

INSTITUTIONAL AND PROCEDURAL DETERMINATION OF PREMIER-PRESIDENTIALISM AS A TYPE OF SEMI-PRESIDENTIAL SYSTEM OF GOVERNMENT AND ITS MANIFESTATIONS AND OPERATIONALISATIONS IN EUROPEAN COUNTRIES

The article is dedicated to analyzing the phenomenon of premier-presidentialism as a system of inter-institutional relations both in theoretical terms as well as in the context of the real political process in European countries. In view of this, the author singled out institutional and procedural determinants of premier-presidentialism and stated that premier-presidentialism is a separate type of semi-presidential system of government. In this way, the institutional and political manifestations and the parameters of operationalization of premier-presidentialism in European countries were analyzed. The researcher singled out current and historical cases of premier-presidentialism in the analyzed region and, in view of this, found that premier-presidentialism is generally characterized by monistic collective responsibility of governmental cabinet solely to the legislature, by the president's ability to dissolve parliament and call early elections and hence by the dualism in the executive. It is concluded that premier-presidentialism is characterized not so much by transactional as by hierarchical relations in the triangle "president – governmental cabinet / prime minister – parliament".

Keywords: system of government, semi-presidentialism, premier-presidentialism, president, governmental cabinet, prime minister, parliament, legislature, European countries.

INSTYTUCJONALNE I PROCEDURALNE OKREŚLENIE PREMIER-PREZYDENCIALIZMU JAKO TYPU PÓŁPREZYDENCCKIEGO SYSTEMU RZĄDU ORAZ JEGO PRZEKAZY I OPERACJONALIZACJA W KRAJACH EUROPEJSKICH

W artykule przeanalizowano zjawisko premier-prezydencjalizmu jako systemu stosunków międzyinstytucjonalnych, zarówno w ujęciu teoretycznym, jak i w kontekście realnego procesu politycznego w krajach europejskich. W związku z tym wyodrębniono instytucjonalne i proceduralne wyznaczniki premier-prezydencjalizmu i stwierdzono, że premier-prezydencjalizm jest odrębnym rodzajem półprezydencckiego systemu rządów. W ten sposób analizowane są instytucjonalne i polityczne przejawy oraz parametry operacjonalizacji premier-prezydencjalizmu w krajach europejskich. Wyróżniono aktualne i historyczne przypadki premier-prezydencjalizmu w analizowanym regionie i w związku z tym ustalono, że premier-prezydencjalizm generalnie

charakteryzuje się monistyczną zbiorową odpowiedzialnością gabinetu tylko przed legislaturą, zdolnością prezydenta do rozwiązania parlamentu i ogłaszać przedterminowe wybory, a więc dualizm we władzy wykonawczej. Stwierdza się, że premier-prezydentalizm charakteryzuje się nie tyle transakcyjnymi, ile hierarchicznymi relacjami w trójkącie „prezydent – rząd/premier – parlament”.

Słowa kluczowe: system władzy, półprezydentalizm (system półprezydencki), premier-prezydentalizm, prezydent, premier, parlament, legislatura, kraje europejskie.

ІНСТИТУЦІЙНА ТА ПРОЦЕСУАЛЬНА ДЕТЕРМІНАЦІЯ ПРЕМ'ЄР-ПРЕЗИДЕНТАЛІЗМУ ЯК ТИПУ НАПІВПРЕЗИДЕНТСЬКОЇ СИСТЕМИ ПРАВЛІННЯ І ЙОГО ВИЯВИ Й ОПЕРАЦІОНАЛІЗАЦІЯ В ЄВРОПЕЙСЬКИХ КРАЇНАХ

У статті проаналізовано феномен прем'єр-президенталізму як системи міжінституційних відносин, причому як у теоретичному розрізі, так і в контексті реального політичного процесу в країнах Європи. З огляду на це, виокремлено інституційні та процесуальні детермінанти прем'єр-президенталізму і констатовано, що прем'єр-президенталізм – окремішній різновид напівпрезидентської системи правління. У цьому ключі проаналізовано інституційні та політичні вияви та параметри операціоналізації прем'єр-президенталізму в країнах Європи. Виокремлено чинні та вже історичні кейси прем'єр-президенталізму в аналізованому регіоні і, з огляду на це, встановлено, що загалом прем'єр-президенталізм характеризується моністичною колективною відповідальністю урядового кабінету лише перед легіслатурою, можливістю президента розпускати парламент й оголошувати його дострокові вибори, а відтак і дуалізмом у системі виконавчої влади. Підсумовано, що прем'єр-президенталізм характеризується не стільки трансакційними, скільки ієрархічними відносинами у трикутнику «президент – уряд/прем'єр-міністр – парламент».

