

Ganna Malkina

*Doctor of Political Sciences, Professor of the Department of Political Science
Taras Shevchenko National University of Kyiv (Kyiv, Ukraine)
<https://orcid.org/0000-0002-2307-4702>
e-mail: g.m.malkina@knu.ua*

Ihor Petrenko

*Doctor of Political Sciences, Professor of the Department of Political Science
Taras Shevchenko National University of Kyiv (Kyiv, Ukraine)
<https://orcid.org/0000-0003-3328-4102>
e-mail: i.petrenko.knu@gmail.com*

**THE SECURITY AND FREEDOM DILEMMA: UKRAINE'S
DEMOCRATIC PATH THROUGH WAR AND THE
CHALLENGES OF CONSOLIDATION**

Abstract

The article examines the evolution of Ukrainian democracy under wartime conditions and the challenges facing its consolidation. The authors find out the specifics of Ukraine's democratic transition since 1991, emphasizing its divergence from classical post-socialist scenarios and its dependence on the European integration vector. The concepts of electoral and liberal democracy are reviewed, with a focus on the fact that Ukraine, despite a developed electoral environment, has not yet achieved a fully liberal model. The state of democracy is assessed using Freedom House data, and the index's methodology is criticized for insufficient consideration of national context and external threats. Particular attention is given to the impact of martial law on the implementation of constitutional rights and freedoms, which generates the "freedom vs. security" dilemma. The article analyzes the four levels of democratic consolidation proposed by F. Fukuyama – ideology, institutions, civil society, and culture – and outlines the strengths and weaknesses of the Ukrainian experience. It highlights the phenomenon of civil society developing ahead of the state's institutional design. The paper identifies post-war risks, including the danger of hybrid political regimes, and proposes directions for strengthening

democracy: balancing freedom and security, institutional improvement, and meritocratic recruitment of the political elite. Combining theoretical analysis with practical recommendations, the study outlines an optimistic scenario for Ukraine's democratic development after victory.

Keywords: democracy; democratic consolidation; martial law; freedom; security; civil society; institutional capacity; democratic institutions.

Introduction

Since the proclamation of independence in 1991, Ukraine has embarked on a complex and often turbulent trajectory toward democracy. Unlike the relatively linear democratic transitions experienced by Poland, the Czech Republic, Slovakia, or the Baltic states, Ukraine's path has been characterized by an ongoing struggle to establish and safeguard democratic values in the face of persistent internal challenges and, above all, external pressures. The process of democratization has been intrinsically linked to the European integration vector of development – initially implicit during the presidency of Leonid Kuchma, and later institutionalized through its enshrinement in the Constitution of Ukraine. The “waves” of Ukrainian democratization have been marked by the Orange Revolution and the Revolution of Dignity, while the Russian Federation's backlash against these democratic advances has manifested in the annexation of Crimea, military aggression in the Donbas, and, subsequently, a full-scale invasion. At this juncture, it is essential to pause and critically assess the progress achieved along this path, as well as to consider the prospects and challenges that democracy in Ukraine will face in the years ahead.

In assessing the achievements and setbacks of Ukraine's democratic transition, it is customary to refer to the Freedom House Index. According to the 2019 results, Freedom House rated the level of democratic development in Ukraine at 3.39 out of 7 points, placing the country 16th among 29 post-socialist states evaluated within the Nations in Transit 2020 study [1]. By 2021, this score had slightly declined to 3.36, primarily due to a decrease in the judiciary's rating. These figures, in themselves, are not critical – unless compared with the data from 2005, when Ukraine's score stood at 4.5. Does such a comparison imply that between 2005 and 2021 Ukraine was moving in a direction opposite to that of democracy?

