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## Media freedom in Ukraine in the context of constitutional reform

### *Abstract*

**RESEARCH OBJECTIVE:** This paper discusses whether there have been changes to ensure media freedom in Ukraine in the context of constitutional reform.

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**THE RESEARCH PROBLEM AND METHODS:** This is comparative explanatory research. The author uses a process-tracing method and an observation method to analyze media freedom under the presidential-parliamentary republic during the second term of Kuchma's presidency and under a parliamentary-presidential republic during Yushchenko's presidency. I summarize descriptive statistics on such indicators of media freedom as political, economic, and legal environment according to the Freedom House data. I also use the analysis of scholars and other non-governmental organizations.

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**THE PROCESS OF ARGUMENTATION:** The analysis of the political situation in Ukraine explains the reasons for the constitutional reform and the democratization of the media system. I systematize data from the Freedom House reports on the indicators, present the results in a graphic form, and make conclusions from the comparisons.

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**RESEARCH RESULTS:** The study shows that changing the political system to a parliamentary-presidential due to the Orange Revolution intensified reforms guaranteeing media freedom in Ukraine. However, the reforms were not at the level expected by the supporters of the Orange Revolution.

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**CONCLUSIONS, INNOVATIONS, AND RECOMMENDATIONS:**

The introduction of the parliamentary-presidential model intensified the competition and conflicts between the presidential and parliamentary-government centers of power. It created polarized and chaotic conditions in journalists' work. The legal environment for the media has not improved significantly. There was a reduction of political influence on the media. The improvement in the economic environment did not occur because the pressure exerted by the ruling elites on the mass media went from the political to the economic dimension.

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**KEYWORDS:**

mass media, media freedom, Ukraine, constitutional changes, political system

**INTRODUCTION**

Ukraine is a semi-presidential system (Minakov, & Rojansky, 2018; Wilson, 1999). The 1996 constitution gave the president a substantial amount of non-legislative and legislative power (Protsyk, 2005, p. 24). The constitutional changes proclaimed during the Orange Revolution in 2004 provided a strong impulse to transform the Ukrainian political system from a presidential-parliamentary system (BTI, 2022; Protsyk, 2005) to a more parliamentary-presidential one (Minakov, & Rojansky, 2018; Protsyk, 2005) or a premier-parliamentary system (BTI, 2022). This paper discusses whether there have been changes to ensure media freedom in Ukraine in the context of constitutional reform. In particular, my hypothesis is that transformation of the Ukrainian political system from a presidential-parliamentary to a parliamentary-presidential one due to the Orange Revolution of 2004 and the election of pro-Western President Yushchenko should intensify reforms to ensure media freedom in Ukraine.

**METHODOLOGY**

I base the research on Protsyk's (2005) definition of the political system of Ukraine, which was changed from a presidential-parliamentary system to a parliamentary-presidential system because of

constitutional reform after the Orange Revolution. Ukrainian scientists in the field of law and political science also support this terminology (Boryslavska, 2019; Kolodiy, 2016; Protasova, 2009; Treschov, & Munko, 2022).

The author uses comparative explanatory research to achieve the goal of the investigation. Equally important, the results of the comparisons are to be explained. In addition, the process-tracing method and observation method will be used to look at media freedom under the presidential-parliamentary republic during the second term of Kuchma's presidency (2000–2004) and under a parliamentary-presidential republic during Yushchenko's presidency (2005–2009).

In particular, I will summarize descriptive statistics on such indicators of media freedom as the political, economic, and legal environment over the above-mentioned period. These indicators are explained as the following. Firstly, the legal environment is “an examination of both the laws and regulations that could influence media content and the government's inclination to use these laws and legal institutions to restrict the media's ability to operate” (FH, 2009, p. 9). Secondly, the political environment is “the degree of political control over news media content” (FH, 2009, p. 10). Thirdly, the economic environment

includes the structure of media ownership; transparency and concentration of ownership; the costs of establishing media as well as of production and distribution; the selective withholding of advertising or subsidies by the state or other actors; the impact of corruption and bribery on content; and the extent to which the economic situation in a country impacts the development and sustainability of the media (FH, 2009, p. 10).