Ключові слова: система правління, напівпрезиденталізм, прем'єр-президенталізм, президент, урядовий кабінет, прем'єр-міністр, парламент, легіслатура, країни Європи.

Contemporary Political Science and most of its representatives are accustomed to understand semi-presidential system of government (semi-presidentialism) as a constitutionalized structure of inter-institutional relations, which provides simultaneously for the positions/institutions of popularly elected for a fixed term president and prime minister with governmental cabinet collectively responsible at least to parliament (thus possibly responsible either to

parliament and to president¹. Nevertheless, various attributes and indicators of semi-presidentialism, including definitive ones, allow us to argue that the analyzed system of government is very diverse and heterogeneous one. The most important explanation in this context is provided by institutional and procedural factors of the typology of semi-presidentialism, which primarily revolve around the issues of the formation and even more responsibility of governmental cabinets and the possibility of dissolving parliaments/legislatures (it is also possible and expedient to single out the other typologies of semi-presidentialism, in particular based on the diversity of the executive dualism and the powers of various political and power institutions, i.e. presidents, prime ministers, governmental cabinets and parliaments). Therefore, the basic and even classical one is formal (institutional and procedural) typology of semi-presidentialism on the basis of the peculiarities of appointment, but mainly resignation of prime ministers, as well as taking into account the patterns of responsibility of governmental cabinets and the possibility of dissolving parliaments/legislatures, as a result of which researchers (primarily M. Shugart and J. Carey²) distinguish between president-parliamentarism and premier-presidentialism (or, in other words, between president-parliamentary and premier-presidential options of semi-presidentialism). In this context, the issues of the analysis of institutional and procedural features, logics and parameters of operationalization of premier-presidentialism as a type of semi-presidential system of government are relevant ones, especially and mainly in European countries, where this constitutional design of inter-institutional relations is empirically the most common one and, therefore, perhaps heterogeneous rather than homogeneous one.

This is largely argued on the basis of appeals to researches by various scientists. Some of them are, in particular, engaged into the separation and even comparison of these two systems of government in the framework of semi-presidentialism. Among them there are, for example, such scientists as R. Elgie³, R. Elgie and I. McMennamin⁴, R. Elgie and P. Schleiter⁵, Y. Kim⁶, V. Pasyukova⁷, T. Sedelius, J. Ekman and J. Linde⁸,

¹ Similar definitions can be found in the researches of various scientists. For examples, see: Brunclik M., Kubat M., Contradictory Approaches: Discussing Semi-Presidentialism in Central Europe, "Annals of the University of Bucharest: Political Science Series" 2016, vol 18, nr. 1, s. 67–79.; Cheibub J., Elkins Z., Ginsburg T., Beyond Presidentialism and Parliamentarism, "British Journal of Political Science" 2014, vol 44, nr. 3, s. 515–544.; Elgie R., The Politics of Semi-Presidentialism, [w:] Elgie R. (ed.), Semi-Presidentialism in Europe, Wyd. Oxford University Press 1999, s. 1–21.; Elgie R., Variations on a theme: A fresh look at semi-presidentialism, "Journal of Democracy" 2005, vol 16, nr. 3, s. 1–21.; Skach C., Borrowing Constitutional Design: Constitutional Law in Weimar Germany and the French Fifth Republic, Wyd. Princeton University Press 2005.

² Shugart M., Carey J., Presidents and Assemblies: Constitutional Design and Electoral Dynamics, Wyd. Cambridge 1992, s. 19–27.

³ Elgie R., An Intellectual History of the Concepts of Premier-Presidentialism and President-Parliamentarism, "Political Studies Review" 2020, vol 18, nr. 1, s. 12–29.; Elgie R., Semi-Presidentialism: Sub-Types and Democratic Performance, Wyd. Oxford University Press 2011.

⁴ Elgie R., McMennamin I., Explaining the Onset of Cohabitation under Semi-Presidentialism, "Political Studies" 2011, vol 59, nr. 3, s. 616–635.

⁵ Elgie R., Schleiter P., Variation in the Durability of Semi-Presidential Democracies, [w:] Elgie R., Moestrup S., Wu Y.-S. (eds.), Semi-Presidentialism and Democracy, Wyd. Palgrave Macmillan 2011, s. 42–60.

