

Article

Institutionalizing Dissent: Parliamentary Opposition in Ukraine and Comparative Perspective

Andrii Hrubinko¹, Kyrylo Turchynov², Serhii Shylo³, Viacheslav Krykun⁴, Artur Statsenko⁵, Tetiana Voloshanivska⁶

¹Department of theory of law and constitutionalism, West Ukrainian National University, Ukraine; andriy.history1983@gmail.com; ORCID ID: <https://orcid.org/0000-0002-4856-5831>. ²Department of theory of law and constitutionalism, West Ukrainian National University, Ukraine; kyryloturchynov@gmail.com; ORCID ID: <https://orcid.org/0009-0005-8620-8770>. ³Department of Administrative and Legal Disciplines, Educational and Scientific Institute of Law and Psychology, National Academy of Internal Affairs, Kyiv, Ukraine; sh.sergii@gmail.com; ORCID: <https://orcid.org/0009-0000-6521-7807>. ⁴Department of Civil Law Disciplines, Institute of Law and Security, Odessa State University of Internal Affairs, Odesa, Ukraine; Krykunviacheslav@gmail.com; ORCID: <https://orcid.org/0000-0003-1089-555X>. ⁵Brooklyn, New York, United States of America; artur.statsenko@gmail.com; ORCID ID: <https://orcid.org/0000-0002-9804-3572>. ⁶Department of Criminal Law Disciplines at the Institute of Law and Security of the Odessa State University of Internal Affairs, Odessa, Ukraine; t.voloshanivska@gmail.com; ORCID: <https://orcid.org/0000-0002-1060-5412>
Correspondence: **Andrii Hrubinko**, andriy.history1983@gmail.com

Abstract

This article explores the institutional role of parliamentary opposition within the system of legislative power through a comparative analysis of Ukrainian and international experiences. The study highlights the constitutional and legal foundations of opposition activity, emphasizing the importance of opposition as a structural element of democracy and a counterbalance to the ruling majority. Special attention is given to the functional aspects of opposition in legislative processes, particularly in times of political instability or under martial law, as observed in Ukraine. Drawing on examples from established democracies such as the United Kingdom, Germany, France, and Poland, the article identifies institutional mechanisms that ensure the opposition's ability to perform its functions effectively, including oversight, alternative lawmaking, and representation of dissenting views. The Ukrainian context is analyzed through the prism of existing constitutional provisions, parliamentary rules of procedure, and recent practice under conditions of war, revealing persistent institutional weaknesses and normative gaps. The article also engages with recent recommendations of the Venice Commission and PACE Resolution 1601 (2008), proposing improvements to the legal and procedural framework governing the rights and responsibilities of the opposition. Through this analysis, the paper underlines that an empowered, legally protected, and structurally integrated opposition is vital to the resilience and legitimacy of parliamentary democracy, especially in transitional or post-conflict contexts. The findings support a balanced institutional model that affirms both the functionality of parliament and the democratic value of dissent.

Keywords: Opposition, Parliamentary democracy, Ukraine, Comparative constitutional law, Legislative power, Venice Commission

Introduction

The institution of parliamentary opposition is a vital component of modern representative democracy and plays an increasingly significant role in the system of legislative power. While pluralism of opinions and diversity of political platforms are inherent in any democratic society, the formal institutionalization of opposition within parliaments remains uneven across different legal traditions and countries. In stable parliamentary democracies, the opposition serves as a constitutional counterbalance to the ruling majority, ensuring transparency, accountability, and representation of minority interests (Bulmer, 2021; Choudhry, 2020).

Ukraine's political and constitutional evolution since independence in 1991 has revealed persistent gaps in the legal framework regulating parliamentary opposition. Despite attempts to codify its status – particularly during the constitutional reforms of 2004 and the subsequent adoption of the Law on the Rules of Procedure of the Verkhovna Rada – there remains no comprehensive legal act that clearly defines the rights, obligations, and guarantees for the opposition (Zozulya, 2021; Kovalchuk & Sofinska, 2022). This legal uncertainty hinders the effective performance of the opposition's key functions – oversight, critique, and policy alternative formation – especially in times of political turbulence or democratic backsliding.

