the country's healthy development, as overreliance on external aid, despite its benefits, can limit national autonomy and flexibility.

Nonetheless, Ukraine has made substantial adjustments to meet the institutional transformation goals encouraged by the IMF. The post-Euromaidan context created a more favorable environment for reform, and the resulting changes<sup>20</sup> have contributed positively to strengthening the rule of law

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<sup>20</sup> Some of the major changes included fixing the banking system, reforming Naftogaz (Ukraine's state-owned gas company), and opening up the land market for buying and selling (Dabrowski et al., 2020) (Fedorenko, 2017).

and improving governance structures. These developments mark a significant step toward building a more resilient and transparent state apparatus.

In 2014, Ukraine received over US\$4 billion through a stand-by agreement with the International Monetary Fund (IMF). The following year, this support was expanded significantly through a broader financial package, which included substantial contributions from the European Union and other international partners, bringing the total to approximately US\$40 billion.

As a result, Ukraine's relationship with the IMF, and by extension, the World Bank and the EU, became heavily shaped by financial incentives tied to reform. These partnerships were clearly driven by conditionality, with continued support contingent on Ukraine's commitment to implementing structural and institutional changes (Pleines, 2021). Even though Ukraine didn't always follow through on reforms, it still received loans because of its key role in the region, especially after 2014. Western organizations often cared more about keeping the region stable than strictly enforcing loan conditions, so they were flexible with payment schedules.

Although organizations like the IMF and the World Bank are often seen as promoters of institutional change, their influence has also been criticized as a form of coercive economic reform. This dynamic, by its nature, limits the agency of the recipient state, as reforms are often shaped by external incentives rather than internal priorities (Stone, 2012, p. 491).

In Ukraine, one example is land reform, which was strongly encouraged by the IMF even though many people in the country opposed it. While the reform made economic sense, it raised concerns about who would own the land, fairness for rural communities, and the risk of foreign investors buying up farmland. Another example is the push to privatize state-owned companies. This plan

was criticized for being unclear and for possibly helping powerful business figures gain more control, rather than creating fair competition.

In Ukraine's case, the institutional transformation observed during the period under study has been driven not only by external incentives but also by the active involvement of domestic actors. Notably, the role of the presidency and the revitalized civil society following the Revolution of Dignity have been central to this process. Civil society, empowered by the events of 2013–2014, has played a more assertive role in demanding transparency, accountability, and democratic reforms.

This thesis examines the evolving role of the presidential office in this context. Prior to 2014, presidential administrations often acted as barriers to reform. Under President Petro Poroshenko, there was moderate support for institutional change, reflecting a transitional phase. However, a significant shift occurred with the 2019 election of Volodymyr Zelensky, widely regarded as Ukraine's first non-patronal president. His administration marked a turning point, offering more explicit support for reform and signaling a break from entrenched political networks.

### **3.2 Presidential figure in Ukraine and its influence in the domestic landscape**

The presidency in Ukraine has consistently played a decisive role in shaping the country's political trajectory, largely due to the significant powers vested in the office. Following independence, those who assumed the presidency were often closely tied to the entrenched system, the informal networks and practices that defined the post-Soviet status quo.

Ukraine operates under a semi-presidential system, where the President serves as the head of state and the Prime Minister acts as the head of government. This division of roles is essential for

understanding how reforms are carried out, as the balance of power between these two offices directly influences policy decisions and the pace of institutional change.

The office of the president in Ukraine holds significant power, especially in areas like foreign policy, national security, and key appointments. This concentration of authority can be both an advantage and a challenge for reform. On one hand, a president who supports reform and has strong backing in parliament can push through major changes quickly. On the other hand, when presidential power is used to protect informal networks or align with vested interests, it can reinforce the very patronal practices that reforms aim to dismantle. This dual potential makes the presidency a central, but unpredictable, force in Ukraine's reform process.

As outlined in the 1996 Constitution of Ukraine, the president serves as the guarantor of state sovereignty, territorial integrity, constitutional compliance, and the protection of citizens' rights and freedoms. The president also plays a key role in maintaining domestic political stability and representing Ukraine in international affairs.