Furthermore, I interpret statistical data, provided by the Freedom House reports, on the indicators listed above. There is a need to cover these indicators in their transition over a long period according to the goals of this study – before and after constitutional reform in Ukraine because of the Orange Revolution. Thus, I systematize data from the annual reports of this organization on the legal, political, and economic environment in Ukraine under the presidential-parliamentary republic during the second term of Kuchma's presidency (2000–2004) and under a parliamentary-presidential republic

during Yushchenko's presidency (2005–2009). I present the results in a graphic form. Moreover, I use the analysis of other international and Ukrainian non-governmental organizations (Human Rights Watch; Ukrainian Helsinki Human Rights Union) as well as of scholars in this field (Dyczok, 2006; Fritz, 2007; Jakubowicz, & Sukosd, 2008; Nikolayenko, 2004; Richter, 2003) to support the claims of the study.

## PRESIDENTIAL ELECTIONS, ORANGE REVOLUTION, AND CONSTITUTIONAL CHANGES

Political attention was focused on the upcoming 2004 presidential elections in Ukraine after the 2002 parliamentary elections. In August 2002, President Kuchma began advocating for the change of the political system to a parliamentary-presidential one. The political opposition in Ukraine previously voiced such demand due to the centralization of power during the presidential-parliamentary republic under the presidency of Kuchma (1994–2004). In 2003 and 2004, two attempts were made to introduce constitutional changes in the parliament that would transfer power from the President to the Verkhovna Rada of Ukraine (the parliament). (Protsyk, 2005, p. 26) Although these two attempts were unsuccessful, constitutional changes similar to those previously proposed by President Kuchma were adopted during the Orange Revolution as an agreement between the old and the new regime (Fritz, 2007, p. 180). As D'Anieri proposed in 2003, "the departure of Kuchma will not fundamentally change Ukrainian politics unless it is accompanied by far-reaching institutional and political changes" (D'Anieri, 2003, p. 59).

The first round of elections for the President of Ukraine took place on October 31, 2004, with widespread fears both in Ukraine and abroad that they would not be free and fair (Kuzio, 2005, p. 31). Western observers found electoral fraud. Initially, the Central Electoral Commission of Ukraine announced that V. Yanukovych (candidate from the authorities, from President Kuchma, pro-Russian) won the first round by a small margin. However, the Central Electoral Commission of Ukraine in the official results later announced that V. Yushchenko (candidate from the united opposition, pro-Western) was ahead of V. Yanukovych by a small margin of votes. (Fritz, 2007, p. 180)

The second round of elections was on November 21, 2004. The day after the elections, the Central Electoral Commission of Ukraine preliminarily announced that V. Yanukovich won the elections with a small margin: 49.4% to 46.7%. There were suspicions of falsification of voting results. For example, in Donetsk city, (the region where V. Yanukovich was the head of state regional administration before becoming the Prime Minister of Ukraine), the announced turnout for the elections was an incredibly high percentage – 96.7% of those who had the right to participate in the elections. Exit polls indicated the victory of V. Yushchenko in the elections. Western observers criticized the electoral process. However, the President of Russia V. Putin congratulated V. Yanukovich on his victory in the elections – despite the fact that the Central Election Commission of Ukraine had not yet announced the final official results of the elections at that time (Fritz, 2007, p. 181).

Politician Y. Tymoshenko, who supported V. Yushchenko as the only candidate for the President of Ukraine from the democratic opposition, called for a general strike after the announcement of the preliminary results of the presidential elections. Thousands of people started demonstrations in the city of Kyiv. The protests in the streets continued and increased despite the cold weather, and orange (the color of Yushchenko's election campaign) became the protesters' main color, giving the revolution its name. (Kuzio, 2005b, p. 40)