⁶ Kim Y., A Troubled Marriage? Divided Minority Government, Cohabitation, Presidential Powers, President-Parliamentarism and Semi-Presidentialism, "Government and Opposition" 2015, vol 50, nr. 4, s. 652–681.

⁷ Pasyukova V., Modes of Post-Communism: Successor Parties, Trade Unions, and the State in Russia and East Central Europe, "Journal of Contemporary Central and Eastern Europe" 2010, vol 18, nr. 3, s. 281–298.

⁸ Sedelius T., Ekman J., Intra-Executive Conflict and Cabinet Instability: Effects of Semi-Presidentialism in Central and Eastern Europe, "Government and Opposition" 2010, vol 45, nr. 4, s. 505–530.; Sedelius T., Linde J., Unravelling Semi-Presidentialism: Democracy and Government Performance in Four Distinct Regime Types, "Democratization" 2018, vol 25, s. 136–157.

D. Samuels and M. Shugart⁹, M. Shugart and J. Carey¹⁰, etc. Instead, the other researchers, in particular P. Magalhães, L. Aguiar Conraria¹¹ and S. Roper¹², reflect directly on premier-presidentialism, including in European countries. However, despite the considerable attention of these researchers to the issues of premier-presidential semi-presidentialism, they have not yet offered a systematic and unified understanding of the separate system of inter-institutional relations and constitutional design. Accordingly, the task of the presented scientific article is to analyze and compare the features, logics and parameters of the operationalization of premier-presidentialism as a type of semi-presidentialism in European countries.

We believe that the definition and delineation of premier-presidentialism should be done in view of its understanding as a separate type of semi-presidential system of government, in particular within formal (institutional and procedural) typology of the latter. This is especially true and important given the fact that it is necessary to single out such typologies, which mostly revolve around the issues of the formation and even more responsibility of governmental cabinets and the possibility of dissolving parliaments/legislatures, among the various possible factors and indicators of the typologies of semi-presidentialism. This is due to the fact (as noted by R. Elgie¹³) that the definition of semi-presidentialism should avoid theoretical and methodological problems of validity, unreliability and endogeneity, and therefore should serve as a basis for identifying variable types of the analyzed system of government. In other words, the basic or initial typology of semi-presidentialism should be carried out without reference and instructions to the powers of various political institutions and actors, but should be based exclusively on the texts of constitutions and other legal acts that dispositionally outline the patterns of inter-institutional relations within the system of government¹⁴. In this context, the formal (institutional and procedural) typology of semi-presidentialism (primarily by M. Shugart and J. Carey¹⁵), in particular based on the peculiarities of appointment, but mainly resignation of prime ministers, as well as patterns of responsibility of governmental cabinets and the possibility of dissolving parliaments/legislatures, is the main and classical one. It is on this basis that president-parliamentarism (president-parliamentary system of government) and premier-presidentialism (premier-presidential system of government) are distinguished as two

⁹ Samuels D., Shugart M., *Presidents, Parties and Prime Ministers: How the Separation of Powers Affects Party Organization and Behaviour*, Wyd. Cambridge University Press 2010.

¹⁰ Shugart M., Carey J., *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*, Wyd. Cambridge University Press 1992.; Shugart M., *Executive-Legislative Relations in Post-Communist Europe*, "Transition" 1996 (13 December), s. 6–11.; Shugart M., *Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns*, "French Politics" 2005, vol 3, nr. 3, s. 323–351.

¹¹ Magalhães P., Aguiar Conraria L., *Growth, Centrist and Semi-Presidentialism: Forecasting the Portuguese General Elections*, "Electoral Studies" 2009, vol 28, s. 314–321.

¹² Roper S., *Are All Semi-Presidential Regimes the Same? A Comparison of Premier-Presidential Regimes*, "Comparative Politics" 2002, vol 34, nr. 3, s. 253–272.

¹³ Elgie R., McMennamin I., *Variation Within Semi-Presidentialism: Cohabitation, Cabinet Stability and Non-Partisan Prime Ministers*, Paper presented at the annual meeting of the American Political Science Association (Chicago, August 30, 2007).

¹⁴ Lytvyn V., *Conditionality, factors and indicators of heterogeneity and typologization of semi-presidential system of government*, „Studium Europy Środkowej i Wschodniej: Wydawnictwo Wyższej Szkoły Gospodarki Krajowej w Kutnie” 2020, nr. 13, s. 42.

