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The system of checks and balances in a semi-presidential republic

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The article presents a comprehensive study of the system of checks and balances within the framework of a semi-presidential republic. It analyzes the institutional mechanisms of interaction among the branches of state power aimed at preventing the usurpation of authority and ensuring democratic functioning. The focus of the research is the practical implementation of the system of checks and balances in countries such as Austria, Azerbaijan, Bulgaria, Ireland, Iceland, Macedonia, Poland, Portugal, Romania, Slovenia, Finland, France, Croatia, and others.

In a semi-presidential republic, the balance of power is achieved through mutual instruments of influence exercised by each branch of government over the others. Although the president holds broad powers, he or she is not omnipotent, as presidential actions are limited by parliamentary oversight, judicial review, and the procedure of impeachment. The government, although appointed with the participation of the president, is accountable to the parliament and may be dismissed as a result of a vote of no confidence. Parliament, in turn, has the power to influence the formation of the government, exercise oversight functions, and participate in judicial appointments. The judiciary ensures constitutional control, evaluates the legality of actions undertaken by other branches of power, and serves as a guarantor of the rule of law.

The purpose of the article is to explore the specific features of the system of checks and balances under a semi-presidential republic. The study applies systemic, institutional, and comparative methods. This methodological approach enables not only the analysis of legal norms but also the examination of their practical implementation in the political context of semi-presidential republics. The results of the analysis indicate that the effectiveness of the system of checks and balances in such systems depends not only on constitutional provisions but also on the level of legal culture, institutional independence, and political accountability of state actors.

Key words: system of checks and balances, semi-presidential republic, president, parliament, government, judiciary.

Introduction. The principle of the separation of powers, formulated by Charles-Louis Montesquieu, has become a foundational element of democracy and political stability. However, the separation of powers alone does not guarantee the effective functioning of a democratic system – a mechanism of mutual oversight among the branches of government, known as the system of checks and balances, is also essential. It is this system that prevents the concentration of power in the hands of a single entity, enables governmental institutions to influence each other, and ensures equilibrium among them.

The implementation of this principle becomes particularly complex in a semi-presidential form of government, which combines features of both parliamentary and presidential republics. A semi-presidential republic is characterized by the simultaneous presence of a politically influential president, a government accountable to the parliament, and an independent judiciary. This format creates a multi-level model of interaction, in which each branch of power has its own instruments of influence as well as limitations on its authority.

Main studies and publications. Among the numerous studies and publications addressing the issue of the system of checks and balances in a semi-presidential republic, particular attention

should be given to the works of the following scholars: O. Valevskyi, N. Haidaienko, Kh. Zabavska, V. Rebkalov, I. Salo, L. Sylenko, V. Surnin, among others.

The purpose of the study. The aim of this article is to explore the institutional mechanisms of the system of checks and balances under a semi-presidential republic.

Methodology. The article employs systemic, comparative, and institutional methods. The systemic method made it possible to consider state authorities as a coherent structure, in which the president, government, parliament, and judiciary interact within the framework of checks and balances. The comparative method allowed the identification of both common features and distinctions in the implementation of the system of checks and balances across the constitutions of various semi-presidential republics. The institutional method was used to analyze the status, powers, and functions of the president, government, parliament, and courts.

Discussion. The system of checks and balances under a semi-presidential republic has its own specific features. Countries with a semi-presidential republic include Austria, Azerbaijan, Bulgaria, Ireland, Iceland, Macedonia, Poland, Portugal, Romania, Slovenia, Finland, France, Croatia, among others. The main characteristics of a semi-presidential republic are

as follows: the president is generally elected by popular vote and is vested with broad legal and de facto powers; the government is formed jointly by the president and parliament, with one of them typically having a dominant role; the government bears dual political responsibility – both to the president and the parliament; there is a dual executive, meaning that executive power is divided between the president and the government; the president provides general leadership of the government, which is headed by the prime minister; the president operates independently of the government (i.e., the absence of a countersignature requirement or its purely formal nature); the president has the right to dissolve the parliament under certain conditions; and the president also possesses the right of legislative initiative [2].

The head of state in semi-presidential republics is vested with certain elements of the system of checks and balances. The president has the authority to participate in the formation of the government. Depending on the specific type of semi-presidential republic, the president's powers in relation to the formation and functioning of the government may vary. There are two main models of government formation – parliamentary and extra-parliamentary. In a presidential-parliamentary republic, the president plays a decisive role in shaping and overseeing the government, whereas in a parliamentary-presidential republic, the leading role belongs to the parliament. A common procedure in semi-presidential republics is one where the president appoints the head of government (prime minister) with the consent of the parliament, and subsequently appoints the other members of the government based on the prime minister's proposals.