On November 26, 2004, V. Yushchenko proposed holding a repeated second round of elections and changes to the electoral legislation. On that day, the President of the Republic of Poland A. Kwasniewski, and the High Representative of the European Union for Foreign Policy H. Solana came to Kyiv to mediate in negotiations. The decisive factor was the decision of the Constitutional Court of Ukraine on December 3, 2004, which declared the elections invalid and determined the need for a repeated second round of elections. However, the leading political elite headed by President Kuchma demanded constitutional changes that would reduce the powers of the president. Instead, they would agree to changes to the electoral law of Ukraine as demanded by the opposition. Initially, the opposition led by V. Yushchenko did not support such an initiative but eventually agreed to it. On December 8, 2004, the parliament adopted changes to the electoral law and immediately adopted amendments

to the Constitution of Ukraine (402 voted “for”, 21 – “against” and 19 – “abstained”), which were supposed to enter into force on January 1, 2006. (Fritz, 2007, p. 182)

V. Yushchenko received 52% of the votes against 44% for V. Yanukovich in the repeated second round of the presidential elections of Ukraine (Fritz, 2007, p. 183). The constitutional changes demanded by the camp of President Kuchma and V. Yanukovich during the Orange Revolution came into force in January 2006. Such changes increased the constitutional weight of the parliament and the Prime Minister and reduced that of the President (Fritz, 2007, p. 184; Protsyk, 2005, p. 26). Thus, the Orange Revolution led to constitutional changes and opportunities for further democratization of Ukraine (Fritz, 2007; Katchanovski, 2008; Kubichek, 2009; Kuzio, 2005a; Wilson, 2005; Van Zon, 2005).

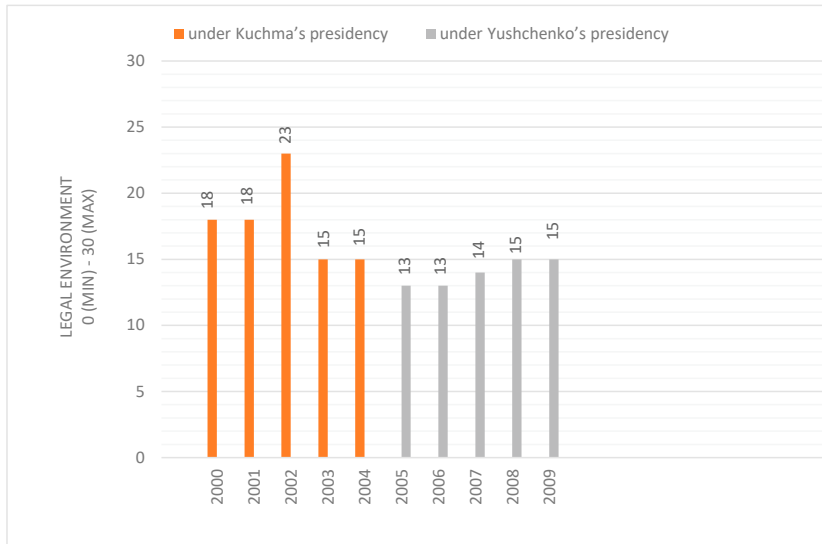
#### THE LEGAL ENVIRONMENT TOWARDS MASS MEDIA UNDER A PRESIDENTIAL- PARLIAMENTARY REPUBLIC (2000–2004) AND A PARLIAMENTARY-PRESIDENTIAL REPUBLIC (2005–2009) IN UKRAINE

After the Orange Revolution in 2004, international organizations declared the need to further develop a free and professional media environment and bring Ukrainian legislation into compliance with European standards. Particular priorities included

drafting and amending legislation on access to information and the ownership of media, as well as measures involving the broadcasting market and the creation of independent public service broadcasting (FH, 2007, p. 310).

Let us consider the evaluation of the “Freedom House” of the legal environment regarding the media in Ukraine during Yushchenko’s presidency (2005–2009) and compare it with the situation in this area during the second term of Kuchma’s presidency (2000–2004) for the analysis of the legal basis of mass media functioning in Ukraine (fig. 1).

Fig. 1. The legal environment towards mass media under a presidential-parliamentary republic (2000–2004) and a parliamentary-presidential republic (2005–2009) in Ukraine



Source: own generalization from (Freedom House, 1979–2012)

The legal environment is evaluated on a scale from “0” (the highest level) to “30” (the lowest level) in the Freedom House ratings. Hence, lower scores mean a better regulatory framework.