The need for clearer legal recognition of parliamentary opposition in Ukraine is heightened in the context of European integration and post-war reconstruction. Amid the ongoing transformation of state institutions and the necessity to restore public trust in representative governance, strengthening the institutional foundations of both majority and opposition is a prerequisite for democratic resilience (Pásztor, 2024; Nesterovych, 2020). This research aims to explore the conceptual and institutional role of parliamentary opposition in Ukraine's legislative system, with an emphasis on comparative analysis of European models and international best practices

Literature Review

The academic discussion on the role and legal status of parliamentary opposition in Ukraine has intensified over the last decade, particularly in the context of democratic consolidation and European integration. Ukrainian scholars emphasize that while opposition is a natural element of a pluralistic parliamentary system, its formal institutionalization remains incomplete (Koliukh, 2017). The existing legislation, particularly the Rules of Procedure of the Verkhovna Rada, only fragmentarily regulates opposition activities, without providing clear legal guarantees or mechanisms for its participation in lawmaking processes.

Schebetun and Horupashenko (2021) point out that the lack of a specific law on parliamentary opposition in Ukraine leads to legal uncertainty and undermines the possibility of constructive political competition. This legal lacuna also contributes to fluctuating standards in the treatment of opposition across different parliamentary convocations. Zozulia (2021) has analyzed the consequences of such inconsistency and concluded that without legal guarantees, the opposition cannot effectively fulfill its oversight function.

A comparative legal perspective has been introduced by Kovalchuk and Sofinska (2022), who examine how European states approach the institutionalization of parliamentary opposition. They argue that Ukraine should follow models from countries like Germany or the United Kingdom, where the opposition is not only recognized legally but also supported by procedural and financial safeguards.

Cheretun (2020) expands on this analysis by linking the weak legal status of opposition in Ukraine to broader challenges of the rule of law and democratic governance. The scholar argues that the opposition should be viewed as a legitimate participant in the legislative process, and not merely a political rival to the majority.

These studies create a solid foundation for assessing the institutional design of opposition in Ukraine and serve as reference points for identifying models of legal integration that

enhance parliamentary accountability and resilience. The cited works will be further discussed in subsequent sections of this article when analyzing both the international experience and Ukraine's domestic political-legal developments.

Methodology

This research adopts an interdisciplinary and comparative legal methodology, combining doctrinal legal analysis with elements of political science and institutional theory. The principal objective is to assess the institutional role of parliamentary opposition within the legislative branch through the lens of Ukrainian experience and international models.

The study relies primarily on **qualitative legal research methods**, including:

- A **formal legal analysis**, which is employed to interpret national legal norms (e.g., the Constitution of Ukraine, the Rules of Procedure of the Verkhovna Rada) and international standards (e.g., Council of Europe's Resolution 1601 (2008), Venice Commission opinions). This method allows the identification of legal gaps and the normative status of the parliamentary opposition;
- A **comparative legal method**, which facilitates the examination of parliamentary opposition models in selected European countries, including the United Kingdom, Germany, France, and Poland. This enables the authors to identify best practices and propose models of institutional adaptation for Ukraine.
- A **documentary analysis** of primary sources, such as laws, parliamentary rules, resolutions of international bodies, as well as secondary academic literature from Ukrainian and international scholarship;
- A **contextual interpretation**, which situates the legal norms within the broader socio-political environment, especially in light of Ukraine's ongoing war and European integration efforts. The institutional performance of the opposition under martial law is critically assessed with reference to normative benchmarks; and
- A **synthesis and normative modeling**, through which the authors propose legislative reforms and institutional mechanisms aimed at enhancing the legal status and functional role of parliamentary opposition in Ukraine.

This study is **non-empirical** in nature but grounded in systematic analysis of legal documents, parliamentary practices, and relevant international instruments. The methodology reflects the need to balance legal positivism with normative evaluation, offering both descriptive insights and reform-oriented proposals.

Results and Discussion

The Essence and Functions of the Opposition in the Institutional System

In democratic political systems, the opposition is not merely a counterweight to ruling authorities, but a legally and institutionally embedded mechanism designed to ensure pluralism, balance of power, and accountability. The presence of a structured opposition reflects the maturity of a democracy and the extent to which the principle of the rule of law is embedded in political practice (Koliukh, 2017; Zozulia, 2021). From this standpoint, the

opposition is not an informal adversary of government, but a legitimate actor within the constitutional order.