Powers given to office of the president extend to the executive, legislative, and, to some extent, judicial branches. Presidential powers extend into the legislative and, to a limited extent, judicial domains. Key responsibilities include nominating the Prime Minister (with parliamentary approval), proposing candidates for senior government positions, and appointing regional and district administrators. Additionally, the president chairs the National Security and Defense Council and serves as the Supreme Commander-in-Chief of the Armed Forces (Averchuk, 2016).

Another power granted to the president is the authority to appoint the Prosecutor General and important offices like Foreign Affairs and Defence. This influence over the judiciary has, at times, been used to pursue personal political objectives. One famous case was the imprisonment of Yulia

Tymoshenko in October 2011 for abuse of power, as well as associates like Yuri Lutsenko, former Minister of Internal Affairs (Zadorozhnii, 2016) (Flikke, 2013).

The first president of independent Ukraine was a former Soviet party official, emblematic of a broader political class that continued to operate under pre-independence institutional logic. Many early leaders lacked a strong understanding of market economics and the principles of private property, which hindered the country's transition to a liberal democratic system. President Kuchma's limited grasp of private property principles contributed to flawed privatization policies, which facilitated the rise of oligarchic control and hindered the development of a competitive and transparent political system (Kuzio, 2007). This legacy of continuity with the Soviet past shaped the early years of Ukraine's independence and influenced the pace and nature of institutional reform.

Since gaining independence in 1991, Ukraine has experienced ongoing debate over the distribution of political power, particularly regarding the presidency. The country has oscillated between efforts to expand presidential authority and initiatives aimed at limiting it. These shifts have occurred within the framework of Ukraine's official parliamentary-presidential system, reflecting broader tensions between centralized executive control and parliamentary oversight in the evolving democratic landscape (Tiazhkorob, 2025, p. 32).

The presidency has consistently played a central role in Ukraine's major political crises. These include the 2004 constitutional reform, its reversal in 2010, and the events surrounding the Revolution of Dignity. These moments of institutional upheaval have highlighted the pivotal role of the president in shaping the country's political direction and institutional balance.

Moreover, the office of the president has frequently been a focal point in the reform agendas promoted by Ukraine's external partners. These actors have often emphasized the need to limit excessive executive power as part of broader institutional transformation efforts. As a legacy of the system, the concentration of authority in the presidency has, at times, hindered democratic development and obstructed the establishment of transparent and accountable governance structures.

As we have previously stated in the thesis, the presidency in Ukraine has played an ambivalent role in the country's institutional development. The concentration of executive power, particularly in the post-Soviet era, allowed presidents to entrench patronal networks and obstruct democratic reforms. This was the case with the Kuchma and Yanukovich administrations. During their time, presidential authority was often used to shield elites and suppress opposition.

One clear example of this dynamic is the institution of the Prosecutor General's Office, historically the legal arm of the Communist Party and its executive, the Politburo, in the Soviet Union, and one that has remained a powerful instrument of executive authority in independent Ukraine. Instead of becoming an independent institution, it has often served as a tool for presidential influence, enabling selective investigations based on political interests. This pattern has continued despite repeated calls from external actors for depoliticization. Against this backdrop, Zelensky, often seen as a reformer in earlier chapters, shows the ambivalent nature of presidential power. While promoting major reforms in other areas, his decision to delegate the determination of oligarch status to the National Security and Defense Council, a political body rather than a judicial authority, reflects a logic like using the Prosecutor General's Office for political purposes. This raises concerns about selective enforcement and retaliation. For example, before the 2022 invasion, Zelensky's government launched criminal investigations against former president Petro

Poroshenko, which were later suspended. A new investigation opened in 2025, showing how fragile rule of law remains.

This example underscores only one side of the broader paradox: the presidency's structural power can drive reform or undermine it. Earlier sections emphasized Zelensky's role in advancing institutional change, yet these actions reveal how the same authority can reinforce informal practices. When so much depends on the intentions of one individual or office, reforms become vulnerable. In times of crisis, such as war, the temptation to consolidate power for personal or political advantage grows stronger, making it risky to rely on presidential goodwill for lasting institutional transformation.