According to the author’s calculations, the average score of the legal framework for mass media for the five years of the second term of Kuchma’s presidency (2000, 2001, 2002, 2003, and 2004) is “17.8”. Since this level of the legal framework for mass media is quite low, the author concludes that the legislation on mass media in Ukraine at that time was imperfect and needed improvement. As the author calculated, the average rating of the legal framework for mass media in Ukraine for the five years (2005, 2006, 2007, 2008, and 2009) of Yushchenko’s presidency was “14”. This indicates the improvement of the regulatory and legal framework regarding the mass media in Ukraine during Yushchenko’s presidency compared to the second term of Kuchma’s presidency.

However, the assessment of the legal framework for media functioning in Ukraine for the last two years of Kuchma’s presidency

(2003 and 2004) and for the last two years of Yushchenko's presidency (2008 and 2009) was the same ("15" points). So, although at the beginning of Yushchenko's presidency in 2005 and 2006, there was an improvement in the indicators of the legal framework ("13") compared to the last years (2003 and 2004) of Kuchma's presidency ("15"), in the last years of Yushchenko's presidency such a positive trend was lost.

Overall, in Ukraine, "the legal framework generally provides for media freedom and is one of the most progressive in Eastern Europe, but respect for these laws has remained poor since the 2004 Orange Revolution" (FH, 2009, p. 211). Note that in 1997 Ukraine adopted a law that created a legal framework for the introduction of a public service radio and television system. However, public service media did not function in Ukraine after that. After the Orange Revolution in Ukraine, which declared the provision of freedom of information and the creation of public service media, among other related issues, several attempts were made to amend the Law "On the System of Public Radio and Television in Ukraine" (1997). Nonetheless, all of them failed. In 2008, the President of Ukraine issued the Decree "On Measures to Create a System of Public Service Television and Radio Broadcasting of Ukraine". He ordered the Cabinet of Ministers of Ukraine to take such measures with the aim of

comprehensively meeting the needs of society in an operational, objective information, ensuring the pluralistic nature of broadcasting, highlighting the positions of representatives of different strata of the population" (VRU, 2008).

However, according to human rights defenders of the Ukrainian Helsinki Union for Human Rights, the creation of public service media did not take place because there was no political will of the head of the government, the parliament, and the President. Consequently, the political elites demonstrated their inability or unwillingness to give up on their full power over state radio and television (Zakharov, & Yavorsky, 2008).

In 2007, the development of the law "On the Reform of State and Communal Printed Mass Media" continued. However, the Draft Law was withdrawn from the parliament due to a change in the composition of the government. (Zakharov, 2007) Thus, the reform of state



and communal mass media did not take place during Yushchenko's presidency.

In addition, the ratification of the European Convention on Trans-frontier Television of 1998 by the Verkhovna Rada of Ukraine in 2008 was a significant step in improving the legal framework for media and bringing it up to EU standards in this area.

#### THE POLITICAL ENVIRONMENT TOWARDS MASS MEDIA UNDER A PRESIDENTIAL-PARLIAMENTARY REPUBLIC (2000–2004) AND A PARLIAMENTARY-PRESIDENTIAL REPUBLIC (2005–2009) IN UKRAINE

Regarding the political influence on the media during Yushchenko's presidency, human rights defenders from the Ukrainian Helsinki Union for Human Rights note that after 2004, the pressure on the media and journalists from the authorities has significantly weakened. Since 2006, this pressure began to increase, although the level of media freedom was much higher than before 2004. However, the separation of editorial policy from media owners was still absent. This made the mass media too dependent on the wishes of their owners, who increasingly controlled the editorial policy since almost all of them were politicians themselves. (Zakharov, & Yavorsky, 2008).

In 2006, the President of Ukraine issued the Decree "On the National Commission for the Approval of Freedom of Speech and Development of the Information Industry", which provided for the creation of the Commission as a consultative and advisory body under the President of Ukraine (VRU, 2004). Such Yushchenko's initiative to ensure media freedom in Ukraine in connection with the European integration strategy of the state can be evaluated positively.