The etymology of the term “opposition” (from Latin *oppositio*, meaning “contrast” or “resistance”) aligns with its core democratic purpose: to provide an alternative vision of governance. However, for this function to be meaningful, the opposition must be institutionally recognized, procedurally empowered, and protected from political marginalization. In this context, **parliamentary opposition** refers specifically to opposition forces with official representation in the legislature and the capacity to participate in law-making on equal footing with the majority, albeit from a dissenting position (Schebetun & Horupashenko, 2021).

In parliamentary democracies, the opposition performs multiple vital functions. According to Kovalchuk and Sofinska (2022), these functions can be categorized as follows:

- **Control and oversight:** Monitoring the activities of the executive, exposing mismanagement, and holding the government accountable for its policies and use of public resources;
- **Legislative participation:** Initiating alternative bills, amending proposals from the majority, and influencing the parliamentary agenda;
- **Representation:** Expressing the views of voters whose political choices are not reflected in the ruling coalition, thus ensuring political inclusiveness;
- **Informational and communicative role:** Disseminating alternative perspectives and challenging dominant narratives in both the parliament and public discourse; and
- **Government-in-waiting:** Preparing to assume power in the event of electoral victory, thus contributing to democratic rotation and continuity.

These functions are not merely theoretical. They are **institutionally embedded** in many Western democracies. In the **United Kingdom**, for instance, the opposition is officially designated as “Her Majesty’s Most Loyal Opposition” and is entitled to several privileges, including **the right to form a Shadow Cabinet**, access to state funding (“Short Money”), and guaranteed opposition days in Parliament (Norton, 2008). Similarly, in **Germany**, the Basic Law ensures opposition participation in key parliamentary bodies, such as the Budget Committee and the Committee on Internal Affairs, reinforcing their influence over fiscal and security policy (Gunlicks, 2005).

The **Parliamentary Assembly of the Council of Europe (PACE)** has emphasized the legal and institutional importance of the opposition. In **Resolution 1601 (2008)**, PACE called on member states to ensure that the opposition has “adequate rights and resources” and the opportunity to “participate effectively in the legislative process”. The resolution stresses that the role of the opposition is “not only to criticize but also to offer constructive alternatives” (Council of Europe, 2008).

However, the situation in **Ukraine** reflects a more fragmented and underdeveloped approach. Although the Rules of Procedure of the Verkhovna Rada contain limited references to opposition rights, such as guaranteed access to committee leadership roles and

speaking time during plenary sessions, the country lacks a comprehensive **Law on Parliamentary Opposition**. This results in a system where opposition rights are vulnerable to political manipulation and lack enforceability (Cheretun, 2020). Scholars such as Zozulia (2021) and Koliukh (2017) argue that the absence of formal legal guarantees weakens the opposition's institutional position and reduces its capacity to fulfill its democratic functions.

The problem is compounded by Ukraine's unstable party system, characterized by frequent fragmentation, rebranding, and coalition reshuffling. These dynamics often erode party discipline and blur the distinction between government and opposition forces, undermining the institutional clarity required for effective democratic governance (Way, 2015).

Another dimension of the opposition's institutional role concerns its place in **emergency governance**. In times of war, martial law, or national crisis, the temptation to suppress dissent intensifies. Yet even under such circumstances, international legal standards stress the need to uphold basic opposition rights. As noted by Januta (2024), Ukraine's political opposition has faced substantial pressure since the onset of the full-scale Russian invasion, but its continued activity – even if restricted – remains an indicator of the state's democratic resilience.

To strengthen the institutional role of the opposition in Ukraine, several steps are necessary:

- **Adoption of a specific law** regulating the legal status, rights, and guarantees of parliamentary opposition;
- **Introduction of structural safeguards** for opposition participation in key legislative and oversight bodies;
- **Reinforcement of political culture** that treats opposition not as an enemy but as a democratic partner;
- **Learning from comparative legal models**, particularly those in the EU and Council of Europe states, which institutionalize opposition through formal mechanisms.

Such reforms would enhance Ukraine's compliance with European standards of democratic governance and contribute to a more stable and effective legislative system. As opposition parties become more integrated into the institutional framework, they are more likely to function constructively, offering critical feedback without descending into populism or obstructionism (Merkel, 2004).

Ultimately, a **mature opposition is a sign of a mature democracy**. It represents not just a different political choice but a necessary element of checks and balances, an institutional alternative that contributes to continuity, legitimacy, and policy innovation.