Let us consider examples of government formation by the president in semi-presidential republics. In Austria, the head of state is formally vested with significant powers regarding the formation of the government. The president appoints the Federal Chancellor and, upon the chancellor's proposal, the other members of the government. However, the newly formed government must receive a vote of confidence from the parliament. In practice, the position of head of government is usually granted to the leader of the political party that has won the majority of seats in parliament (Section 1, Article 70 of the Federal Constitutional Law of Austria of November 10 of 1920) [12]. In Lithuania, the president nominates a candidate for the position of prime minister only with the consent of the parliament. The head of government must be confirmed within ten days. The other members of the government are appointed by the president upon the proposal of the prime minister (Article 92 of the Constitution of the Republic of Lithuania of 1992) [6].

Under a semi-presidential republic, there exists dual political responsibility – of the government before both the parliament and the head of state. The government's political responsibility before the parliament is realized in two main forms: a vote of no confidence and a refusal to grant confidence. In some states, the government is accountable to both chambers of parliament, as is the case in Romania, while in others – only to the lower house, such as in Poland and France.

The government's political responsibility before the head of state is manifested in the form of the resignation of the entire cabinet or the dismissal of an individual minister. An example of the constitutional enshrinement of dual collective political responsibility of the government can be found in Lithuania. The Government of Lithuania bears collective responsibility before the Seimas for the overall activities of the cabinet. Ministers, who manage the areas of administration entrusted to them, are responsible before the Seimas, the President of the Republic, and are directly accountable to the Prime Minister (Article 96 of the Constitution of the Republic of Lithuania of 1992) [6].

In a semi-presidential republic, the president is vested with the following element of the system of checks and balances – the right to dissolve the parliament. Grounds for dissolution may include: the inability to form a government, a vote of no confidence in the government, failure to adopt the state budget, among others. For example, in Poland, the head of state has the right to dissolve parliament if the state budget is not adopted within four months (Article 225 of the Constitution of Poland of 1997) [11]. In France, the precondition for dissolving the parliament is that the president must consult with the prime minister and the presidents of both parliamentary chambers. In Finland, the president must consult the prime minister and parliamentary party factions; in Croatia, consultation is required with the prime minister and parliamentary groups.

In some cases, the dissolution of parliament may also result in the possibility of removing the president from office. For instance, in Lithuania, after early parliamentary elections called by the president, the newly elected parliament may, within 30 days, adopt a resolution – passed by a 3/5 majority of all members – to call early presidential elections (Article 87 of the Constitution of Lithuania of 1992) [6].

Another instrument of presidential influence over the parliament is the right to veto laws passed by it. For example, the President of Macedonia may veto a law and return it to the parliament for reconsideration. The presidential veto may be overridden by a majority of members of parliament. However, the president may not veto a law that was adopted by no less than a two-thirds majority of the total number of members of parliament (Article 75 of the Constitution of Macedonia of 1991) [7].

Presidents in semi-presidential republics are vested with the right of legislative initiative. The Constitution of Poland of 1997 states that the right of legislative initiative belongs to members of parliament, the president, and the government [11]. Similarly, in Lithuania, the right of legislative initiative is granted to members of parliament, the president, and the government.

The president also influences the judiciary by appointing judges to judicial or higher judicial positions or by participating in the appointment process. Such appointments in semi-presidential republics are usually made on the proposal of the government or a special body. These bodies are known as the High Council of the Judiciary in Portugal, Romania, and France; the National Council of the Judiciary in Poland; the Supreme Judicial Council in Bulgaria; the Republican Judicial Council in North Macedonia; the Judicial Council in Slovenia; and the State Judicial Council in Croatia, among others.

Among other presidential powers, one should also highlight the right to initiate a referendum (in some countries, on the president's own initiative). For instance, according to the Constitution of Romania of 1991, the president has the right, after consulting with parliament, to call a referendum on matters of national interest (Article 90) [9]. In Croatia, the head of state calls a referendum in accordance with the constitution (Part 2, Article 98 of the Constitution of Croatia of 1990) [10].

The government is vested with several elements of the system of checks and balances in relation to other branches of state power. The institute of countersignature is one such element through which the government exercises influence over the president. For example, in Bulgaria, presidential decrees require a countersignature from the head of government and/or the relevant minister, except for legal acts concerning: the appointment of a caretaker government; mandates to form a government; dissolution of parliament; vetoing a law adopted by the parliament; regulation of the organization and functioning of the president's offices; scheduling of elections and referendums; and promulgation of laws (paragraphs 2–3 of Article 102 of the Constitution of Bulgaria of 1991) [5].

