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Articles

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Vitalii Kovalchuk
Lviv Polytechnic National University, Ukraine
ORCID: 0000-0001-6041-6217
vitalii.b.kovalchuk@lpnu.ua

Iryna Sofinska
Lviv Polytechnic National University, Ukraine
ORCID: 0000-0002-3853-7626
iryna.d.sofinska@lpnu.ua

Parliamentary Opposition and Democratic Transformation Issues – Central and Eastern Europe in Focus

Opozycja parlamentarna a kwestie przemian demokratycznych – Europa Środkowa i Wschodnia

ABSTRACT

Parliamentary elections produce winners and losers. For understandable reasons, winners become the government (coalition) and losers – the opposition. The article presents a framework for comparing the rights in policy-making of the parliamentary opposition in parliamentary Central and Eastern European democracies (Czechia, Hungary, Lithuania, Poland, Ukraine). In 2022, democracy demands an opposition party with a future (reinversion) in parliament. The right of the parliamentary opposition to oppose the government formed by the governing majority is a fundamental feature of liberal democracy. Application of constitutional values (democracy, the rule of law, etc.) in Central and Eastern European states demonstrates the actual level of opposition fragmentation, polarization, and even cartelization. Rule of Law Index 2021 explicitly shows that among researched Central and

CORRESPONDENCE ADDRESS: Vitalii Kovalchuk, PhD, Prof. Dr. Habil., Full Professor, Head of the Theory of Law and Constitutionalism Department, Institute of Law, Psychology and Innovative Education, Lviv Polytechnic National University, 79005, Kn. Romana 1/3, Lviv, Ukraine; Iryna Sofinska, PhD, Dr. Habil., Associate Professor, Department of Theory of Law and Constitutionalism, Institute of Law, Psychology and Innovative Education, Lviv Polytechnic National University, 79005, Kn. Romana 1/3, Lviv, Ukraine.

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Eastern European countries, Lithuania is in 18 place, Czechia – 22, Poland – 36, Hungary – 69, and Ukraine – 74. The Rule of Law Index is about constraints of government powers, absence of corruption, open government, and other issues related to the mission of the parliamentary opposition. Distance (not only ideological) between governing majority and parliamentary opposition is based on the capacity for government formation, participation in policy-making, scrutinizing governmental (populistic) strategy and policy.

Keywords: parliamentary opposition; government-opposition relations; parliament; policy-making

INTRODUCTION

Democracy, a fundamental value internationally (on UN and European levels) and globally, is mentioned in many international agreements, but none provides an explicit definition. A similar situation relates to the opposition as minority groups in parliament. In this article, we try to focus merely on government-opposition relations. We support an argument that contemplative "parliamentary rules that allow opposition parties (in parliament) to have a more significant impact on the policy-making process lead to increasing opposition fragmentation".[1] Furthermore, opposition parties deprived of particular political influence usually tend to reduce such fragmentation.

One of the primary indicators of the level of development of democracy is the observance of the principles of pluralism and freedom, which usually guarantee equal rights and opportunities for both the current government and the opposition. It (political opposition) is formed by one or more political parties elected to the parliament but are not involved to form the government. They oppose the government (primarily ideologically) and take opposite measures (to its initiatives, plans, and strategies). Its primary mission is to question and scrutinize the work of the government (monitor and criticize government actions), participate in policy-making (in or directly influencing on legislative production).[2] The parliamentary opposition parties have two specific motivations to disclose and highlight differences within the governing coalition and intra-coalition tensions and unveil ongoing policy conflicts and ministerial drift within the governing coalition.[3]

Dahl identified six possible differences of the opposition: organizational cohesion (discipline, concentration), competitiveness, goals, site of the encounter,

[1] K. Maeda, *Determinants of Opposition Fragmentation: Parliamentary Rules and Opposition Strategies*, "Party Politics" 2015, vol. 21(5), pp. 763–774.

[2] T. Louwerse, S. Otjes, *How Populists Wage Opposition: Parliamentary Opposition Behaviour and Populism in the Netherlands*, "Political Studies" 2019, vol. 67(2), pp. 479–495.