It should be emphasized at the outset that there is no reason for undue alarm. The Freedom House Index has been criticized for “overloading” the concept of democracy with numerous characteristics that, while related to democracy, in fact belong to the domains of political liberalism, social justice, and security, and therefore should not be conflated with the defining features of democracy as a political process. This distinction is of crucial importance. Democracy concerns the accountability of government to its citizens, whereas

liberalism entails minimizing the degree of state arbitrariness and interference in individual lives, regardless of how accountable the government may be to the public. The methodology of the Index has also been subject to scrutiny. For example, experts from the VoxUkraine analytical platform advise treating Freedom House's conclusions regarding Ukraine with caution, citing the lack of transparency in the assessment process – namely, the absence of clearly defined and exhaustive rules, standards, and benchmarks to guide evaluation. This results in the subjectivity of expert judgments, the universalization of assessments without accounting for national contexts or external threats, and the disregard of a country's temporal dynamics when evaluating its components [2]. Nevertheless, even with such methodological reservations, indices of this kind remain important indicators of the overall trajectory and international perception of democratic processes in Ukraine. They shape not only the academic but also the political framework for debates on the state of freedom, the rule of law, and the quality of institutions. For this reason, any analysis of Ukraine's democratic path under wartime conditions must be grounded both in empirical data and in a nuanced understanding of the country's internal socio-political processes and their interaction with security challenges. The subsequent discussion in this article combines these approaches in order to identify the key risks and opportunities for democratic consolidation in Ukraine.

Research Methods

The methodological framework of this study combines general scientific approaches with specialized political science methods of analysis. The historical-political method was employed to reconstruct the stages of formation and transformation of Ukrainian democracy from 1991 to the present, taking into account the influence of both internal and external factors. The comparative method was applied to juxtapose Ukraine's democratic transition with the experiences of other post-socialist states, as well as to analyze the concepts of electoral and liberal democracy within global political science discourse.

Institutional analysis was used to assess the state and effectiveness of key democratic institutions: the system of public administration, the electoral process, the judiciary, and local self-government. A structural-functional approach was adopted to identify the roles and interactions of the ideological, institutional, civil society, and cultural dimensions in the process of democratic consolidation, following the framework proposed by F. Fukuyama.

The empirical basis of the research comprises statistical data and analytical reports from both international and national organizations, including Freedom House, as well as legal acts of Ukraine regulating the state of martial law. Content analysis of scholarly publications, official documents, and public statements by political leaders made it possible to identify discursive features of

the contemporary understanding of the “freedom vs. security” dilemma within the Ukrainian political context.

Research Results

Turning to the theory of democracy, it can be stated that over the course of millennia — from the era of Athenian democracy to the present day, during which democracy has been debated, supported, attacked, ignored, affirmed, implemented, dismantled, and, at times, restored — no consensus has been reached regarding certain fundamental questions about its essence. In general terms, all approaches to defining democracy can be divided into minimalist ones (electoral democracy) and maximalist ones (liberal democracy). “We use the term ‘electoral democracy’ to refer to where relatively free and fair elections are held (where opposition parties stand some chance of winning government) but the institutions of a liberal society (like freedom of the press) are not in place” [3]. Despite all aspirations, Ukraine’s political regime cannot yet be classified as a liberal democracy with well-developed and firmly protected rights and freedoms. However, Ukraine can fully claim the status of an electoral democracy. Electoral democracy is a political system in which, first, the government is accountable to its citizens, and second, such accountability is exercised through free, fair, and competitive elections [4, p. 81]. As Stanford University Professor Larry Diamond asserts, one of the hallmarks of democracy is an electoral process in which “the results are not predetermined, there is a high level of opposition voting, and there is a real possibility for periodic alternation of ruling parties, while no group that abides by the constitution and the law is denied the right to form its own party and participate in the electoral process” [5, p.24].

An analysis of the electoral process and election outcomes in Ukraine since 2015, that is, in the period following the Revolution of Dignity, demonstrates compliance with the aforementioned criteria. First, the results of the parliamentary elections were not predetermined — neither in 2014 (recall the “intrigue” surrounding the competition between the Petro Poroshenko Bloc and the People’s Front in the nationwide constituency) nor, even more so, in 2019, when the newly established Servant of the People party won an unprecedented number of seats, forming a single-party majority in the Verkhovna Rada. Second, there was a significant share of votes cast for openly pro-Russian parties, despite the annexation of Crimea and the war initiated by the Russian Federation in the Donbas. In the 2014 parliamentary elections, the Opposition Bloc received 9.4% of the vote, while in 2019 — following rebranding — the Opposition Platform — For Life became the second-largest faction in the Ukrainian parliament, securing 13.5% of the vote. This fact also serves as an illustration of another point made by Larry Diamond: that “no group which abides by the constitution and the law is denied the right to form its own party and participate in the electoral process” [5, p.24].

