

From Emotion to Norm: Expert Scrutiny as a Rationalizing Scrutiny Mechanism in Parliamentary Lawmaking in the Context of European Integration

(the cases of Ukraine and Armenia)

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Case selection and methodology

Ukraine

Official EU candidate state since 2022. European integration takes place under conditions of full-scale war; wartime governance creates strong security-driven and emotionally charged legislative narratives.

Public trust in the EU and support for European integration are closely connected to expectations of democracy, justice, and rule of law reforms.

Institutional pressure is linked to EU accession, legal approximation, anti-corruption reforms, and wartime decision-making.

Armenia


EU-Armenia relations are structured through the Comprehensive and Enhanced Partnership Agreement. In 2025, Armenia adopted a law declaring the launch of the EU accession process, following a citizens' initiative.

Post-conflict uncertainty (2020 Nagorno-Karabakh war) creates space for emotionally charged political and legislative narratives. Institutional pressure is linked to geopolitical reorientation, security concerns, democratic reform, and debates on future EU membership.



Should the parliament be **rational** and non-emotional?

Emotions are a natural and deeply human phenomenon, and neither can nor should they be entirely excluded from the legislative process. However, this article proceeds from the assumption that excessively emotional legislation may undermine the clarity of legal norms, thereby weakening legal certainty and proportionality. In this sense, excessive emotionality in legislation may ultimately become a rule of law concern.



Ukraine

Expert examination procedure	MPs (MP-initiated bills)	Government (Cabinet-initiated bills)
Scientific-expert examination (Main Scientific-Expert Directorate, ГНЄУ)	Mandatory; conducted on all bills before first reading. Comprehensive (legal, economic, financial, humanitarian, organisational aspects). Conclusion is recommendatory only.	Same — applies identically; no exemption for Cabinet drafts.
Legal / legal-technical examination	In Rada: the committee responsible for the Rules of Procedure gives an expert conclusion on whether drafting and registration meet statutory/Regulation requirements (Reg. Art. 93(4)); the Main Legal Directorate finalises legal-technical quality, chiefly before second reading/signature.	Additionally subject to Ministry of Justice legal expertise before submission to Parliament (Cabinet's own Rules of Procedure). This is the principal MP/Government asymmetry.
Anti-corruption examination	Mandatory committee expert conclusion on conformity with anti-corruption legislation (Reg. Art. 93(1), (3); 21-day term). The NACP (HA3K) may additionally conduct anti-corruption expertise on its own initiative.	Same committee conclusion in Parliament; plus Ministry of Justice anti-corruption expertise at the pre-submission stage. NACP discretionary expertise also available.
European-integration / EU-acquis conformity	Mandatory expert conclusion by the committee competent for compliance with Ukraine's international-law obligations in the sphere of European integration (Reg. Art. 93(1), (3)).	Same parliamentary conclusion; plus executive-side acquis screening during drafting (Government apparatus / Ministry of Justice).
Budgetary / financial impact examination	Mandatory where the bill affects budget indicators: budget-committee expertise on budget impact and conformity with budget-regulating laws; the budget committee forwards the bill to the Cabinet of Ministers (within 3 days) for the Cabinet's own budgetary expertise (Reg. Art. 93(1)).	Government drafts carry a financial-economic justification from the drafting stage; the same parliamentary budget-committee route applies.
Gender-legal examination	Not mandatory for MP bills in Parliament under the current Regulation	Conducted by the Ministry of Justice as a component of legal expertise of draft legal acts (Law No. 2866-IV, Art. 4; CMU Resolution No. 997 of 28.11.2018).
Linguistic expertise	Conducted by the Main Department of Documentary Support of the Apparatus of the Verkhovna Rada of Ukraine	

The Law on Law-Making Activity, there is a list of mandatory checks: EU-law compatibility, scientific, legal, anti-corruption, gender, and anti-discrimination. The law also names the National Academy of Sciences as the main body for legal review of draft laws, allows extra optional checks (human-rights/ECHR, financial, digital, budget, trade), and requires an impact assessment while a bill is still being drafted.