In presidential-parliamentary republics, where the government is appointed by the president and politically accountable to him, the institution of countersignature is largely formal, due to the government's actual subordination to the president. In such systems, most presidential decisions do not require countersignature at all. The countersignature mechanism gains real constitutional substance in parliamentary-presidential republics, where the government is formed by the parliament and does not directly depend on the president. In these cases, it serves as a tool of governmental influence on the president

and reflects the predominance of the prime minister within the executive branch.

Although the government is formally accountable to the parliament, it nevertheless possesses a number of levers of influence over it. The primary mechanisms of governmental influence on parliament include: the right of legislative initiative, the preparation of the draft state budget, and the ability to raise the issue of confidence.

The government holds the right of legislative initiative. This is affirmed in constitutional provisions. For instance, Article 39 of the Constitution of France of 1958 states that the government has the right to initiate legislation on an equal footing with members of parliament. Similarly, Article 118 of the Constitution of the Republic of Poland of 1997 grants the government the right of legislative initiative [11].

The government prepares the draft state budget, which determines the priorities of social and economic policy. In France, the parliament is obliged to examine the finance bill within 70 days; otherwise, the government may adopt it by ordinance (Article 47 of the Constitution of France of 1958) [3]. In Portugal, the Council of Ministers submits the budget proposal, and the parliament is subject to strict deadlines for its adoption (Article 105 of the Constitution of Portugal of 1967) [4].

Another element of the system of checks and balances is the government's ability to raise the question of confidence in parliament. This occurs when the government fails to find support in the legislature, when parliament refuses to adopt laws necessary for the implementation of governmental policy, or otherwise obstructs the government's functioning. In such cases, the government has the right to submit a motion of confidence in itself to parliament, which is then subject to a vote. If parliament votes in support of the government, it is considered a vote of confidence, and the government continues its work. If the government does not receive support in the vote, this constitutes a refusal of confidence, and the government must resign. In this case, the government may initiate the dissolution of parliament (usually the lower house) by the head of state and the holding of new parliamentary elections. For example, Article 133 of the Constitution of Portugal of 1967 states that the President has the power to dissolve the Assembly of the Republic in the event of a serious political crisis, on his or her own initiative [4].

The government typically does not possess direct powers over the judiciary, which safeguards its independence. However, ministers of justice may perform administrative functions related to the organization of the judicial system. In France, the Minister of Justice serves as Vice-President of the High Council of the Judiciary (Article 65 of the Constitution of France of 1958) [3].

Parliament is vested with the following mechanisms of the system of checks and balances: presidential impeachment, political accountability of the government, and participation in the formation of the judiciary.

A significant element of the system of checks and balances is the procedure of presidential impeachment by parliament. Article 145 of the 1997 Constitution of Poland states that the President of the Republic of Poland may be held accountable before the State Tribunal for violating the Constitution, a statute, or for committing a criminal offense. The procedure must be initiated by at least 140 members of the National Assembly (both chambers). A two-thirds majority of the National Assembly is required to submit the case to the Tribunal [11]. Articles 130–133 of the 1967 Constitution of Portugal state that the President of the Republic is not liable for actions taken while performing official duties, except in cases of high treason or serious violation of the Constitution. In such cases, the Assembly of the Republic may vote to bring the president to justice before the Supreme Court [4].

In a semi-presidential republic, parliament is vested with the following forms of control over the government: interpellation, parliamentary inquiries, parliamentary addresses, vote of no confidence, oversight of budget implementation, temporary investigative commissions, and ratification of international treaties signed by the government.

Parliament may initiate the dismissal of the government or an individual minister by adopting a vote of no confidence. The vote of no confidence is the most powerful political instrument of control, directly affecting the stability of the executive branch. For example, the Sejm (lower house of the Polish parliament) may express no confidence in the Council of Ministers by an absolute majority of votes, while simultaneously appointing a new Prime Minister (a so-called constructive vote of no confidence) (Article 158 of the Constitution of Poland of 1997) [11].

Members of parliament have the right to submit inquiries, interpellations, and parliamentary addresses to the government. This allows for the identification of abuse, inefficiency, or conflicts of interest within the executive branch. For instance, members of the Ukrainian parliament have the right to submit parliamentary inquiries to executive bodies (Article 86 of the Constitution of Ukraine of 1996) [1].