Comparative Legal Models of Parliamentary Opposition: International Experience

The institutional role of parliamentary opposition is shaped by diverse constitutional and legal traditions across democratic systems. Yet, despite formal and procedural variation, comparative legal analysis reveals a shared understanding among mature democracies: the opposition is not a marginal or adversarial actor but an integral component of parliamentary democracy. It serves to uphold the pluralistic nature of governance, ensure executive accountability, and contribute to the deliberative quality of law-making. This

section analyzes legal models from selected European countries – namely the United Kingdom, Germany, France, and Poland – highlighting mechanisms that secure the effectiveness of parliamentary opposition and offering insights for institutional adaptation in Ukraine.

The British Model: Loyal Opposition with Institutional Depth

The United Kingdom exemplifies a well-established model of parliamentary opposition that is embedded in centuries of constitutional evolution. The concept of “Her Majesty’s Most Loyal Opposition” underscores the idea that opposition parties are loyal to the state while opposing the sitting government. This balance between dissent and legitimacy is critical to democratic continuity (Norton, 2008).

Although the UK does not codify opposition rights in a single act, its parliamentary system guarantees substantive opposition participation. Key institutional features include:

- **Shadow Cabinet:** The official opposition appoints shadow ministers to scrutinize government policies and propose alternatives;
- **Short Money:** Public funding supports opposition activities, enabling informed policy critique and public communication; and
- **Opposition Days:** Twenty days per parliamentary session are allocated for opposition-led debates in the House of Commons.

These mechanisms empower the opposition not only to monitor but to shape policy discourse. Moreover, the political culture treats opposition as a legitimate government-in-waiting, enhancing democratic stability and institutional trust (UK House of Commons Library, 2022).

Germany: Procedural Equality and Constitutional Foundations

Germany offers another robust model of institutionalized opposition. Although the term “opposition” does not appear explicitly in the Basic Law (*Grundgesetz*), the principle of **equal opportunity among political parties** (*Chancengleichheit*) is a foundational doctrine interpreted by the Federal Constitutional Court. This legal principle ensures that minority factions are granted procedural rights equivalent to those of the majority (BVerfGE 60, 162). Institutionally, the German Bundestag ensures:

- **Opposition representation in key committees**, such as Budget, Internal Affairs, and Oversight;
- **Legislative initiative and interpellation rights**; and
- **Access to confidential information** via the Parliamentary Oversight Panel (PKGr).

The German model emphasizes legal enforceability and judicial review. Courts serve as guardians of opposition rights, ensuring that parliamentary procedures do not marginalize dissenting voices (Gunlicks, 2005; Decker, 2016). This reinforces the concept of **procedural parity**, essential for legitimacy in a multi-party democracy.

France: Presidential Dominance with Incremental Opposition Rights

France's semi-presidential system under the Fifth Republic exhibits a weaker formalization of opposition roles. Executive dominance, especially in periods of cohabitation, limits parliamentary maneuverability. However, constitutional reforms in 2008 aimed to strengthen opposition rights (Assemblée nationale, 2023).

Key provisions include:

- **Reserved committee chairmanships** for opposition MPs;
- **Right of legislative referral**: 60 deputies or senators may refer a law to the Constitutional Council before promulgation; and
- **Designated opposition speaking time** during questions and debates.

While these reforms marked progress, the French system remains tilted in favor of executive initiative. Scholars argue that France lacks a political culture that views opposition as a co-legitimate institution, often reducing it to a reactive role (Bellamy & Castiglione, 2013).

Poland: Legal Recognition amid Political Volatility

Poland offers a mixed example of formal recognition and practical challenges. The opposition is legally entitled to certain institutional prerogatives. For instance:

- The **leadership of the Public Finance Committee** is reserved for the opposition;
- **Procedural rights** for introducing legislation and amendments are constitutionally guaranteed; and
- **State funding** supports party activities, including opposition research.

Yet, political polarization and majoritarian governance practices undermine these guarantees. Reports by the OSCE ODIHR (2020) note that legislative procedures often exclude minority parties, and media access is uneven. These dynamics illustrate the gap between formal rights and effective influence – a phenomenon also observed in transitional democracies like Ukraine.

Synthesis of Models: Institutional Guarantees and Political Culture

Comparative analysis reveals two critical dimensions shaping opposition efficacy:

1. Legal-institutional guarantees: Where opposition rights are codified in law, protected by courts, and supported by procedural mechanisms (e.g., in Germany and the UK), opposition tends to function as a constructive participant in governance.