The last of these indicators of electoral democracy, however, had a reverse side. Without venturing into forecasts about how the 2014 and 2019 parliamentary elections might have unfolded had they been less democratic — if pro-Russian parties had been banned or excluded from participation — it must be acknowledged that Ukraine has since entered a phase of full-scale war, accompanied by the introduction of the legal regime of martial law. The most favorable conditions for the development of democracy exist in peacetime; war constitutes a legitimate basis for the curtailment of democratic reforms. Today, democracy in Ukraine is effectively “on pause.” Presidential Decree No. 64/2022 On the Introduction of Martial Law in Ukraine provides, among other measures, for the restriction of constitutional rights and freedoms in political, economic, and social spheres. From the perspective of Ukraine’s political regime as an electoral democracy, the following rights are particularly affected: the right to freedom of thought and speech, and to the free expression of one’s views and beliefs (Article 34); the right to participate in the management of state affairs, in national and local referendums, and to freely elect and be elected to bodies of state power and local self-government (Article 38); and the right to peaceful assembly without weapons, including meetings, rallies, marches, and demonstrations, upon prior notification of executive or local self-government bodies (Article 39). On the one hand, the Decree stipulates that these rights “may be restricted” rather than being automatically curtailed. On the other hand, the provisions of the Law of Ukraine on the Legal Regime of Martial Law can be invoked to suppress constructive criticism of the government, to minimize the accountability of state authorities to citizens (one may recall the scandal in the Ministry of Defense concerning army procurement), and — most importantly — to suspend the transfer of power, which is a necessary condition of democracy. This constitutes the essence of the “freedom versus security” dilemma: in peacetime, freedom and security are not seen as mutually exclusive but rather as mutually reinforcing, whereas in wartime, priority is inevitably given to the latter. No democratic country has legislation on martial law that permits the holding of elections, referendums, or mass protests during such a period. “The problem of freedom and security during wartime arises in an extremely acute form: a nation experiencing war has the right to establish its own criteria for choosing between these values” [6, p. 223].

What form will democracy in Ukraine take after the war? Is a “slow death” of democracy possible as a result of the inertia of legislative restrictions introduced under the legal regime of martial law, whereby temporary limitations on rights and freedoms are transformed into permanent features of the political system? Could hybrid political regimes emerge — those described by Philippe Schmitter and Guillermo O’Donnell through the neologisms *dictablanda* (liberalization without democratization) and *democratadura* (democratization without liberalization)? The former refers to a situation in which the government

permits certain manifestations of political competition and civic activity while retaining control over key institutions and preventing genuine alternation of elites. The latter denotes a system in which elections are held and democratic procedures are formally observed, yet accompanying civil liberties remain restricted and the political arena is significantly narrowed. The experience of Latin American countries, Southern Europe, and certain post-Soviet states demonstrates that such models frequently arise in the aftermath of states of emergency or armed conflicts. For Ukraine, this scenario could pose a serious danger if security-related arguments are used to justify the preservation of excessive political control even after victory is achieved [7].

At the same time, this prospect should not be regarded as inevitable. Ukrainian society possesses a substantial reserve of democratic resilience, demonstrated through mass protests, a vibrant volunteer movement, and a high level of self-organization. Therefore, alongside pessimistic forecasts, it is worth considering an alternative — an optimistic — scenario grounded in the predominance of the cultural factor: the entrenchment of democratic values at the level of national identity, where freedom and dignity become not merely political slogans but everyday social norms, making any rollback toward authoritarianism virtually impossible.

In his article *Democracy's Future: The Primacy of Culture*, Francis Fukuyama notes that “there are four levels at which democratic consolidation must take place: ideology, institutions, civil society, and culture” [8, p. 8]. Democratic change at the ideological level — that is, the level of normative convictions regarding the legitimacy or illegitimacy of democratic values and ideals — occurred in Ukraine in the late 1980s, culminating in the results of the All-Ukrainian Referendum on Independence held on December 1, 1991, in which 90.32% of citizens voted in favor, with a turnout of 84.18%. Ukraine's first president, Leonid Kravchuk, described the December referendum as one of the pivotal events in the “funeral of the empire” [9].