¹⁵ Shugart M., Carey J., *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*, Wyd. Cambridge University Press 1992, s. 19–27.

separate options of semi-presidentialism. The first mentioned option of semi-presidentialism (which is not a special subject of our study, but is revealed only for the delimitation) presupposes the collective responsibility of prime minister and his or her governmental cabinet both to parliament and president, while the second mentioned option of semi-presidentialism – solely to parliament.

In this context, it should firstly be noted that premier-presidentialism is an institutional and procedural counterweight and alternative to president-parliamentarism. Premier-presidentialism is a formal/constitutional type of (semi-presidential) system of government, where prime minister and governmental cabinet are collectively responsible exclusively to parliament/legislature¹⁶. Consequently, the president under premier-presidentialism cannot be formally subjected to an early unilateral resignation of governmental cabinet, and presidential legislative powers, in addition, can also be severely limited¹⁷. Instead, a popularly elected president, who may or may not be empowered to dissolve the legislature, is empowered in the executive (primarily in foreign policy, national security and defense) and shares it with prime minister and his or her governmental cabinet under this type of semi-presidentialism¹⁸. All this, at first glance, is the basic reason and precondition for naming premier-presidentialism as the French model of semi-presidential system of government, because France (since 1962) was one of the first, but certainly the most theorized of its cases¹⁹. However, this is not entirely true, since premier-presidentialism, being more empirically widespread than president-parliamentarism (at least in European countries), is very variable and cannot be delineated exclusively by the French case, even if the creators and “engineers” of national constitutions of different countries appeal to it as to the main one. A clear manifestation of this is the fact that premier-presidentialism happens or has happened earlier among such cases of European semi-presidentialism as Armenia

¹⁶ Shugart M., Carey J., *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*, Wyd. Cambridge University Press 1992.; Shugart M., *Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns*, “French Politics” 2005, vol 3, nr. 3, s. 333; Shugart M., *Comparative Executive-Legislative Relations*, [w:] Rhodes R., Binder S., Rockman B. (eds.), *The Oxford Handbook of Political Institutions*, Wyd. Oxford University Press 2006, s. 357.; Protsyk O., *Semi-Presidentialism under Post-Communism*, [w:] Elgie R., Moestrup S., Wu Y.-S. (eds.), *Semi-Presidentialism and Democracy*, Wyd. Palgrave 2011, s. 98–116.; Elgie R., McMennamin I., *Variation Within Semi-Presidentialism: Cohabitation, Cabinet Stability and Non-Partisan Prime Ministers*, Paper presented at the annual meeting of the American Political Science Association (Chicago, August 30, 2007).; Elgie R., Moestrup S., Wu Y.-S., *Semi-Presidentialism: What Have We Learned?*, [w:] Elgie R., Moestrup S., Wu Y.-S. (eds.), *Semi-Presidentialism and Democracy*, Wyd. Palgrave 2011, s. 264–274.; Moestrup S., *Semi-presidentialism and Power Sharing Does it Work? Examples from Anglophone Africa*, Wyd. National Democratic Institute + IPSA 2011.; Zaznaev O., *Klassifikacii prezidentskoj, parlamentskoj i poluprezidentskoj sistem*, [w:] Farukshin M. (ed.), *Dinamika politicheskich sistem i mezhdunarodnyh otnoshenij*, Vyp 1, Wyd. Kazan. gos. un-t 2006, s. 196.

¹⁷ Schleiter P., *Mixed Constitutions and Political Instability: Russia 1991–1993*, “Democratization” 2003, vol 10, nr. 1, s. 4.

¹⁸ van Cranenburgh O., *Restraining executive power in Africa: horizontal accountability in Africa’s hybrid regimes*, “South African Journal of International Affairs” 2009, vol 16, nr. 1, s. 49–68.; Shugart M., Carey J., *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*, Wyd. Cambridge University Press 1992, s. 19–27.; Chang C.-H., *The Competition/Cooperation Relationship in Executive Power Operating of Semi-presidentialism*, “International Journal of Social Sciences and Humanity Studie” 2011, vol 3, nr. 2, s. 105–116.; McQuire K., *President-Prime Minister Relations, Party Systems, and Democratic Stability in Semipresidential Regimes: Comparing the French and Russian Models*, “Texas International Law Journal” 2012, vol 47, nr. 2, s. 427–454.; Clark T., Larson J., *The Head of State in Premier-Presidentialism: Weak President or Strong President?*, Wyd. Creighton University 2005.; Schleiter P., *Mixed Constitutions and Political Instability: Russia 1991–1993*, “Democratization” 2003, vol 10, nr. 1, s. 4.; Roper S., *Are All Semi-presidential Regimes the Same? A Comparison of Premier-Presidential Regimes*, “Comparative Politics” 2002, vol 34, nr. 3, s. 253–272.