[3] R. Whitaker, S. Martin, *Divide to Conquer? Strategic Parliamentary Opposition and Coalition Government*, "Party Politics" 2021, vol. 28(6).

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distinctiveness or identifiability, and strategy.[4] Every democratic state worldwide should respect values of pluralism and freedom and share responsibility, and it cannot exist without:

- checks and balances amongst different state (public) institutions,
- loyal and constructive cooperation amongst all state bodies,
- guarantee political change and allow efficient decision-making.

Every constitutional democracy should be full of freedom, pluralism, checks and balances, loyal cooperation and respect for institutions, solidarity towards the society, the possibility of alteration of power, efficient decision-making. The opposition, which represents the interests of the minority in parliament, should be on an equal footing with the governing party, which represents the will of the majority. Each of them performs its inherent functions, and control over the activities of power is by definition an act of domination since control over power should be a pure manifestation of power.

Simultaneously, we should emphasize that there can be a change of roles. Those who represent the majority can become the opposition, and those who represent the minority – the state government. Such a situation usually implies specific rules of effective interaction between two elements of the power mechanism: tolerance for those who have gained broad powers and caution for those who have lost them. Such interaction is due primarily to pragmatic considerations, which include, at least, the potential variability of power.

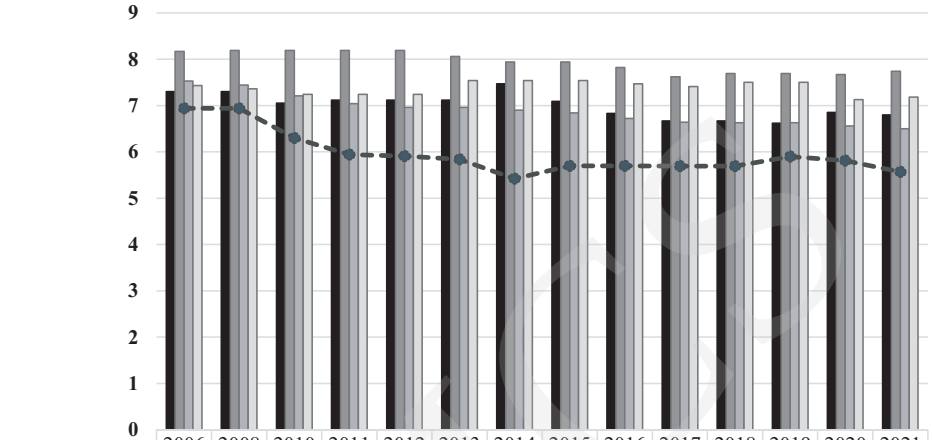
The collapse of the communist system in Central and Eastern Europe in the late 1980s, which preceded the collapse of the Soviet Union in 1991, was a landmark event for everyone. This transformation was not instantaneous but resulted from a highly complex transition from authoritarianism to democracy. A classic example of successful transit we saw in Poland, Czechia, and Hungary, those Eastern and Central European countries where the formation of political institutions took place simultaneously with constitutional reform.[5] Visible proofs of positive developments in these countries are the growth of the indexes of democracy, happiness, freedom, and the rule of law.

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[4] R.A. Dahl, *Patterns of Opposition*, [in:] *Political Oppositions in Western Democracies*, ed. R.A. Dahl, New Haven–London 1966, pp. 332–347; J. Blondel, *Political Opposition in the Contemporary World*, "Government and Opposition" 1997, vol. 32(4), pp. 462–486.

[5] R. Rose, W. Mishler, C. Haerpfer, *Democracy and Its Alternatives: Understanding Post-Communist Societies*, Baltimore 1998, p. 272; J. Kugler, Y. Feng, *Explaining and Modeling Democratic Transitions*, "Journal of Conflict Resolution" 1999, vol. 43(2), pp. 139–146; P. Waldron-Moore, *Eastern Europe at the Crossroads of Democratic Transition: Evaluating Support for Democratic Institutions, Satisfaction with Democratic Government, and Consolidation of Democratic Regimes*, "Comparative Political Studies" 1999, vol. 32(1), pp. 32–62.