Changes at the institutional level are still ongoing. For young democracies, an optimal institutional design — including the form of government, the state structure, the electoral system, and the judiciary — is a necessary precondition for survival. In Ukraine, the type of republican form of government has been altered several times; the electoral system has been subject to ongoing reformist experimentation; and judicial reform has become a process without a clear beginning or end. Referring back to the Freedom House Index, from the start of monitoring Ukraine's democratic transition in 2005 until 2021 (the most recent data available), the score for “national democratic governance” declined by half — from 5.0 to 2.5; local democratic governance dropped from 5.25 to 3.5; and the rule of law and judicial independence fell from 5.75 to 2.25, despite improvements in the corruption rating, which rose from 5.75 to 2.25. These

disappointing results can be partly explained by the vagueness of the evaluation criteria, as discussed earlier, and partly by the emergence of non-government-controlled territories and the onset of hostilities in eastern Ukraine. Nevertheless, the institutional capacity of state authorities remains a matter of serious concern for both international observers and Ukrainian experts.

The third level is that of civil society. On this point, Francis Fukuyama observes: “This is the realm of spontaneously created social structures, separate from the state, which underlie democratic political institutions. These structures develop even more slowly than political institutions. They are less susceptible to manipulation by state policy and often exist in an inverse relationship to state power, strengthening as the state retreats, and vice versa” [8, p. 8]. It should be emphasized that civil society is not simply a society composed of citizens of a given country; rather, it is a society at a certain stage of development, capable of resisting state arbitrariness in defense of its rights and freedoms. The distinctive feature of Ukraine’s democratic trajectory lies in the fact that civil society emerged earlier than effective democratic institutions. In quantitative terms, this is reflected in Freedom House scores: from 3.0 in 2005 to 5.0 in 2021. In practical terms, it is evidenced by the Orange Revolution (2004) and the Revolution of Dignity (2014). The Ukrainian people’s capacity for self-organization has also been manifested in the unprecedented volunteer movement that arose with the onset of hostilities in the Donbas, in which civil society did not confront the state but rather “offered it a shoulder,” laying the foundations for a partnership-based relationship.

The cultural level constitutes the final stage at which democratic consolidation is achieved. The entrenchment of democratic values within the realm of culture — transforming them into what Fukuyama terms an “irrational ethical habit” — renders the dismantling of democracy nearly impossible. “Just as democratic institutions rest on a healthy civil society, so civil society, in turn, has its antecedents and preconditions at the cultural level,” writes Fukuyama [8, p. 9]. Ukraine’s current struggle for freedom is, at the same time, a struggle for democracy, for freedom is both a prerequisite and a fundamental value of democracy. In fighting for freedom, Ukrainians have demonstrated unity and steadfastness. This serves as evidence that democratic values — at least the foundational ones — have become embedded at the cultural level, which constitutes a fundamental determinant of political processes and a safeguard against potential usurpation of power.

This represents the optimistic scenario. In the stage of Ukraine’s post-war reconstruction, preserving democracy and ensuring its further consolidation will require addressing a number of critical challenges.

First, it will be essential to find an optimal balance between democratic freedoms and national security. In this search, Ukraine may draw on the

experience of the Federal Republic of Germany and its constitutional doctrine of the “militant” or “well-fortified democracy” (*Streitbare Demokratie*). According to this doctrine, the Federal Constitutional Court safeguards the free democratic basic order (*fdGO*), which cannot be abolished through legal procedures or by a majority vote. Preventive measures may be taken against anti-constitutional individuals and groups (parties, associations, and organizations) before they can act against the democratic basic order. The theoretical foundations of the concept of “militant democracy” were laid by Karl Loewenstein and Karl Mannheim, both of whom lived in exile during the period of National Socialism. In 1937, drawing on his experience of National Socialism, Loewenstein developed the model of “militant democracy” [10]. Mannheim’s reflections on “planned democracy” were based primarily on his work in the field of ideological critique and his analysis of the crises of contemporary mass democracy [11].

Second, it will be necessary to address the gap between the near-complete democratization of society and the partially limited democratization of the system of public governance. The most pressing task is to strengthen efforts to establish effective democratic institutions, which remain the weakest component of Ukrainian democracy. There is no ready-made formula here, as this requires a comprehensive set of measures — from eliminating the dualism of executive power, in which the head of state *de jure* does not lead it but *de facto* exercises control outside parliamentary and public oversight, to implementing a meaningful judicial reform that would finally bring the judiciary closer to the status of a neutral arbiter rather than a mere extension of the executive branch.