Parliament approves and oversees the implementation of the state budget. In cases of negative assessment, parliament may initiate the political responsibility of the government. For example, in France, parliament has a limited period to adopt the finance law (Article 47 of the Constitution of France of 1958) [3].

Parliament has the right to establish investigative bodies to examine the activities of the government.

This serves as a tool for detecting violations or abuses by the executive branch. Article 89 of the 1996 Constitution of Ukraine states that the Verkhovna Rada (Ukrainian Parliament) has the right to establish temporary investigative commissions [1].

Parliament is vested with the authority to ratify international treaties signed by the government and to approve key legislative bills initiated by the executive. For example, in Portugal, parliament ratifies international agreements and approves participation in international organizations (Article 161 of the Constitution of Portugal, 1976) [4].

Parliament also participates in the formation of the judiciary. In France, Poland, and Ukraine, parliaments appoint a portion of the judges to the Constitutional Court.

The judiciary is capable of limiting the powers of the president and the government through the mechanism of constitutional review. In France, the Constitutional Council (Article 61) [3] has the authority to assess the constitutionality of laws. In Ukraine (Article 152) [1], the Constitutional Court may declare acts of the president or the government unconstitutional.

The judiciary also influences parliament by having the power to annul laws or specific provisions of laws. For instance, in Portugal (Article 278) [4], the Constitutional Court evaluates draft laws before their promulgation. In Ukraine (Article 151) [1], the Constitutional Court may strike down laws that contradict the Constitution.

The judiciary ensures its independent functioning through institutions of judicial self-governance, such as judicial councils and commissions. In Poland, the National Council of the Judiciary (Article 186) [11] is responsible for safeguarding judicial independence. In Ukraine, a similar role is played by the High Council of Justice (Article 131) [1].

Thus, the system of checks and balances in a semi-presidential republic constitutes a complex but effective mechanism for ensuring the balance among the branches of power, preventing excessive concentration of authority in one branch, and guaranteeing democratic stability. The semi-presidential republic, combining elements of both presidential and parliamentary systems, creates a flexible framework for interaction between the president, the government, the parliament, and the judiciary. The president, as head of state, plays a key role in forming the government, dissolving parliament, and appointing judges, but is simultaneously limited by constitutional procedures, parliamentary oversight, and judicial review. The government, accountable to parliament, influences it through legislative initiative, budget formation, and the ability to raise the issue of confidence. The parliament exercises both political and institutional control over the executive branch, notably through votes of no confidence, interpellations, bud-

getary oversight, and investigative commissions. The judiciary, as an independent body, monitors compliance with the constitution by all branches of power and plays a crucial role in protecting fundamental rights and freedoms.

BIBLIOGRAPHY:

1. Конституція України. Прийнята на п'ятій сесії Верховної Ради України 2-го скликання 28 червня 1996 року. *Відомості Верховної Ради України*. 1996. № 30. Ст. 141.
2. Шляхтун П.П. Конституційне право: словник термінів. Київ : Либідь, 2005. 568 с.
3. Constitution of France of 4 October 1958. URL: <https://www.conseil-constitutionnel.fr/en/constitution-of-4-october-1958>
4. Constitution of the Portuguese Republic of April 1974. URL: <https://www.parlamento.pt/sites/EN/Parliament/Documents/Constitution7th.pdf>
5. Constitution of the Republic of Bulgaria of 1991. URL: <https://codices.coe.int/codices/documents/constitution/47af7ad5-97c9-4f0a-a532-18aa3e1b886c>
6. Constitution of the Republic of Lithuania of 1992. URL: <https://e-seimas.lrs.lt/portal/legalActPrint/lt?jfwid=rivwzvpvg&documentId=TAIS.211295&category=TAD>
7. Constitution of the Republic of Macedonia of 2001. URL: <https://faolex.fao.org/docs/pdf/mac136244E.pdf>
8. The Constitution of Finland of 11 June 1999. URL: <https://www.finlex.fi/api/media/statute-foreign-language-translation/240375/mainPdf/main.pdf?timestamp=1999-06-11T00%3A00%3A00.000Z>
9. The Constitution of Romania of 1991. URL: https://www.constituteproject.org/constitution/Romania_2003
10. The Constitution of the Republic of Croatia of 1990. URL: https://www.usud.hr/sites/default/files/dokumenti/The_consolidated_text_of_the_Constitution_of_the_Republic_of_Croatia_as_of_15_January_2014.pdf
11. The Constitution of the Republic of Poland of 2nd April of 1997. URL: <https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>
12. The Federal Constitutional Law of 1920. URL: https://constitutionnet.org/sites/default/files/Austria%20_FULL_%20Constitution.pdf