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	2006	2008	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Poland	7.3	7.3	7.05	7.12	7.12	7.12	7.47	7.09	6.83	6.67	6.67	6.62	6.85	6.8
Czechia	8.17	8.19	8.19	8.19	8.19	8.06	7.94	7.94	7.82	7.62	7.69	7.69	7.67	7.74
Hungary	7.53	7.44	7.21	7.04	6.96	6.96	6.9	6.84	6.72	6.64	6.63	6.63	6.56	6.5
Lithuania	7.43	7.36	7.24	7.24	7.24	7.54	7.54	7.54	7.47	7.41	7.5	7.5	7.13	7.18
Ukraine	6.94	6.94	6.3	5.94	5.91	5.84	5.42	5.7	5.7	5.69	5.69	5.9	5.81	5.57

Figure 1. Index of Democracy (2006–2021)

We should consider EU Eastern enlargement in 2004 when Czechia, Hungary, Lithuania, and Poland joined the EU, and political paradigm change after the Lisbon treaty came into force in 2009. The process of democratization is crisp and much more complicated in the newest sovereign states, which emerged due to the collapse of the USSR (except the Baltic countries). This occasion also applies to Ukraine since it has significantly lagged behind its western neighbors by declaring universal values and adherence to European standards of democratic development declared in the Constitution of Ukraine (1996). However, recently even in those successful (completed) democracies, there occurred problems regarding transposing fundamental values of constitutionalism into ongoing politics. Finally, in 2021, Czechia decreased from full democracy in 2006 to 29 place (flawed democracy), Lithuania – 40, Poland – 51, and Hungary – 56 stayed in a flawed democracy, and Ukraine decreased from flawed democracy to 86 place (hybrid regime).[6]

What is the possible background (and impact in the visible future) of such changes? What are the primary circumstances of such changes related to the state power and (political) opposition? Therefore, this article wants to answer these vital questions, quoting essential influencers in law and politics, and projecting the existing situation with parliamentary opposition in Central and Eastern European countries on Ukraine.

[6] See *ibidem*.

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MATERIALS AND METHODS

Our main task is to make a comprehensive analysis of the parliamentary opposition, particularly its legal status and regulation of interrelations with the authorities (government) regarding the democratic transformation in Central and Eastern Europe and Ukraine, and search for practical recommendations to improve it.

We use general scientific research methods (like systematic and axiological analysis, synthesis, analogy, generalization, prognosis) to achieve the main objective, which considers pluralism and freedom as fundamental principles of a democratic society that ensure respect and tolerance between political opponents in parliament and outside. Apart from them, we use other specific methods (data-analyze, statistical, comparative) to emphasize that the parliamentary opposition is a group of MPs representing some part of citizens who disagree with the political course of the current government (because it pursues policies, and even strategies, that do not really align with voters' preferences).[7] Usually, there is one main precondition for becoming parliamentary opposition: losing confidence (no-confidence motions, NCMs) being in government (because of bias and corruption, for example), therefore dissolution of parliament, and decreasing MPs cast in a newly elected parliament.

All these methods help depict the legal status of the opposition and legislative regulation of relations between the parliamentary minority and the majority in Central and Eastern Europe and Ukraine. The historical and legal approach allowed us to study specific features of the formation of the opposition in the period of democratic transit, regarding the values, legal tradition, and cultural ties of every country in concern. The system analysis method allowed us to determine the political and legal phenomenon as constructive and destructive (populist) opposition. The final point is hidden in attempts to scrutinize the interaction of the parliamentary opposition and the ruling majority in the context of democratic transit in Central and Eastern Europe and Ukraine.

The article analyzes the constitutions, laws, and bylaws (regulations and statutes) of particular Central and Eastern European countries and Ukraine, directly (or indirectly) related to the legal regulation of the parliamentary majority and minority, draft legislation on the opposition. The sociological method is used to express the clear vision and mission of the government and opposition and their effective interrelations to show a level of democracy in particular countries (specific attention we paid to the European Commission for Democracy Through Law [hereinafter: the Venice Commission] reports regarding the rule of law). Among all the philosophical approaches we used in this article, the axiological method is

[7] B. Demirkaya, *What Is Opposition Good For?*, "Journal of Theoretical Politics" 2019, vol. 31(2), pp. 260–280.

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considered the exact one to show researched dichotomy (government and opposition) as a vital necessity (especially in Spring 2022).