Third, meritocracy should become the fundamental principle for recruiting the political elite at all levels. The Ukrainian people have passed the test of political maturity. More than three decades of struggle for democracy have given Ukrainians the moral right to become the driving force behind the transition from electoral to liberal democracy.

Conclusions

Ukrainian democracy has evolved under exceptionally challenging conditions, where internal transformations have been continuously intertwined with external threats. Unlike other post-socialist states, its trajectory has not been linear and has been largely shaped by the struggle for national independence and European integration. The current political regime in Ukraine meets the criteria of an electoral democracy, yet it has not reached the level of a fully developed liberal model. The main challenges remain the state’s low institutional capacity, the imperfect mechanisms of governmental accountability, and the vulnerability of democratic procedures to the impact of security-related restrictions.

The introduction of martial law has served as a critical test for the democratic process, placing the “freedom versus security” dilemma at the forefront of the political agenda. While the restriction of rights and freedoms

during wartime can be justified, there is a risk that such measures may persist after the war's end, potentially leading to the emergence of hybrid political regimes. Fukuyama's concept of four levels of democratic consolidation demonstrates that Ukraine has made significant progress at the levels of ideology and civil society; however, the institutional level remains the weakest link. A robust civil society, which developed earlier than effective democratic institutions, represents a potential driving force for democratic reform.

To preserve and advance democracy in the post-war period, it will be necessary to: strike a balanced relationship between citizens' freedoms and national security, drawing on the experience of "militant democracy"; complete institutional reforms, eliminate the dualism of executive power, and ensure the independence of the judiciary; and introduce meritocratic principles for the recruitment of the political elite to guarantee effective and accountable governance.

The prospects for Ukrainian democracy after victory can be optimistic, provided that the cultural and value-based foundations of freedom are preserved, institutions are strengthened, and civil society remains actively engaged in the decision-making process.

References

1. Nations in Transit 2020. Redrived from: https://freedomhouse.org/sites/default/files/2020-04/05062020_FH_NIT2020_vfinal.pdf
2. Ukraine on the Scales of Democracy: Index Freedom House. Redrived from: <https://dif.org.ua/article/ukraina-na-terezakh-demokratii-indeks-freedom-house>
3. Tarverdi, Y., Saha, S., & Campbell, N. (2019). Governance, democracy and development. *Economic Analysis and Policy*. Redrived from: <https://doi.org/10.1016/J.EAP.2019.06.005>.
4. Democratization (2019) / eds. Christian W. Haerpfer, Patrick Bernhagen, Ronald F. Inglehart, Christian Welzel. Oxford: Oxford University Press, 448 p.
5. Diamond, L. J. (1996). Is the third wave of democratization over? *Journal of Democracy*, 7 (3), 20 – 37.
6. Savytska, I., & Suprun, A. (2023). New Freedom in the Conditions of a New Realit. *Humanitarian Studios: Pedagogics, Psychology, Philosophy*, 14(3), 231 – 236.
7. O'Donnell, G., Schmitter, P. C., & Whitehead, L. (1986). *Transitions from authoritarian rule: Comparative perspectives*. Baltimore, MD: Johns Hopkins University Press.
8. Fukuyama, F. (1995). Democracy's future: The primacy of culture. *Journal of Democracy*, 6 (1), 7 – 14.

9. Kravchuk, L. (2001, December 1 – 7). Funeral of an empire. *Mirror Weekly. Dzerkalo Tyzhnia*, (47[371]).
10. Loewenstein, K. (1937). Militant democracy and fundamental rights. *American Political Science Review*, 31 (3), 417 – 433; 31(4), 638 – 658.
11. Mannheim, K. (1943). *Diagnosis of our time: Wartime essays of a sociologist*. London: Routledge & Kegan Paul.