The international human rights non-governmental organization Human Rights Watch states that during Yushchenko's presidency, journalists and mass media in Ukraine worked without direct government interference in their work (HRW, 2008). The analysts from the Freedom House organization also note the improvements in Ukraine "primarily due to fewer cases of physical attacks and harassment, as well as greater editorial and ownership diversity" (FH, 2010, p. 9).

However, threats and physical attacks against journalists critical of political elites remained a problem (HRW, 2008). In addition, despite President Yushchenko's promise to solve the 2000 abduction and murder of journalist H. Gongadze, during his presidency, there was little progress in this case (FH, 2007; FH, 2009).

There were cases of intervention of the National Council on Television and Radio Broadcasting of Ukraine in the editorial policy of the audiovisual media and censorship of some programs. For instance,

private cable television operators complained that the National Council on Television and Radio Broadcasting, a state media regulator, was issuing informal instructions on which television channels should be included or excluded from cable networks (FH, 2009, p. 211).

Let us emphasize the issue of restrictions on freedom of speech for protecting public morals by the National Commission for the Protection of Public Morals in Ukraine. It shows methods of administrative influence on the programs' content by the regulatory body (Zakharov, & Yavorsky, 2008) in Ukraine. According to the Ukrainian Helsinki Union for Human Rights, the existence of such a body is the institutionalization of state censorship, the boundaries of which are not clearly defined and will constantly expand. There were significant violations of the standards of freedom of speech due to the increasingly active activity of this authority during Yushchenko's presidency (Zakharov, & Yavorsky, 2008).

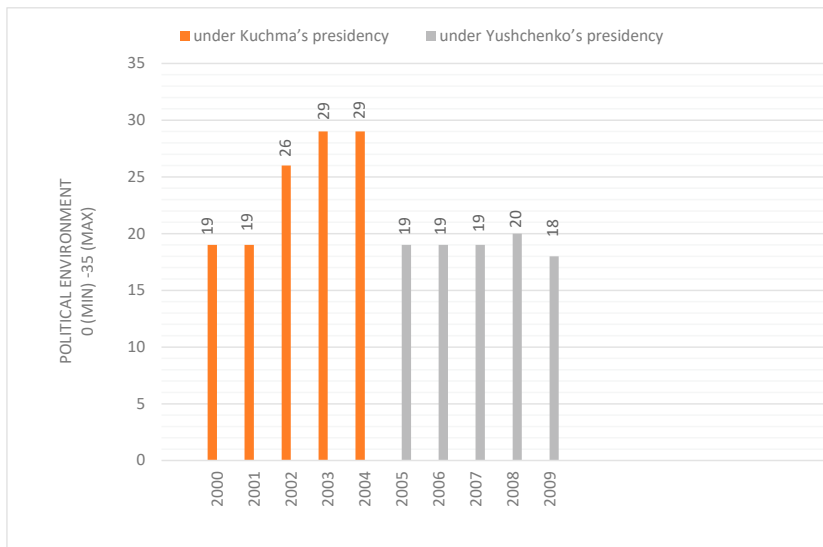
Let us consider the evaluation of the Freedom House of the political environment regarding the media in Ukraine during Yushchenko's presidency (2005–2009) and compare it with the situation in this area during the second term of Kuchma's presidency (2000–2004) (fig. 2).

The political environment is evaluated on a scale from "0" (the lowest level) to "40" (the highest level) in the Freedom House ratings. Hence, the main trend of Yushchenko's presidency is that the level of political influence on mass media in Ukraine was almost the same ("19" in 2005, 2006, and 2007, "20" in 2008, and "18" in 2009).

According to the author's calculations, during the five years of Yushchenko's presidency (2005–2009), the average level of political influence on mass media in Ukraine is „19“, which is a medium level. For comparison, during the five years of the second term of Kuchma's presidency (1999–2004), the average level of political influence on the

media was „24.4“. Thus, on average, the level of political influence on the media during Yushchenko’s presidency was significantly lower than during the second term of Kuchma’s presidency.