The Venice Commission, in its opinion on the draft law on the parliamentary opposition in Ukraine (2007), stated that activity of parliamentary opposition should be based on the following principles: 1) the state's recognition of the oppositional activity as a necessary condition for the functioning of a democratic state based on the rule of law and the parliamentary opposition – as an essential component of its political system; 2) the rule of law; 3) voluntary commencement or termination of the oppositional activity; 4) equality; 5) legality; 6) openness; 7) the state's guarantees of free and unimpeded activity of the parliamentary opposition.[8]

RESEARCH AND RESULTS

A precise analysis of the constitutional processes during at least the last 20 years in Central and Eastern European countries, from one side, and the republics of the former USSR, from the other, shows a negative trend of ousting the opposition from the political field after the election. The role and activity of political opposition in the parliament usually depend merely on:

- type of the electoral system of a particular country (majoritarian, proportionate, mixed),
- type of government (parliamentary, semi-presidential, or presidential),
- its structure (bicameral or unicameral), etc.[9]

In Hungary, Poland, the Czech Republic, and Ukraine, the intensity of this process is some way different. Usually, it happens after the victory of one of the parties in the elections, when the winner "takes all" (*Prawo i Sprawiedliwość* in Poland, 2015; *Fidesz-Magyar Polgári Szövetség* in Hungary, 2010; *Sluha narodu* [Servant of the people] in Ukraine, 2019).

[8] Venice Commission, *Draft law on the parliamentary opposition in Ukraine*, Opinion no. 422/2007, 8 February 2007, https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL(2007)006-e (access: 10.12.2022).

[9] Council of Europe, *Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, adopted by the Venice Commission at its 119th Plenary Session (Venice, 21–22 June 2019) and endorsed by the Committee of Ministers on 5 February 2020*, Opinion no. 845/2016, 24 June 2019, https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)015-e (access: 10.12.2022).

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Table 1. Governing parties (Poland, Hungary, Ukraine)

Country	Poland	Hungary	Ukraine
Country profiler	Parliamentary unitary republic		Semi-presidential unitary republic
Parliament	Bicameralism	Unicameralism	
Party parliamentary regime	Multi-party		
Party name	*Prawo i Sprawiedliwość*	*Fidesz-Magyar Polgári Szövetség*	*Sluha narodu*
Foundation year	2001	1988	2017
Governing/in majority	2015 – till now	2010 – till now	2020 – till now
Coalition	2005–2007	1998–2002	–
In opposition	2007–2015	1990–1998; 2002–2010	–
Party profiler	– right-wing populist – national-conservative		– centrist

In these states is formed the parliamentary opposition, which has almost no voice in the political establishment (minimal participation in policy-making, no influence on election and appointment to public offices, etc.). The winning party (sole or in coalition with its allies or satellites) is trying to oust the opposition from the political process (particularly policy-making). As a result, laws are passing without proper consideration (and scrutiny) under the accelerated procedure. The opposition is losing all possible influence regarding the appointment to key positions within parliament and other public institutions. The challenges (even danger) of such processes are apparent; it leads to the monopolization of power and the loss of instruments of political control over the majority's actions.

Another feature of transit democracies is the emergence of an unconstructive (populist) opposition, which blocks any cooperation with the pro-government majority. Populist parties show disagreement in almost all spheres of political life in the country (even in those where the partnership with the majority is possible in principle, reasonable and plausible). The consequence of such an unconstructive policy is a prolonged boycott of the parliament work activity with a senseless obstruction of any legislative initiatives and essential appointments to public offices. Such destructive behavior is inefficient, provokes chaos, and inability to make crucial decisions for society and the state. It causes a real challenge to "young" democracies in both cases. Therefore, developing an effective mechanism to prevent these negative manifestations is one of the government's main tasks and the opposition in these countries. Today there is no single standard and rules for building a democratic society where the parliamentary majority and the opposition would interact effectively, which would be reflected in international acts.