¹⁹ Chernov V., *Sistemy pravleniya v Evrope: klassifikaciya i sravnitel’nyj analiz na primere stran Evrosoyuza*, „Politiya“ 2008, vol 1, nr. 48, s. 142–159.

(in 2005–2018), Bosnia and Herzegovina (since 1995), Bulgaria (since 1991), Croatia (since 2000), Czechia (since 2012), Finland (since 1919), Georgia (since 2013, but expected by 2024, when it should become a parliamentary system of government), Ireland (since 1937), Lithuania (since 1992), Northern Macedonia (since 1991), Moldova (since 2016, but also in the 90s of the XX century), Montenegro (since 2006), Poland (since 1990), Portugal (since 1982), Romania (since 1991), Serbia (since 2006), Slovakia (since 1999), Slovenia (since 1991), Turkey (in 2007–2018), Ukraine (in 2006–2010 and since 2014), as well as the already mentioned France (since 1962) (see Table 1 for details). Consequently, the study of premier-presidentialism in Europe needs both differentiation and generalization, including in terms of institutional and procedural determination, manifestations and operationalisations of premier-presidentialism as a type of semi-presidential system of government.

The generalizing feature of premier-presidentialism is that the appointment (with or without the consent of the head of state) and the dismissal (necessarily without the consent of the head of state) of prime minister (and sometimes of individual, most of all or all of the ministers) of governmental cabinet *de jure* and *de facto* are the prerogatives of the legislature. In turn, the president (except in the case of Finland since 1999 and except in special situations in other premier-presidential countries) nominates the candidate for the position of prime minister who is represented/proposed and/or supported by the majority in the legislature or parliamentary majority²⁰. It is also interesting that the head of state is officially authorized to nominate the composition of governmental cabinet only in Poland (since 1990) and Croatia (since 2000), as well as historically (in 2005–2018) in Armenia. In turn, the participation of the legislature in granting/giving a vote of investiture to the head or composition of governmental cabinet is not provided only in France (since 1962), but it is inherent in all other European premier-presidential countries. By analogy, the president is not traditionally (with the only exceptions of Ireland since 1937 and Poland since 1997) authorized to confirm the resignation of the head of governmental cabinet by the legislature under premier-presidentialism. On the other hand, about a third of the cases of European premier-presidentialism (see Table 1 for details) provides for the possibility of an official confirmation by the president the composition of cabinet and the possibility for the president to dismiss individual members of governmental cabinet.

²⁰ Protsyk O., *Reforming Cabinets in Post-Communist Countries: Political Determinants of Cabinet Organization and Size*, Presented at American Political Science Association Meeting (Chicago, September 2–5, 2004).

Table 1. Institutional and procedural attributes and parameters of the cases of premier-presidentialism among the current and continuous semi-presidential countries of Europe (as of December 2021)²¹

Country (the years of approval of premier-presidentialism)	President's ability to dismiss cabinet on his or her own	Parliament's ability to dismiss the cabinet (vote of no confidence in cabinet)	President's confirmation of the parliamentary resignation of cabinet (vote of no confidence in cabinet)	Requirement of official nomination of prime minister by the president	President's official ability to nominate the composition of cabinet	Parliament's participation in giving the vote of investiture to the head (composition) of cabinet	President's official ability to confirm the composition of cabinet	Requirement of official confirmation of the resignation of prime minister by the president	President's ability to dismiss individual members of cabinet on his or her own	President's ability to dissolve parliament and call its early election	President's ability to issue decrees with the force of law	President's ability to initiate a referendum on his or her own
Bulgaria (since 1991)	No	Yes	No	Yes	No	Yes	No	No	No	Yes	Yes	No
Bosnia and Herzegovina (since 1995)	No	Yes	No	Yes	No	Yes	No	No	No	Yes	No	No
Croatia (since 2000)	No	Yes	No	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
Czechia (since 2012)	No	Yes	No	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes
Finland (1919–1999)	No	Yes	No	Yes	Yes	No	No	No	Yes	Yes	Yes	No
Finland (since 1999)	No	Yes	No	No	No	Yes	Yes	No	Yes	No	Yes	No
France (since 1962)	No	Yes	No	Yes	No	No	Yes	No	No	Yes	Yes	No
Georgia (since 2013)	No	Yes	No	Yes	No	Yes	No	No	No	Yes	Yes	No
Ireland (since 1937)	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	No
Lithuania (since 1992)	No	Yes	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No
Northern Macedonia (since 1991)	No	Yes	No	Yes	No	Yes	No	No	No	No	No	No
Moldova (since 2016)	No	Yes	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes
Montenegro (2006–2007)	No	Yes	No	Yes	No	Yes	No	No	No	No	No	Yes
Montenegro (since 2007)	No	Yes	No	Yes	No	Yes	No	No	No	Yes	No	Yes
Poland (1990–1997)	No	Yes	No	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
Poland (since 1997)	No	Yes	No	Yes	Yes	Yes	No	Yes	No	Yes	No	Yes
Portugal (since 1982)	No	Yes	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes
Romania (since 1991)	No	Yes	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes
Serbia (since 2006)	No	Yes	No	Yes	No	Yes	No	No	No	Yes	No	No
Slovakia (since 1999)	No	Yes	No	Yes	No	Yes	Yes	No	Yes	Yes	No	No
Slovenia (since 1991)	No	Yes	No	Yes	No	Yes	No	No	No	Yes	Yes	No
Ukraine (2006–2010)	No	Yes	No	Yes	No	Yes	No	No	No	Yes	No	Yes
Ukraine (since 2014)	No	Yes	No	Yes	No	Yes	No	No	No	Yes	No	Yes