2. Political culture and tradition: Even with legal rights, opposition may be marginalized in systems lacking a culture of democratic pluralism (e.g., France and Poland). Political will, mutual recognition among parties, and democratic maturity remain decisive.

Institutional guarantees alone do not suffice. As Merkel (2004) argues, “embedded democracies” require both legal scaffolding and normative commitment to pluralism. In this respect, Ukraine faces a dual challenge: institutional design and cultural adaptation.

International Standards and Normative Benchmarks

The Council of Europe has codified best practices in its **Resolution 1601 (2008)**, emphasizing that opposition parties must be granted rights to “**participate effectively in the legislative process, express dissenting opinions, and offer alternative policies**”. These guidelines advocate: **access to parliamentary procedures, media pluralism and opposition visibility, institutional parity in key parliamentary functions** (Council of Europe, 2008).

In addition, the **Venice Commission’s 2010 report** underscores that the opposition must be viewed not as an obstructionist force but as a constitutional counterbalance, necessary for democratic legitimacy (Venice Commission, 2010).

These documents set a normative benchmark against which national systems – especially aspiring EU members – are increasingly evaluated.

Relevance for Ukraine

Ukraine currently lacks a specialized law on parliamentary opposition, relying instead on the general Rules of Procedure of the Verkhovna Rada. While some tools exist – such as speaking rights and limited committee representation – the absence of statutory protection makes these rights vulnerable to erosion.

Drawing from European models, Ukraine could:

- **Enact a Law on Parliamentary Opposition** outlining rights, functions, and procedural guarantees;
- **Institutionalize opposition committee leadership**, especially in oversight and budgetary bodies;
- **Introduce structured “opposition days”**, modeled on the UK example; and
- **Ensure judicial recourse** for procedural violations against minority factions.

Adopting such reforms would align Ukraine with European democratic standards, reinforce the principle of pluralism, and enhance legislative quality. In the context of post-war reconstruction and institutional modernization, this reform could also contribute to broader democratic resilience.

Development of Parliamentary Opposition in Ukraine: Trends and Challenges

The development of parliamentary opposition in Ukraine is both a reflection of its evolving political system and a test of its democratic resilience. Since gaining independence in 1991, Ukraine has gradually transitioned from a dominant-party system toward a more pluralistic, albeit unstable, model of parliamentary democracy. The institutional status, rights, and effectiveness of the parliamentary opposition have varied across political cycles, constitutional amendments, and external shocks – including revolutions, geopolitical tensions, and the ongoing Russian aggression. This section explores the legal, political, and

institutional evolution of the parliamentary opposition in Ukraine, identifying systemic weaknesses and highlighting reform priorities in the light of international standards.

Early Institutionalization (1990s–2004)

In the early 1990s, Ukraine's political system was marked by an undefined relationship between the executive and legislative branches. The Parliament (Verkhovna Rada) operated without formal recognition of opposition factions. During this period, the notion of parliamentary opposition remained a political rather than legal category. Despite the absence of a legal framework, opposition parties such as the People's Movement of Ukraine (Rukh) played an essential role in shaping public discourse and resisting authoritarian tendencies.

The 1996 Constitution of Ukraine did not explicitly mention the institution of parliamentary opposition. However, it laid the groundwork for party pluralism and legislative autonomy (Constitution of Ukraine, 1996, Art. 5, 6, 15). The lack of formal recognition reflected both the nascent state of Ukraine's political institutions and a residual skepticism toward organized opposition, shaped by the legacy of Soviet one-party governance.

The Orange Revolution and Post-2004 Advancements

The 2004 constitutional amendments – adopted in the wake of the Orange Revolution – shifted Ukraine to a parliamentary-presidential model. These reforms enhanced the role of political parties in forming coalition governments and paved the way for more structured parliamentary opposition. Still, no comprehensive legal act regulated its status.

The Rules of Procedure of the Verkhovna Rada, adopted in 2010 as Law No. 1861-VI, provided a basic procedural framework. It granted opposition factions the right to initiate plenary debates, participate in parliamentary committees, and form alternative legislative proposals (Verkhovna Rada of Ukraine, 2010). However, the Rules of Procedure treat opposition rights as secondary to coalition prerogatives, and many key decisions remain in the hands of the majority leadership.