Not many international documents related to "soft law" are associated with this issue. The recommendations of the Venice Commission are primary documents in this sphere. The first one is contained in the *Report on the Role of the Opposition in*

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a Democratic Parliament (2010).[10] And the second one is in the *Parameters on the Relationship between the Parliamentary Majority and the Position in Democracy* (2019).[11] The first report of Venice Commission (2010) did not really deal with the political opposition in the society in general, with the level of human rights and freedoms, or basic constitutional choices. It described the situation primarily when the opposition parties were in the minority. Therefore, they need some level of protection to perform the basic legitimate opposition functions necessary to ensure effective and sustainable democracy in the particular country.[12] In particular, the latter report (2019) primarily concerns the interaction of the pro-government majority and the opposition in the parliaments of democratic transit countries, where the principles of pluralism and freedom are still quite fragile.[13]

The constitutions of Lithuania, Poland, the Czech Republic, and Ukraine enshrine only the principle of pluralism and freedom, as well as certain rights of deputies or their small groups to initiate essential decisions:

- to submit bills to parliament (Constitution of the Czech Republic, Article 41 (2): "a draft law may be submitted by (…) groups of deputies"[14]), and also
- to amend them (Constitution of the Republic of Poland, Article 119 (2): "the right to introduce amendments to a bill in the course of its consideration by the Sejm shall belong to (…) Deputies (…)"[15]),
- to make a submission to the Prime Minister or Minister of Interpellation (Constitution of the Republic of Lithuania, Article 61 (2): "at a session of the Seimas, a group of not less than one-fifth of the Members of the Seimas may direct an interpellation to the Prime Minister or a Minister"[16]),
- to establish temporary commissions of investigation (Constitution of Ukraine, Article 89 (3): "to investigate issues of public interest, the Verkhovna Rada of Ukraine establishes temporary investigatory commissions, if no less than one-third of the constitutional composition of the Verkhovna Rada of Ukraine has voted in favour thereof"[17]).

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[10] Venice Commission, *Report on the Role of the Opposition in a Democratic Parliament*, Strasbourg, 15 November 2010, https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2010)025-e (access: 10.12.2022).

[11] Council of Europe, *op. cit*.

[12] Venice Commission, *Report on the Role of the Opposition…*

[13] Council of Europe, *op. cit*.

[14] Constitution of the Czech Republic, 16 December 1992, https://www.psp.cz/en/docs/laws/1993/1.html (access: 10.12.2022).

[15] Constitution of the Republic of Poland, 2 April 1997, https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm (access: 10.12.2022).

[16] Constitution of Lithuania, 25 October 1992, https://www.constituteproject.org/constitution/Lithuania_2019?lang=en (access: 10.12.2022).

[17] Constitution of Ukraine, 28 June 1996, https://www.refworld.org/pdfid/44a280124.pdf (access: 10.12.2022).

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Another important issue concerns the right of the opposition during parliamentary debates. Above all, the parliamentary opposition must have enough time to criticize the bills proposed by the (governing) parliamentary majority. Suppose you give the authority to regulate the time for speeches at the discretion of the parliament's governing body or personally the speaker. In that case, likely, the opposition will not get enough opportunities to influence the legislative process. The Venice Commission believes that legislation, particularly parliamentary rules, should lay down basic rules to prevent haste in the adoption of laws, such as intervals between readings and discussions in committees.

It primarily concerns the procedure for amending the constitution, which should be "slow and gradual" to allow the opposition to resist the constitutional changes proposed by the governing majority. The procedure to amend the Constitution of Lithuania, Poland, the Czech Republic, and Ukraine is "rigid" (regarding the relation between the rank of constitutional law and the rules for constitutional amendment) both in the number of successive stages of its implementation and in the number of legal entities, which allows the parliamentary opposition to control its course[18]. Among the constitutions of compared countries, only the Constitution of Ukraine 1996 in Article 157 possesses "eternity" clauses, which can not be amended; however, they are related to "the abolition or restriction of human and citizens' rights and freedoms, the liquidation of the independence or violation of the territorial indivisibility of Ukraine". So, these questions should not be a target for the political rivalry between the pro-government majority and the opposition in parliament.