REFERENCES:

1. Verkhovna Rada of Ukraine (1996) *Konstytutsiia Ukrainy* [Constitution of Ukraine]. *Vidomosti Verkhovnoi Rady Ukrainy*, no. 30, art. 141. (in Ukrainian)
2. Shliakhtun P. P. (2005) *Konstytutsiine pravo: Slovnyk terminiv* [Constitutional Law: Dictionary of Terms]. Kyiv: Lybid. (in Ukrainian)
3. Constitution of France of 4 October 1958. Retrieved from: <https://www.conseil-constitutionnel.fr/en/constitution-of-4-october-1958> (accessed 27 May 2025)
4. Constitution of the Portuguese Republic of April 1974. Retrieved from: <https://www.parlamento.pt/sites/EN/Parliament/Documents/Constitution7th.pdf> (accessed 27 May 2025)
5. Constitution of the Republic of Bulgaria of 1991. Retrieved from: <https://codices.coe.int/codices/documents/constitution/47af7ad5-97c9-4f0a-a532-18aa3e1b886c> (accessed 27 May 2025)
6. Constitution of the Republic of Lithuania of 1992. Retrieved from: <https://e-seimas.lrs.lt/portal/legalActPrint/lt?jfwid=rivwzvpvg&documentId=TAIS.211295&category=TAD> (accessed 27 May 2025)
7. Constitution of the Republic of Macedonia of 2001. Retrieved from: <https://faolex.fao.org/docs/pdf/mac136244E.pdf> (accessed 27 May 2025)
8. The Constitution of Finland of 11 June 1999. Retrieved from: <https://www.finlex.fi/api/media/statute-foreign-language-translation/240375/mainPdf/main.pdf?timestamp=1999-06-11T00%3A00%3A00.000Z> (accessed 27 May 2025)
9. The Constitution of Romania of 1991. Retrieved from: https://www.constituteproject.org/constitution/Romania_2003 (accessed 27 May 2025)
10. The Constitution of the Republic of Croatia of 1990. Retrieved from: https://www.usud.hr/sites/default/files/dokumenti/The_consolidated_text_of_the_Constitution_of_the_Republic_of_Croatia_as_of_15_January_2014.pdf (accessed 27 May 2025)
11. The Constitution of the Republic of Poland of 2 April 1997. Retrieved from: <https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm> (accessed 27 May 2025)
12. The Federal Constitutional Law of Austria of 1920. Retrieved from: https://constitutionnet.org/sites/default/files/Austria%20_FULL_%20Constitution.pdf (accessed 27 May 2025)

Система стримувань і противаг у змішаній республіці

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У статті здійснено комплексне дослідження системи стримувань і противаг за змішаної форми республіканського правління. Проаналізовано інституційні механізми взаємодії гілок державної влади, спрямовані на запобігання узурпації повноважень та забезпечення демократії. У центрі дослідження – практичне функціонування системи стримувань і противаг у таких державах, як Австрія, Азербайджан, Болгарія, Ірландія, Ісландія, Македонія, Польща, Португалія, Румунія, Словенія, Фінляндія, Франція, Хорватія та інші. За змішаної форми республіканського правління баланс влади реалізується через взаємні важелі впливу кожної гілки влади на інші. Президент, володіючи широкими повноваженнями, не є всевладним, оскільки його дії обмежуються парламентським контролем, судовим наглядом і процедурою імпідменту. Уряд, хоч і призначається за участі президента, відповідальний перед парламентом і може бути усунутий унаслідок вотуму недовіри. Парламент має право впливати

на формування уряду, здійснювати контрольні повноваження, брати участь у призначенні суддів. Судова гілка влади забезпечує конституційний контроль, оцінює законність дій усіх гілок влади та діє як гарант дотримання принципу верховенства права. Метою статті є дослідження особливостей системи стримувань і противаг за змішаної форми республіканського правління. У роботі використано системний, інституційний, порівняльний методи. Це дало змогу не лише проаналізувати правові норми, а й дослідити їх практичну реалізацію в умовах політичної практики у змішаних республік. Результати аналізу свідчать, що ефективність стримувань і противаг у змішаній формі республіканського правління залежить не лише від конституційних формулювань, а й від рівня розвитку правової культури, інституційної незалежності та політичної відповідальності суб'єктів влади.

Ключові слова: система стримувань і противаг, змішана республіка, президент, парламент, уряд, судова влада.