Список посилань:

1. Nations in Transit 2020. [Електронний ресурс]. Режим доступу: https://freedomhouse.org/sites/default/files/2020-04/05062020_FH_NIT2020_vfinal.pdf
2. Україна на терезах демократії: Індекс Freedom House. [Електронний ресурс]. Режим доступу: <https://dif.org.ua/article/ukraina-na-terezakh-demokratii-indeks-freedom-house>
3. Tarverdi Y., Saha S., Campbell N. Governance, democracy and development. *Economic Analysis and Policy*. 2019. [Електронний ресурс]. Режим доступу: <https://doi.org/10.1016/J.EAP.2019.06.005>
4. Democratization / eds. Christian W. Haerpfer, Patrick Bernhagen, Ronald F. Inglehart, Christian Welzel. Oxford: Oxford University Press, 2019. 448 p.
5. Diamond L. J. Is the Third Wave of Democratization Over? *Journal of Democracy*. 1996. Vol. 7. No. 3. P. 20-37.
6. Савицька І., Супрун А. Нова свобода в умовах нової реальності. *Humanitarian Studios: Pedagogics, Psychology, Philosophy*. 2023. Т. 14. № 3. С. 231-236.
7. O'Donnell G., Schmitter P. C., Whitehead L. *Transitions from Authoritarian Rule: Comparative Perspectives*. Baltimore: Johns Hopkins University Press, 1986. 202 p. (Series: Transitions from Authoritarian Rule).
8. Fukuyama F. Democracy's future: The primacy of culture. *Journal of Democracy*. 1995. Т. 6. № 1. С. 7 – 14.
9. Кравчук Л. Похорон імперії. *Дзеркало тижня*. №47 (371), 1-7 грудня, 2001 р.
10. Loewenstein K. Militant democracy and fundamental rights. *American Political Science Review*. 1937. Vol. 31, № 3. P. 417-433; № 4. P. 638-658.
11. Mannheim K. *Diagnosis of our time: Wartime essays of a sociologist*. London: Routledge & Kegan Paul, 1943. 278 p.

Малкіна Ганна Миколаївна

*Доктор політичних наук, професор кафедри політичних наук
Київський національний університет імені Тараса Шевченка (м. Київ, Україна)*

<https://orcid.org/0000-0002-2307-4702>

e-mail: g.m.malkina@knu.ua

Петренко Ігор Ігорович

*Доктор політичних наук, професор кафедри політичних наук
Київський національний університет імені Тараса Шевченка (м. Київ, Україна)*

<https://orcid.org/0000-0003-3328-4102>

e-mail: i.petrenko.knu@gmail.com

ДИЛЕМА БЕЗПЕКИ ТА СВОБОДИ: ШЛЯХ УКРАЇНСЬКОЇ ДЕМОКРАТІЇ КРІЗЬ ВІЙНУ ТА ВИКЛИКИ КОНСОЛІДАЦІЇ

Резюме

У статті досліджено еволюцію української демократії в умовах війни та виклики, що постають на шляху її консолідації. Автори з'ясовують специфіку українського демократичного транзиту від 1991 року, наголошуючи на його відмінності від класичних постсоціалістичних сценаріїв та залежності від євроінтеграційного вектора. Розглянуто поняття електоральної та ліберальної демократії, з акцентом на тому, що Україна, попри розвинене виборче середовище, не досягла повноцінної ліберальної моделі. Оцінюється стан демократії за даними Freedom House, критикується методологія цього індексу з урахуванням національного контексту та зовнішніх загроз. Особливу увагу приділено впливу воєнного стану на реалізацію конституційних прав і свобод, що зумовлює дилему «свобода vs безпека». Проаналізовано чотири рівні консолідації демократії за Ф. Фукуямою — ідеологію, інститути, громадянське суспільство та культуру — та окреслено сильні й слабкі сторони українського досвіду. Наголошено на феномені випереджального розвитку громадянського суспільства порівняно з інституційним дизайном держави. Окреслено загрози повоєнного періоду, включно з ризиком гібридних політичних режимів, та запропоновано напрями зміцнення демократії: баланс між свободою і безпекою, інституційне

вдосконалення, мерітократичний добір політичної еліти. Робота поєднує теоретичний аналіз і практичні рекомендації, формуючи бачення оптимістичного сценарію розвитку української демократії після перемоги.

Ключові слова: демократія; консолідація демократії; воєнний стан; свобода; безпека; громадянське суспільство; інституційна спроможність; демократичні інститути.

Стаття надійшла до редакції 20.06.25

© Малкіна Г. М., Петренко І. І., 2025