Despite political pluralism, opposition parties often encountered informal restrictions, including denial of speaking time, disproportionate committee representation, and targeted administrative pressure – especially during the presidency of Viktor Yanukovich (2010–2014). During this period, opposition leaders such as Yulia Tymoshenko were subjected to politically motivated prosecutions, which international organizations, including the European Court of Human Rights, recognized as violating democratic standards (European Court of Human Rights, 2013, *Tymoshenko v. Ukraine*, No. 49872/11).

After Euromaidan: Political Transformation without Legal Codification

The 2014 Revolution of Dignity marked a significant turning point in Ukraine's democratic development. The new government pledged alignment with European standards, and public discourse increasingly emphasized the need for transparent, competitive, and accountable governance. However, despite these rhetorical commitments, a comprehensive law on the parliamentary opposition has not been adopted to date.

The current Rules of Procedure of the Verkhovna Rada offer several mechanisms for minority participation, including:

- The right to form opposition factions and issue interpellations;
- Access to the Conciliation Board;
- Inclusion in parliamentary committees, albeit often without equitable access to leadership roles; and
- The right to initiate draft legislation.

Nevertheless, these instruments remain insufficient to ensure meaningful opposition influence in practice. As noted by Nesterovych (2020), the Ukrainian model lacks clearly defined legal guarantees for opposition activities, leaving the parliamentary minority vulnerable to manipulation by the ruling majority. Similarly, Koliukh (2017) emphasizes that Ukrainian parliamentary culture continues to be dominated by majoritarian practices, which often undermine the formal rights of opposition actors.

Furthermore, opposition representation in national media – particularly in publicly funded outlets – remains inconsistent and fragmented. This lack of visibility diminishes the role of the opposition as a vehicle for alternative policy discourse and weakens pluralistic democratic deliberation (Kovalchuk & Sofinska, 2022).

Opposition under Martial Law: Restrictions and Risks

Russia's full-scale invasion of Ukraine in 2022 prompted the imposition of martial law, under which certain democratic rights may be temporarily restricted. The Verkhovna Rada has continued to function during the war, but its operations have been reshaped by the national emergency.

While political unity is necessary in wartime, experts and civil society groups have warned against the marginalization of opposition voices under the pretext of national security. The Venice Commission (2022) emphasized that “Even in times of emergency, democratic oversight and pluralism must be preserved to the extent possible” (paragraph 58).

Some problematic trends have emerged:

- De facto sidelining of minority factions from decision-making processes;
- Reduced access to committee leadership for opposition deputies; and
- Limited parliamentary debates on executive initiatives related to security and defense.

Such practices, even if well-intentioned, risk eroding institutional trust and democratic resilience in the long run.

Systemic Gaps and the Need for Legislative Reform

One of the fundamental challenges is the absence of a dedicated Law on Parliamentary Opposition in Ukraine. As Kovalchuk and Sofinska (2022) argue, “The opposition's role

remains undefined in statutory terms, leading to inconsistencies in implementation and lack of judicial protection”.

Key systemic issues include:

- 1. Legal ambiguity:** The Rules of Procedure are subordinate legislation and may be altered by a simple majority, making opposition rights vulnerable to political shifts.
- 2. Asymmetry of power:** The majority coalition dominates the legislative agenda, and opposition input is often disregarded.
- 3. Lack of institutional guarantees:** There is no provision for opposition-led committees or structured opposition days.

These gaps weaken the checks-and-balances system and contradict Ukraine’s declared intention to approximate EU democratic standards.

Reform Pathways and International Benchmarks

To address these shortcomings, several reforms can be proposed:

- **Adoption of a Law on Parliamentary Opposition**, defining its legal status, rights, and responsibilities;
- **Mandatory opposition leadership of key oversight committees** (e.g., Budget, Anti-Corruption);
- **Guarantee of equal media access** for opposition factions in public broadcasting;
- **Institutionalization of “opposition days”** in the plenary calendar; and
- **Legal remedies** in cases of procedural violations against minority factions.

These measures are aligned with the Council of Europe’s Resolution 1601 (2008), which sets standards for the rights and responsibilities of opposition in democratic parliaments. Moreover, comparative experience – especially from Germany and the United Kingdom – suggests that codifying opposition rights enhances institutional legitimacy, reduces political polarization, and improves legislative quality.

Conclusions

This study has explored the institutional role of parliamentary opposition within the legislative branch, with a particular focus on Ukraine and relevant international models. Parliamentary opposition, while often underestimated in transitional democracies, is an essential component of a functioning pluralist system. Its presence ensures a balance of power, contributes to legislative scrutiny, and provides citizens with credible alternatives to the ruling majority.