The intent to require a supermajority in parliament to amend the basic law (constitution) is, i.a., aimed to provide a consensus in majority-opposition relations and a framework in which the political competition can take an orderly, peaceful and effective route. In case of simple majority necessary to amend the constitution, its functioning might be put at risk since it becomes a perfect political instrument in the hands of the governing majority[19]. In addition, the parliamentary minority may initiate amendments to the basic law proclaimed in the Constitution of Lithuania (Article 147 (1)), the Constitution of Poland (Article 235), and the Constitution of Ukraine (Article 154).

Regarding adopting ordinary laws, the parliamentary opposition should have enough time to discuss bills and make suggestions for their improvement. The Venice Commission recommends introducing more transparent rules for equal

[18] A. Roberts, *The Politics of Constitutional Amendment in Postcommunist Europe*, "Constitutional Political Economy" 2009, vol. 20(2), pp. 99–117; S. Holmes, R.C. Sunstein, *The Politics of Constitutional Revision in Eastern Europe*, [in:] *Responding to Imperfection: The Theory and Practice of Constitutional Amendment*, ed. S. Levinson, Princeton 1995, pp. 275–306.

[19] *The Oxford Handbook of Comparative Constitutional Law*, eds. M. Rosenfeld, A. Sajó, Oxford 2012.

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time distribution for debates between the parliamentary majority and the opposition. However, the regulations of Poland, Lithuania, and the Czech Republic do not provide such preconditions, and minority deputies take part in parliamentary debates on a general basis as ordinary members of parliament. This issue is partially regulated by the Statute of the Lithuanian Parliament,[20] which stipulates that the Speaker of the Seimas may change the order of speeches to provide more proportional representation in the debates of factions, committees, arguments for and against (Article 105 (2) of the Statute). Also, if the decision to stop the debate is opposed by the opposition and is supported by one-third of the members of the Seimas present at the meeting, they will continue (Article 108 (7) of the Statute).

It is also vital to allow the opposition to formulate an agenda, propose bills and amendments to them by a governing majority. Only in the Lithuanian Seimas, the parliamentary opposition has the right to determine the order of the evening sitting every third Thursday (Article 97 (5) of the Statute). Establishing a fixed time for consideration of issues proposed by the minority is one of the main demands of opposition factions in transit countries where such a right has not been formally enshrined. As for the right of legislative initiative in policy-making and amendments to bills allows the parliamentary opposition to become an actual participant in the legislative process.

First, the opposition should have enough time for public consultations, which will allow it to influence the content of legislative initiatives in policy-making. Public consultations should be accompanied by (informal) public discussions in the media and civil society. If in Lithuania, Poland, and the Czech Republic, such a practice has become common, in Ukraine, it is only being introduced and is often formal. One of the last steps in this direction is to establish a scientific advisory council and attract highly qualified specialists in law to write law drafts, make expertise on draft laws, and prepare scientific opinions on law-making.

Second, the parliamentary opposition must have reasonable access to law-making (bills and accompanying documents). The agenda for consideration of the bill should be published; the necessary materials should be distributed in advance to the opposition and the public to prepare for a successful debate. Such a requirement should prevent the harmful practice of the *cavalier législatif* ("legislative rider") used by the pro-government majority to avoid checking its legislative proposal. The internal rules of parliaments should ensure the clarity of the texts proposed for voting and the possibility for opposition deputies to read them in advance on the eve of the vote. Adoption texts cannot be changed after the vote (except for purely technical amendments that do not affect the bill's content). Failure to comply with these requirements is expected in the parliaments of "young" democracies and harms the constitutional order.

[20] Seimas of the Republic of Lithuania, Statute, 17 February 1994 No. I-399, https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/e495a6e2b60611e5be9bf78e07ed6470 (access: 10.12.2022).

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Third, the opposition must be allowed to amend the bills proposed by the majority without bias and hindrance. To this end, it is necessary to regulate the initiatives of pro-government factions to adopt bills under the accelerated procedure, particularly when it comes to regulating essential aspects of a political or legal nature. However, the parliament speaker should be able not to put to the vote amendments that were previously rejected or not relevant to the substance of the bill under consideration. It is necessary for the effectiveness of the legislative process. The opposition should not use its procedural rights in law-making for a long and meaningless blocking of parliament or other branches of government.