Ultimately, the persistence of executive control over the Prosecutor General's Office shows how hard it is to dismantle informal networks and achieve real accountability, even as Ukraine moves forward in other areas. This ambivalence is central to understanding Ukraine's institutional trajectory: formal reforms may progress, but underlying power structures remain exposed to reversal whenever presidential priorities change.

However, the same institutional strength of the presidency became a critical asset in advancing reform during the study period, once a non-patronal actor assumed office. Beginning with Poroshenko's post-Euromaidan administration and more decisively under Zelensky, presidential power was leveraged to push through long-stalled reforms, including anti-corruption legislation, judicial restructuring, and land market liberalization. This dual nature highlights a key paradox in Ukraine's semi-presidential system: while concentrated presidential power can strengthen informal networks and patronal practices, it also has the potential to drive meaningful institutional reforms when aligned with a strong reform agenda.

In this context, the presidency emerges as a key institution in the evolution of Ukraine's governance framework.

To continue the analysis, we now turn to another important actor in the Ukrainian scenario, the civil society. The latter is necessary in the study to understand democratic consolidation. It is within this sphere that grassroots engagement, public accountability, and societal resilience have increasingly influenced governance outcomes, particularly after 2014.

### **3.3 Civil society after the Revolution of 2014**

Civil society<sup>21</sup> is considered a crucial element in the construction of a democratic state. Andrii Kutsyk and Viktoria Golovei argue that “the concept of ‘civil society’ refers to a state of society in which the fundamental rights and freedoms of man are freely exercised through various forms of social activity and self-organization. First of all, a balanced model of interaction between the state, society and citizens based on democracy, respect for rights and freedoms, free access to cultural and social goods, to real participation in political processes is the basis of forming a so-called democratic governance” (Kutsyk & Golovei, 2020, p. 113).

While the UN offers a broad structural definition of civil society as the third sector (see footnote 20 for definition), Kutsyk & Golovei provide a more context-specific and more substantive understanding that emphasizes civil society's functional role in democratic governance, particularly relevant in Ukraine's post-Euromaidan landscape.

Civil society in Ukraine began to take shape following the country's independence in 1991. However, its development was significantly hindered by the emergence of a powerful oligarchic

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<sup>21</sup> Civil society is the third sector of society, along with government and business. It comprises civil society organizations and non-governmental organizations. (United Nations, n.d.)

class that quickly consolidated both political and economic control, limiting the space for independent civic engagement.

Nearly all major television channels, most print outlets, and later, much of the online media landscape in Ukraine came under the control of powerful oligarchic business interests. This concentration of media ownership significantly limited pluralism and independent journalism (Kutsyk & Golovei, 2020, p. 113).

As a partial conclusion in this section, we can argue that the civil society in Ukraine has been a visible component of the political landscape since the country's independence. However, it assumed heightened significance during the Euromaidan movement, which marked a pivotal moment in its evolution. Since 2014, civil society re-emerged as a powerful and influential actor in domestic politics, playing a critical role in promoting democratic accountability, transparency, and citizen engagement.

Given the nature of Ukraine's system, the role of civil society has often been constrained, largely due to entrenched corruption. This systemic issue has enabled the return of discredited political figures to positions of power, even in the aftermath of widespread popular mobilizations.

One of the enduring challenges for civil society in Ukraine has been sustaining momentum beyond the initial phases of protest. While mass mobilizations have demonstrated the sector's capacity for collective action, its persistent weakness has often been the difficulty in translating revolutionary energy into long-term institutional engagement and structural reform (Burlyuk et al., 2017, p. 2).

The Euromaidan movement marked a major turning point for civil society in Ukraine. It brought forward a strong push for democratic values and a clear desire among citizens to move closer to Europe. Many scholars see the Revolution of Dignity not only as a protest movement but also as

a key moment in Ukraine's nation-building process, helping to shape a stronger sense of national identity and civic responsibility (Burlyuk et al., 2017).

This renewed civic engagement was further intensified by Russia's annexation of Crimea and its support for separatist movements in eastern Ukraine. These events deepened nationalist sentiment and motivated citizens to take a more active role in shaping the country's future. The post-Euromaidan context created new opportunities for participation. As Shapovalova and Burlyuk note, the civic activism that emerged during this period was more informal, horizontal, and diverse, reaching into many areas of public life. Volunteer movements expanded rapidly, and civil society began to act as a bridge between the public and the state ( Burlyuk & Shapovalova, 2018, p. 11).