Fig. 2 The political environment towards mass media under a presidential-parliamentary republic (2000–2004) and a parliamentary-presidential republic (2005–2009) in Ukraine



Source: own generalization from (Freedom House, 1979–2012)

The decrease in political influence on the mass media was especially noticeable in the first year of Yushchenko as the President of Ukraine (2005) when there was a sharp decrease in political influence on the mass media („19“) compared to the indicator of the previous year (2004) under the previous President of Ukraine („29“). However, the figure shows that the level of political influence during Yushchenko’s presidency was at the same level as under Kuchma’s presidency in 2000 and 2001.

To conclude, the political influence of the media has significantly decreased during the entire term of Yushchenko’s presidency compared to the last years of Kuchma’s presidency. However, in general, there was no significant progress in this matter, because the political influence on the media remained at the same level as during

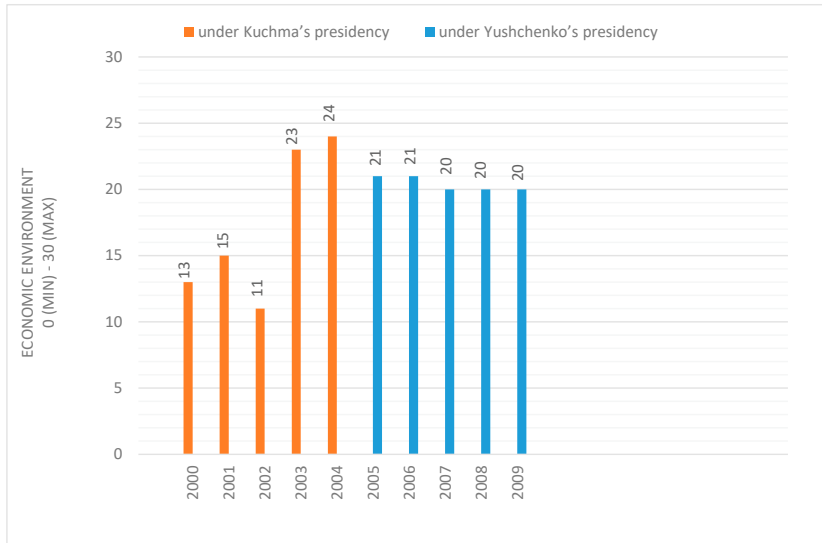
Kuchma's presidency, except for a sharp increase in the last years of his presidency before the 2004 elections.

## THE ECONOMIC ENVIRONMENT TOWARDS MASS MEDIA UNDER A PRESIDENTIAL-PARLIAMENTARY REPUBLIC (2000–2004) AND A PARLIAMENTARY-PRESIDENTIAL REPUBLIC (2005–2009) IN UKRAINE

Ukraine received the status of a country with a market economy in 2006. However, according to Human Rights Watch, the weakness of the Ukrainian economy limits the ability of independent media to flourish as a profitable business that depends solely on advertising and sales revenue (HRW, 2003a). Therefore, the unstable economic situation of the country causes economic pressures on the mass media. This leads to the use of state subsidies or financial support from individuals and groups, which jeopardizes media freedom. In Ukraine, for example, economic instability forced most mass media and journalists to accept sponsorship from major industrial and political groups in exchange for financial security (HRW, 2003b). Druker and Cox call this phenomenon «economic vulnerability» (Druker, & Cox, 2004, p. 34) of the media market. These trends have intensified in the Ukrainian media market because the economic crisis in the country after the global financial crisis of 2008 led to a sharp decrease in revenues from advertising in commercial media (FH, 2009).

Let us consider the evaluation of the “Freedom House” of the economic environment regarding the media in Ukraine during Yushchenko's presidency (2005–2009) and compare it with the situation in this area during the second term of Kuchma's presidency (2000–2004) for the analysis of the economic pressures on media in Ukraine (see Fig. 3).

Fig. 3 The economic environment towards mass media under a presidential-parliamentary republic (2000–2004) and a parliamentary-presidential republic (2005–2009) in Ukraine



Source: own generalization from (Freedom House, 1979–2012).