The destructive actions of the opposition or governing minority are another obstacle to the establishment of consolidated democratic regimes in Central and Eastern Europe and Ukraine: so-called "parliamentary/legislative/amendment spam", defined as an abuse of parliamentary powers in law-making. For example, in Ukraine, in 2020, more than 16,000 amendments were submitted to draft law 2571-d (the so-called "Anti-Kolomoisky bank law", finally adopted by the Ukrainian parliament on 13 May 2020). Imagine, one MP himself submitted 6,000 amendments (one-third of the total amount). Afterward, possible ways to circumvent the amendment spam through Article 119 of the Rules of Procedure of the Verkhovna Rada of Ukraine. In such a situation, restricting some rights of the opposition might be a suitable solution. Still, it carries significant risks associated with a monopoly on power in the long perspective.

CONCLUSIONS

To conclude, we argue that the opposition (its official status, role, and place in the parliament and government) should be determined in the constitution of every democratic state, laws, and bylaws. Possession of strong parliamentary opposition but not just a hologram ensures scrutiny (even review) of planned governmental policy and strategy (probably populistic) regarding unemployment, taxes and social care issues, migration or environment protection, etc. Economic growth and food security are primary topics of interest for governing majority in the parliament to stay in government as long as possible (even so, those claims are too populistic).

The institutionalization of the parliamentary opposition is essential for several reasons for all "democratic transit" countries. First, due to the lack of a constitutional tradition of relations between the parliamentary majority and the minority, the normative enshrinement of the latter's rights and guarantees of activity shapes its attitude as a crucial parliamentary institution, which is an effective alternative to the pro-government coalition. This approach emphasizes the value of the parliamentary opposition, which performs specific functions and is much more than just a personal cast of deputies being in the minority proportionally to the majority.

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Second, legally enshrined and clearly defined rights and guarantees are a more effective tool for the functioning of the parliamentary opposition than exercising the powers of an ordinary parliamentary minority. It establishes the status of the opposition, endowed with equal powers as the governing coalition.

Finally, the legitimization of the parliamentary opposition in the constitution, for example, provides, on the one hand, legal guarantees within government-opposition relations to limit the political influence of the parliamentary (governing) majority on the minority. On the other hand, it imposes on the opposition right to be with the governing majority on equal footing; therefore, to be jointly legally responsible for the exercise of power. So, the existence of the effective parliamentary opposition able to scrutinize (populistic) policy of governing majority is a visible symbol of the salvation of state political order and parliament itself.

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ABSTRAKT

Wybory demokratyczne wyłaniają zwycięzców i przegranych. Co zrozumiałe, zwycięzcy tworzą rząd (koalicję rządzącą), a przegrani – opozycję. W artykule przedstawiono ramy do porównywania uprawnień do kształtowania polityki przez opozycję parlamentarną w demokracjach parlamentarnych Europy Środkowo-Wschodniej (Czechy, Węgry, Litwa, Polska, Ukraina). W 2022 r. demokracja wymaga partii opozycyjnej z perspektywą (odzyskania większości) w parlamencie. Uprawnienie opozycji parlamentarnej do przeciwstawiania się rządowi utworzonemu przez rządzącą większość jest fundamentalną cechą demokracji liberalnej. Realizacja wartości konstytucyjnych (demokracji, rządów prawa itp.) w państwach Europy Środkowo-Wschodniej pokazuje rzeczywisty poziom rozczłonkowania, polaryzacji, a nawet kartelizacji opozycji. Lista *Rule of Law Index 2021* wyraźnie wskazuje, że wśród badanych państw Europy Środkowo-Wschodniej Litwa zajmuje 18. miejsce, Czechy – 22., Polska – 36., Węgry – 69., a Ukraina – 74. Wskaźnik praworządności dotyczy ograniczeń władzy rządu, braku korupcji, przejrzystości działań władzy oraz innych spraw związanych z misją opozycji parlamentarnej. Dystans (nie tylko ideologiczny) pomiędzy rządzącą większością a opozycją parlamentarną polega na zdolności do utworzenia rządu, uczestnictwie w kreowaniu polityki, kontrolowaniu strategii czy polityki rządowej (populistycznej).

Słowa kluczowe: opozycja parlamentarna; stosunki rząd–opozycja; parlament; kreowanie polityki