In addition to domestic activism, civil society also worked closely with international partners to pressure the government for reforms. This dynamic, often referred to as the "sandwich model," describes how internal and external actors collaborated to push for institutional change. Transparency and accountability became central goals of this reform agenda. New tools such as the electronic declaration system (e-declaration), Prozorro, for public procurement, and the Law on Openness of Public Data were introduced to increase government transparency. Citizens also became more involved in public consultations, advisory bodies, and digital platforms aimed at fighting corruption and promoting European integration. These developments reflect a significant evolution in the role of civil society in Ukraine, from protest and resistance to active participation in democratic governance and institutional reform (Hahin et al., 2025, p. 79).

This European aspiration gave civil society a clear direction and helped expand its role beyond protest. It also encouraged the formation of coalitions, which allowed civil society organizations to participate more formally in policymaking and monitoring reforms. By connecting domestic

activism with international expectations, civil society was able to maintain its momentum and contribute to long-term institutional change.

In this context, civil society has taken on the role of a watchdog, monitoring government actions, demanding transparency, and pushing for the elimination of corruption. Its active engagement has been essential in holding public officials accountable and supporting democratic governance.

One of the most important examples is the Reanimation Package of Reforms (RPR), created in 2014. The RPR played a central role in shaping post-Euromaidan reforms and it brought together over 80 civil society organizations from different sectors, such as media, law, economics, and public administration. It became the largest cross-sector reform coalition in Ukraine's modern history.

After 2014, Ukrainian civil society experienced a notable transformation, marked by the emergence of new volunteer organizations and informal networks. This period saw the adoption of what has been referred to as "Western-style volunteerism," which emphasized civic engagement, grassroots mobilization, and community-driven initiatives. The public discourse increasingly centered around themes of national consciousness and collective responsibility.

This civic awakening unfolded in a complex environment, one shaped by ongoing efforts to combat corruption, dismantle the entrenched system, and respond to the growing threat posed by Russia. Within this context, civil society became not only a space for activism but also a critical force in Ukraine's broader struggle for democratic reform and sovereignty.

### **Conditionality of conditionality: A note on geopolitics and external-internal dynamics**

Understanding the interplay between domestic and external pressures coming from the domestic and external actors that have shaped Ukraine's institutional transformation is essential for

evaluating the true impact of Western conditionality on Ukraine's reform trajectory and the persistent adaptation of systems.

At the intersection of domestic reforms and geopolitical considerations, Ukrainian governments operate under dual pressure: internal demands for change and external conditionalities imposed by Western partners. It is a common understanding that failure to fulfill reform commitments carries a political price. This would mean internally, the risk of losing electoral support, and externally, the potential loss of financial aid and strategic backing from the EU, IMF, and the World Bank. However, a critical nuance in the Ukrainian case is the possible perception among elites that they would not lose Western support because of Ukraine's strategic importance in countering Russian influence. This perception may reduce the leverage of external conditionality and help explain the resilience of resistance to reforms. Ukrainian elites may calculate that, regardless of incomplete compliance, the West's need for Ukraine as a buffer against Russia ensures continued support. This dynamic complicates the effectiveness of conditionality and highlights the importance of aligning domestic incentives with external expectations to achieve sustainable institutional transformation.

## Summary of findings

The institutional transformation of Ukraine in the period studied in this thesis is best understood by looking at how different internal and external factors worked together, or sometimes against each other, to shape change in the country. No single actor or reform can explain what happened; instead, it's the way they all interacted that really mattered.

One of the most important elements is the systema. These networks didn't just resist change; they adapted to new reforms, often finding ways to absorb or redirect them to protect their own interests. For example, laws like the Anti-Oligarch Act and changes to the judiciary were meant to increase transparency and accountability, but systema often found ways to selectively enforce, undermine, or even co-opt these reforms.