The analysis has demonstrated that across mature democracies – such as the United Kingdom, Germany, France, and Poland – parliamentary opposition is not only tolerated but structurally integrated into the legislative process. These systems recognize opposition as a legitimate democratic actor, capable of influencing debates, shaping policy alternatives,

and performing oversight functions. Mechanisms such as opposition-led committees, institutionalized “opposition days”, public financing, and judicial guarantees help ensure the effectiveness and visibility of minority factions.

In contrast, Ukraine’s legal framework for parliamentary opposition remains underdeveloped. Although the Rules of Procedure of the Verkhovna Rada provide some procedural instruments, they lack the binding force and specificity required to ensure institutional parity. Furthermore, the absence of a dedicated Law on Parliamentary Opposition means that rights can be altered or revoked by simple majority votes, thus weakening democratic checks and balances.

The political and institutional marginalization of opposition factions – especially during periods of political polarization or under martial law – undermines both the legitimacy of the legislative process and the quality of governance. While temporary unity may be necessary in times of national crisis, democratic pluralism must not be sacrificed. On the contrary, war and reconstruction present a unique opportunity to strengthen institutional safeguards and deepen political culture.

Based on this study, several recommendations emerge:

- 1. Adopt a Law on Parliamentary Opposition**, clearly defining its legal status, rights, and responsibilities. This law should outline the opposition’s role in legislative, budgetary, and oversight functions.
- 2. Guarantee opposition leadership of key parliamentary committees**, especially those related to transparency, budget control, and anti-corruption efforts. Such a practice would align Ukraine with European democratic standards and improve the quality of public policy.
- 3. Introduce mandatory “opposition days”** in the legislative calendar, giving opposition factions the right to set agendas and initiate debates on pressing public issues.
- 4. Ensure proportional representation in media and official communication**, particularly on state-funded platforms, to amplify the voice of dissent and alternative policies.
- 5. Create judicial mechanisms to protect opposition rights**, allowing minority factions to contest procedural violations and ensure recourse through constitutional or administrative justice.

From a theoretical standpoint, this research underscores the importance of viewing parliamentary opposition not merely as a political competitor but as an institutional necessity. The effective opposition enhances deliberative democracy, reduces authoritarian tendencies, and fosters a more balanced legislative process.

For Ukraine, strengthening the institutional status of parliamentary opposition is not only a domestic democratic imperative but also a prerequisite for deeper integration into the European legal and political community. The Council of Europe, the Venice Commission, and various EU institutions emphasize the role of opposition as a safeguard of democratic governance. Aligning Ukraine’s legislative system with these standards would improve transparency, accountability, and the resilience of democratic institutions.

In conclusion, the institutionalization of parliamentary opposition is not a matter of political convenience but of constitutional necessity. As Ukraine navigates a complex period of war, reform, and European integration, building a legal architecture that protects dissent, fosters dialogue, and institutionalizes pluralism will be key to democratic consolidation. Strengthening parliamentary opposition is not an act of division but a commitment to democratic maturity and constitutional balance.