Case studies (Ukraine)

Draft Law on Amendments to Certain Legislative Acts of Ukraine Regarding Certain Issues of Preparing Citizens for National Resistance

Adopted

- Subject of legislative initiative: MP
- Mandatory expert examinations were conducted, but the draft was not included in the Verkhovna Rada's approved 2025 legislative work plan
- The main scientific and expert department raised concerns regarding legal certainty and predictability (including proposing mechanisms that were never tested before), using undefined or evaluative terms, inconsistency with the Laws on Local Self-Government and on Local State Administrations

Armenia

Expert examination procedure	MPs (MP-initiated bills) (12% of laws adopted by the Parliament / OECD SIGMA data)	Government (Cabinet-initiated bills) (88% of adopted law / OECD SIGMA data)
Scientific-expert examination (NA Staff professional expertise)	Available but not mandatory	Available but not mandatory
Legal / legal-technical examination (conformity with the Constitution of RA and the Law on Legislative Acts)	Not automatically mandatory (Art. 1 of Law on Legislative Acts excludes drafts initiated by MPs or factions from the scope of provisions on state-legal expertise)	Mandatory (with exceptions); conducted by the Ministry of Justice
Regulatory Impact Assessment	Not mandatory; may be subject to RIA by the Government	Government Decision No. 2075-Ն, p. 2-3: RIA applies where significant impacts may arise and covers business/competition, public finance, social, health and environmental sectors.
Anti-corruption examination	No mandatory expertise	Yes, but the institutional mechanism needs improvement
European-integration / EU-acquis conformity	Conditionally mandatory when submitted to the Government by the Parliament (opinion by the Ministry of Justice)	Conditionally mandatory where the draft is prepared for approximation with EU legislation. Integrated into state-legal expertise; the justification must identify the relevant EU act and explain full, partial or non-compliance. Conducted by the Ministry of Justice
Budgetary / financial impact examination	NA Rules of Procedure, Art. 70(2)-(3): Government proposals must be accompanied by a conclusion on a substantial decrease in budget revenues or an increase in expenditures; absence of such a conclusion is treated as no such substantial effect.	Mandatory as part of the Government submission package. The justification must include information on additional financial resources needed and expected changes in state-budget revenues and expenditures. RIA may also cover public finance where significant impact exists.
Gender-legal examination	Not mandatory	Is part of social RIA
Linguistic expertise	No mandatory review	Indirectly, as part of state-legal expertise and the content review by the Office of Prime Minister
Other tools of rationalisation	Review by a lead Standing Committee of the National Assembly (the possibility to present also minority opinion; the Chair of a Standing Committee can refer for external expertise); public hearings; government representation in case of MPs-sponsored drafts (NA Rules of Procedure, Art. 79(1)(3): Government representative gives a related report when the draft is introduced by a faction, MP or citizens' initiative); inter-agency review (conditionally mandatory for governmental drafts); working groups (optional); summary tables of changes and amendments (tracing and visualizing rationalisation)	
General conclusion	"Rationalising" tools are institutionally asymmetric; governmental drafts undergo more significant scrutiny	

Case studies (Armenia)

- In Armenian parliamentary practice, rationalisation of emotionally loaded MP initiatives does not normally appear as an explicit critique of emotion. It operates indirectly through legal-quality categories: clarity, proportionality, necessity, fiscal impact, implementation capacity, law coherence and consistency with existing legislation.

Type of emotionality	Draft examples	Dominant emotions	Legal-quality risk	Rationalising effect of govern. review
Protective / vulnerability-based	P-743 domestic violence; P-827 early marriage	fear, compassion, protection, dignity	over- or under-criminalisation; insufficient enforceability; due-process concerns	Government comments redirected punitive/emotional elements toward proportionality, administrative rather than criminal liability, evidence requirements, clearer definitions, fiscal assessment and implementation feasibility.
Bodily / family / ethical	P-842 reproductive health	dignity, autonomy, moral unease, vulnerability	moralisation; unclear safeguards; discrimination; unintended effects	Government comments reshaped the scope of eligible persons, donor rules, consent, medical/legal terminology, administrative liability and implementability.
Grief / sacrifice / recognition	P-879 fallen servicemen families	grief, honour, solidarity	duplication of existing law; symbolic over-legislation; fiscal unpredictability	Government and committee scrutiny challenged the need for a separate law, pointing to duplication, existing guarantees and unassessed fiscal obligations.

Work in progress

- ✓ Focusing on legislative quality in the context of EU integration:
 - Legal approximation to specific acquis (ensuring proper "content")
 - Quality requirements as elements of good governance (ensuring proper methodology and implementation of principles of EU law: proportionality, legal certainty, protection of legitimate expectations, etc.)
- ✓ Re-focusing from emotionality mitigation to the nature and quality of rationalization (rationalization vs. professionalization?);
- ✓ Adding a comparative case study of EU Member States.



Thank you!