The economic environment is evaluated on a scale from „0” (the lowest level) to „30” (the highest) in the Freedom House ratings.

According to the author’s calculations, during the five years (2005–2009) of Yushchenko’s presidency, the average level of economic pressure on mass media in Ukraine is „20.4” out of the maximum „30”, which is an above-average level. For comparison, the average indicator of the economic pressures on the media calculated by the author for the same period during the second term of Kuchma’s presidency (2000–2004) is „17.2”. This is, on average, a lower level of economic pressure on the mass media compared to the period during Yushchenko’s presidency.

It can also be determined that in Ukraine the level of economic pressure on mass media in 2004–2009 was practically the same („21” in 2005, 2006, and „20” in 2007, 2008, and 2009) and slightly decreased (to the indicator „21” in 2005) compared to the last year of Kuchma’s presidency („24” in 2004).

Despite the diverse media market in Ukraine, “many major outlets are owned by regional business magnates with close ties to the

government” (FH, 2009, p. 211). One of the main challenges of the last years of Yushchenko’s presidency was the increase in administrative pressure on journalists from the media owners. It was through the salary “in envelopes”, unofficial employment of journalists, and violations of labor legislation against them etc. Media owners used such instruments to promote a controlled editorial policy, especially in political news (Zakharov, & Yavorsky, 2008). Other journalists were “dependent on state subsidies, making self-censorship widespread and slanting news coverage in favor of specific economic or political interests” (FH, 2009, p. 211).

It is almost impossible to find out who is the owner of mass media, especially audiovisual media, in Ukraine (Zakharov, 2005, p. 164–165). This is due to the completely opaque schemes of media ownership in Ukraine, including the lack of an obligation to publish the name of the owner of mass media (Zakharov, 2004, p. 133). This is “one of the main problems in the field of ensuring pluralism of mass media” (Zakharov, 2005, p. 165). Scientists state that “lack of transparency, submission of false data to the National Council, and hidden ownership make it increasingly difficult to know the financial truth» (Druker, & Cox, 2004, p. 36) about media in Ukraine. Thus, although the transparency of media ownership improved somewhat, overall, it remained “...poor because businessmen and politicians often prefer to hide their influence over news programs” (FH, 2009, p. 212).

Law did not limit cross-concentration on electronic and print mass media in Ukraine as in most other countries (Zakharov, 2005, p. 165). On the contrary, the legal framework of Ukraine encouraged audiovisual mass media to make a profit in the field of publication and distribution of newspapers, magazines, books, etc. (Richter, 2003, p. 316). Researchers were concerned that the regulation of media concentration and monopolization processes in Ukraine is entrusted exclusively to the general antimonopoly legislation (Zakharov, 2005, p. 164).

In Ukraine, there are certain sectoral restrictions regarding mass media concentration. For example, Article 10 of the Law of Ukraine “On Print Mass Media (Press) in Ukraine” set a limit of 5% ownership of all print media in Ukraine by one legal or physical person (VRU, 1992). Nevertheless, there were no restrictions regarding news agencies, radio, or television at that time.

The advertising market was very weak, especially for newspapers and news magazines in Ukraine in 2004. National TV channels accumulated about 75–80% of all revenues from advertising on the media market in Ukraine. The share of newspapers was only 7%, which is quite low compared to 15% in other countries (Druker, & Cox, 2004, p. 35). Note regional mass media usually depend on regional advertisers. Therefore, the economic survival of regional media becomes more problematic in an underdeveloped advertising market. Sponsorship was widespread. Private commercial sponsorship was generally political in nature, and media ownership does not mean accountability to an audience in Ukraine. (McCormack, 1999, p. 32)

The main challenge to media freedom in Ukraine during the presidencies of both Kuchma and Yushchenko was a significant amount of paid material in the mass media that was not labeled as advertising. According to the Ukrainian Helsinki Union for Human Rights, the majority of stories in certain news were paid for (Zakharov, & Yavorsky, 2008). In general, such hidden political advertising, or, in other words, placement of paid material in the mass media (locally referred to as “*dzhynsa*”) “was widespread in the media and weakened the public credibility of journalists” (FH, 2009, p. 212; Zakharov, & Yavorsky, 2008).