External actors, especially the European Union, NATO, and the International Monetary Fund, played a big role by offering incentives for reform through things like financial aid and technical support. However, their impact depended on how willing and able domestic actors were to carry out and sustain these changes. Sometimes, systema would pretend to comply just to get external resources, while real reform only happened when international demands lined up with strong domestic coalitions. This shows that both outside pressure and internal motivation are needed for real transformation.

The presidency acted as a key mediator in this process. When Volodymyr Zelensky was elected, it marked a shift away from traditional patrimonial politics. His administration tried to use executive power to push through reforms that had been blocked for years. But having so much power in one office also brought risks, like politicization and selective enforcement. Whether the presidency

helped or hindered change depended on how it worked with parliament, civil society, and informal networks.

Civil society organizations were also key elements in the structure. They kept up the pressure for transparency and accountability through advocacy, monitoring, and working with international partners. The “sandwich model” described in the thesis was effective in challenging entrenched interests. Still, it was hard to turn bursts of activism into long-term, structural change.

Internal party dynamics, particularly within the Servant of the People party, added another layer of complexity. Even with a parliamentary majority, the party was divided and sometimes influenced by systema-aligned actors. This shows that political parties can either speed up reform or slow it down, depending on their unity and resistance to informal influence.

Finally, the judiciary and law enforcement agencies became key battlegrounds for reform. Efforts to depoliticize offices like the Prosecutor General have faced strong resistance, and their continued use for political purposes remains a major obstacle to genuine institutional change. New bodies such as NABU, SAPO, and HACC were created with the progressive goal of strengthening independence and accountability. However, these agencies illustrate a wider dilemma: while their design aimed to advance real reform, they can also be subverted from within, with their powers redirected toward the opposite purposes, whether by oligarchic networks or by the presidency itself. This reflects a structural risk in institutional reform: successful change requires granting enforcement agencies enough independence and authority to impose serious consequences on corrupt actors, but the greater their autonomy and power, the higher the stakes for those seeking to capture them. For corrupt actors, this offers a major incentive to infiltrate or control these bodies; for the presidency, it creates a temptation to weaponize them against political opponents or even against the reform process itself.

In summary, Ukraine's experience during these years shows that institutional change is a negotiated process, shaped by ongoing struggles and adaptations among formal reforms, informal networks, external pressures, presidential leadership, civil society, and party dynamics.

Real transformation in hybrid regimes like Ukraine requires not just external incentives and new laws, but also breaking down informal power structures, building strong civil society engagement, and maintaining a commitment to democratic principles. This period highlights both the possibilities and the limits of institutional reform when formal and informal systems are so closely connected.

### **Final conclusions**

The years from 2017 to 2022 were a turning point in Ukraine's efforts to reform its institutions. This thesis shows that Ukraine's transformation wasn't driven only by new laws or leadership, but by a mix of domestic efforts, international influence, and long-standing informal power networks.

Zelensky's election challenged the old political system by using public frustration and strong support in parliament. This gave his government the power to avoid usual blockers and push through reforms that were previously stopped by powerful business interests. As the first president not tied to these networks, he opened a rare window for reform. His government has introduced bold changes, including the Anti-Oligarch Act, reforms to the court system, and the opening of the land market, policies that had been blocked for years. These reforms were supported by public opinion and encouraged by international partners who offered financial and political backing.

Despite these advances, the thesis highlights the enduring limitations of reform. The system remains strong and continues to maintain its influence behind the scenes. Divisions within political

parties also make it difficult to break up old networks and achieve lasting change in Ukraine's institutions.

Breaking the energy monopoly has been a critical step toward reducing oligarchic influence and aligning Ukraine with Western governance standards, though vulnerabilities remain.

The research suggests that Ukraine's institutional change is a slow and contested process. While the country has made progress toward European standards, the success of these reforms depends on several key factors: strong civil society, independent anti-corruption institutions, and the ability to resist pressure from powerful business and political interests.

Looking ahead, Ukraine's reform path will depend on protecting the independence of bodies like NABU and the High Anti-Corruption Court. Civil society must continue to monitor government actions and push for honest implementation of reforms. International partners should keep offering support and incentives but also respect Ukraine's right to lead its own reform process.