References

- Assemblée nationale. (2023). *Les droits de l'opposition parlementaire*. Retrieved July 9, 2025, from <https://www2.assemblee-nationale.fr/decouvrir-l-assemblee/le-fonctionnement-du-parlement/les-droits-de-l-opposition-parlementaire>
- Bellamy, R., & Castiglione, D. (2013). *Democracy in the European Union: Theory, practice and reform*. Routledge.
- Bulmer, E. (2021). *Opposition and legislative minorities: Constitutional roles, rights and recognition* (Constitution-Building Primer No. 22). International IDEA. <https://doi.org/10.31752/idea.2021.67>
- Cheretun, D. (2020, July 22). *Interpellation: What is proposed to be introduced in Ukraine?* Laboratory of Legislative Initiatives. Retrieved December 16, 2024, from <https://parlament.org.ua/analytics/interpelyacziya-shho-proponuyut-zaprovadyty-v-ukrayini/>
- Choudhry, S. (2020, September). *Opposition rights in parliamentary democracies* (Draft manuscript, pp. 1–40). NYU School of Law. Retrieved December 19, 2024, from https://www.law.nyu.edu/sites/default/files/Opposition%20Rights%20in%20Parliamentary%20Democracies%20Sept%202020%20draft_0.pdf
- Decker, F. (2016). The German Bundestag: A working parliament. *The Journal of Legislative Studies*, 22(2), 169–186. <https://doi.org/10.1080/13572334.2016.1156666>
- European Court of Human Rights. (2013). *Tymoshenko v. Ukraine* (Application No. 49872/11, Judgment of April 30, 2013). Retrieved July 9, 2025, from <https://hudoc.echr.coe.int>
- Federal Constitutional Court of Germany. (1982). *BVerfGE 60, 162 – Parliamentary minority rights* [Judgment of October 23, 1982]. Karlsruhe.
- Gunlicks, A. B. (2005). *The Länder and German federalism*. Manchester University Press.
- Januta, A. (2024, June 26). *Explainer: Does Ukraine have political opposition?* The Kyiv Independent. <https://kyivindependent.com/explainer-how-ukraines-political-opposition-has-responded-to-more-than-2-years-of-full-scale-invasion-and-martial-law/>
- Koliukh, V. (2017). Institutionalization of the parliamentary opposition in Ukraine. *Scientific Bulletin of Kherson State University. Series: Legal Sciences*, 1(1), 65–68.
- Kovalchuk, V., & Sofinska, I. (2022). Parliamentary opposition and democratic transformation issues – Central and Eastern Europe in focus. *Studia Iuridica Lublinensia*, 31(5), 219–231. <https://doi.org/10.17951/sil.2022.31.5.219-231>
- Merkel, W. (2004). Embedded and defective democracies. *Democratization*, 11(5), 33–58. <https://doi.org/10.1080/13510340412331304598>
- Nesterovych, V. F. (2020). Constitutional status of the opposition and types of its participation in elections. *Scientific Bulletin of the National Academy of Internal Affairs*, 2(115), 75–85. <https://doi.org/10.33270/01201152.75>
- Norton, P. (2008). *Parliament in British Politics* (2nd ed.). Palgrave Macmillan.

- OSCE Office for Democratic Institutions and Human Rights (ODIHR).** (2020). *Republic of Poland: Parliamentary elections, 13 October 2019: Final report*.
<https://www.osce.org/files/f/documents/e/f/449491.pdf>
- Parliamentary Assembly of the Council of Europe.** (2008). *Resolution 1601 (2008): Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament*. Council of Europe. Retrieved December 23, 2024, from
<https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17626&lang=en>
- Pásztor, B. (2024). *Institutionalization of rights and responsibilities of the opposition in parliament – A comparative European perspective*. **Pravo – Teorija i Praksa**, 41(2), 23–37.
<https://doi.org/10.5937/ptp2402023P>
- Schebetun, I. S., & Horupashenko, V. I. (2021). Problems of legal regulation of the parliamentary opposition in Ukraine. *Legal Novels*, (14), 5–11.
<https://doi.org/10.32782/ln.2021.14.01>
- UK House of Commons Library.** (2022). *The Official Opposition* (Research Briefing No. SN03950).
<https://researchbriefings.files.parliament.uk/documents/SN03950/SN03950.pdf>
- Venice Commission. (2010). *Report on the role of the opposition in a democratic Parliament* (CDL-AD(2010)025). Council of Europe.
[https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2010\)025-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2010)025-e)
- Venice Commission. (2022). *Urgent Opinion on the legal framework in Ukraine under martial law* (CDL-PI(2022)019). Council of Europe.
[https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2022\)019-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2022)019-e)
- Verkhovna Rada of Ukraine.** (1996). *Constitution of Ukraine* (adopted on June 28, 1996, with subsequent amendments). Retrieved July 9, 2025, from
<https://zakon.rada.gov.ua/laws/show/254к/96-бп#Text>
- Verkhovna Rada of Ukraine. (2010). *On the Rules of Procedure of the Verkhovna Rada of Ukraine: Law of Ukraine No. 1861-VI of February 10, 2010*.
<https://zakon.rada.gov.ua/laws/show/1861-17#Text>
- Way, L. (2015). *Pluralism by default: Weak autocrats and the rise of competitive politics*. Johns Hopkins University Press.
- Zozulya, O. I. (2021). Current state and problems of the legal status of the parliamentary opposition in Ukraine. *Analytical and Comparative Jurisprudence*, (2), 21–27.
<https://doi.org/10.24144/2788-6018.2021.02.4>