The aforementioned trends with the economic situation in the media market can also be explained by the global economic crisis of 2008, which occurred during Yushchenko’s presidency and negatively affected the development of the media market in Ukraine.

## RESEARCH RESULTS

As the result of this research, the author identifies the main trend toward media freedom during the second term of Kuchma’s presidency. It is that the level of political influence on the mass media in Ukraine was high at that time. Moreover, it increased each subsequent year of the analysis, reaching the highest level before the presidential elections of Ukraine in 2004. The author defines the main trend of Yushchenko’s presidency, that the level of political influence on mass media in Ukraine each year was practically the same. On average, the level of political influence on the media during Yushchenko’s

presidency was significantly lower than during the second term of Kuchma's presidency. The decrease of political influence on the mass media was especially noticeable in the first year of Yushchenko as the President of Ukraine (2005) when there was a sharp decrease in political influence on the media compared to the previous year (2004) under President Kuchma.

The author's analysis of the legal foundations of mass media functioning in Ukraine indicated generally its improvement during Yushchenko's presidency compared to the second term of Kuchma's presidency. Despite the above, the evaluation of the legal framework for media activity in Ukraine in the last two years (2003 and 2004) of Kuchma's presidency and in the two last years (2008 and 2009) of Yushchenko's presidency was the same. Therefore, although at the beginning of Yushchenko's presidency, there was an improvement in the indicators of the legal environment compared to the last years of Kuchma's presidency, in the last years of Yushchenko's presidency after constitutional reform such a positive trend was lost. Most of the priority tasks of improving Ukrainian legislation on the media in accordance with European standards in this area were not implemented during Yushchenko's presidency under the parliamentary-presidential republic. For example, there was no reform of state and communal mass media.

The analysis conducted by the author of the study shows that during the second term of Kuchma's presidency under the presidential-parliamentary republic, the economic pressure on the mass media constantly increased. It should be noted that the level of economic pressure on mass media in Ukraine in 2004–2009 during Yushchenko's presidency and under a parliamentary-presidential republic was practically the same and slightly decreased compared to the last year of Kuchma's presidency. Moreover, on average, the level of economic pressure on media in Ukraine during Yushchenko's presidency was higher than the average indicator calculated by the author for the same period during the second term of Kuchma's presidency. Despite a diverse media market in Ukraine, business magnates who had close ties to the political authorities or were politicians themselves owned many mainstream media. In addition, the global economic crisis of 2008 also affected the economic environment of the media.



## CONCLUSIONS, INNOVATIONS, AND RECOMMENDATIONS

The author's analysis of the political situation in 2004 Ukraine explains the reason for the constant regression of media freedom starting from the second term of Kuchma's presidency, which began due to the strengthening of presidential power under a presidential-parliamentary republic. However, the transformation of the Ukrainian political system to a parliamentary-presidential due to the Orange Revolution of 2004 and the election of pro-Western President Yushchenko intensified reforms to ensure media freedom in Ukraine. Still, the reforms were not what the supporters of the Orange Revolution expected. The legal environment for the media has not improved significantly. However, under the conditions of the parliamentary-presidential republic, changes of the parliament and the government through elections (2006 and 2007), the responsibility for democratizing the legal framework for media was not solely the president's responsibility. Moreover, the introduction of the parliamentary-presidential model intensified the competition and conflicts between the presidential and parliamentary-government centers of power, mainly among Ukraine's dominant politicians of that time: President Yushchenko (2005–2010), Prime Minister Tymoshenko (2005, 2007–2010), and Prime Minister Yanukovich (2006–2007). This situation created polarized and chaotic conditions for journalists' work and inhibited the achievement of greater media freedom in Ukraine. Based on the research, the author of the article proposes the explanation that with the reduction of political influence on the media during Yushchenko's presidency, the improvement in the economic environment did not occur because the pressure exerted by the ruling elites on the mass media went from the political to the economic dimension.

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