In conclusion, Ukraine has not yet completed its transition to a fully democratic and accountable system, but the groundwork has been laid. The next challenge is to protect these gains, prevent setbacks, and build institutions that are transparent, fair, and truly serve the public.

Overall, Ukraine's experience offers important lessons about how change happens in countries with mixed democratic and authoritarian traits. It shows that while outside pressure can help start reforms, lasting change must come from within, through strong institutions, public support, and a shared commitment to democracy.

### **Future Scenarios: Reform, Recovery, and European Integration**

The future trajectory of Ukraine remains uncertain, particularly regarding its institutional transformation amid ongoing conflict. The war with Russia has intensified nationalist sentiment

and reinforced Ukraine's strategic objective of European integration. Support from European nations and Western institutions has bolstered Ukraine's resistance, and the country is now more committed than ever to establishing a democratic system that decisively breaks from its Soviet legacy.

The war context constitutes another critical juncture that will heavily influence the Ukrainian institutional landscape. Changes are ongoing and the transformations will be noticeable in the postwar reconstruction stage. The war has fundamentally altered the country's political economy and institutional dynamics. One notable development is the considerable weakening of the first generation of oligarchs, whose economic and political dominance has been challenged both by wartime disruptions and by targeted reforms. At the same time, new actors, particularly those connected to the defense and military industries, are emerging as influential players in Ukraine's evolving power structure.

The transition will introduce new challenges that will create windows of opportunity and at the same time will present risks for institutional reform. One scenario could be the decline of traditional oligarchic networks which might create space for more transparent and accountable governance. However, the rise of new economic elites, especially in sectors benefiting from reconstruction and military contracts, could generate new challenges for anti-corruption efforts and democratic consolidation.

Additionally, the presidency's continuing attempts to assert control over anti-corruption bodies remain a source of concern. Despite strong resistance from civil society and international partners, efforts to undermine the independence of anticorruption agencies persist. The outcome of this struggle will be critical in determining whether Ukraine can sustain the progress achieved during

the study period or whether old patterns of selective enforcement and informal influence will repeat themselves under new conditions.

Taken together, these postwar dynamics underscore the importance of robust institutional safeguards, vigilant civil society engagement, and sustained international support. In the Ukrainian postwar future, the country will face the challenge to ensure that reconstruction and recovery efforts reinforce, rather than undermine, the principles of transparency, accountability, and rule of law that are essential for lasting democratic transformation.

Based on the research and analysis in this thesis, I believe Ukraine will continue to follow a European path. Joining the European Union is possible, but it likely won't happen within the next five years. Ukraine still needs to meet important requirements following the Copenhagen criteria, which include having strong democratic institutions, a working economy, and respect for human rights. While Ukraine has made progress, especially in fighting corruption and reforming its legal system, more work is needed.

By contrast, NATO membership remains a more contentious and distant prospect. Despite NATO's recognition of Russia as a strategic threat, the Alliance continues to acknowledge Russia's military capabilities and geopolitical significance. As with the USSR and the U.S during the Cold War era, particularly the Cuban Missile Crisis, the idea of mutual assured destruction, where both sides know that a war would be devastating, still influences how NATO and Russia interact.

Given these dynamics, NATO is likely to approach Ukraine's potential membership with caution, aware that such a move could further destabilize relations with Russia. The implications of Ukraine joining NATO would be profound, potentially escalating tensions and undermining regional security.

Despite these challenges, Ukraine's efforts to reform its institutions will continue. The country is working to break down old systems of corruption and political favoritism. These reforms will be especially important during the reconstruction phase after the war. International organizations like the EU, IMF, and World Bank are expected to help with funding and guidance, but they will also expect Ukraine to follow certain rules and standards.

Ukraine's civil society, including activists, journalists, and community groups, has played a key role in pushing for change and holding leaders accountable. These groups will be essential in making sure reforms continue and that rebuilding efforts are fair and transparent.

President Volodymyr Zelensky has become a symbol of change. He represents a new kind of leadership that is not based on old political networks. His government has started important legal and constitutional reforms to strengthen democracy and bring Ukraine closer to European standards.

In summary, Ukraine's journey toward European integration and democratic reform is difficult but promising.

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