Zródło: Own considerations based on the national constitutions of the relevant European countries during the period when they were premier-presidential ones.

²¹ The gray color indicates the historical cases of premier-presidentialism in those European countries that are currently continuing to be semi-presidential ones. In turn, the table does not include historical examples of premier-presidentialism in those European countries that are not continuously or currently semi-presidential ones. Among them are or were such European countries as Armenia (2005–2018), Moldova (1994–2001), Turkey (2007–2018) and Yugoslavia (2001–2002), etc.

This gives every reason to argue that premier-presidentialism, at least in European countries, on average significantly contributes to the inter-institutional balance and compromise between the president and the legislature on the issues of formation and functioning of governmental cabinets, as well as on the issues of governance, political system and political process in general. Since the head of state in the conditions of premier-presidentialism traditionally (unlike the common situations in the conditions of president-parliamentarism) has no power or authority over the governmental cabinet or the legislature, and therefore the president's influence on the system of government is especially complicated in the case of his or her opposition and even obstruction to the majority in parliament²². In this context, delineation of the relationship between the president and the legislature, based on consideration and checking whether the head of state controls parliamentary majority or the majority in parliament and what is the structure of the latter, is a determinant factor of inter-institutional relations under premier-presidentialism. Considering the traditions and peculiarities of governance, inter-institutional relations, the executive dualism and constitutional/political culture in each premier-presidential country has some additional significance in this context.

Accordingly, both the peculiarity and the problem of premier-presidentialism lie in different approaches to the indicators, by means of which different scientists carry out the distinction of premier-presidentialism. On one hand, the scope of constitutional powers of the president, parliament and governmental cabinet is taken into account, nevertheless, on the other hand, the political component is also important, because it is manifested in taking into account the party affiliation or structuring of the head of state, prime minister and parliamentary majority (or minority)²³. Considering unconstitutional factors, including the personal characteristics of the president, prime minister and the speaker of parliament, the features of the specific historical context, the level of political culture and the specifics of political traditions both at the level of separate political actors and society as a whole and so on, is of additional importance. For example, provided that the president of France (and of many other European premier-presidential countries) has the support (especially a stable one) of the majority in the legislature, the head of state concentrates a significant (and greater than constitutionally regulated) scope of powers in the executive, and the prime minister finds himself or herself in a subordinate (secondary) position to the head of state²⁴.

²² Schleiter P., *Mixed Constitutions and Political Instability: Russia 1991–1993*, "Democratization" 2003, vol 10, nr. 1, s. 4.; Elgie R., McMenamin I., *Variation Within Semi-Presidentialism: Cohabitation, Cabinet Stability and Non-Partisan Prime Ministers*, Paper presented at the annual meeting of the American Political Science Association (Chicago, August 30, 2007).

²³ Romanyuk A., Lytvyn V., *Porivnialnyi analiz politychnykh instytutiv krain Vyshehradskoi hrupy ta inshykh krain Tsentralno-Skhidnoi Yevropy*, Wyd. LNU imeni Ivana Franka 2016.

²⁴ Elgie R., France, [w:] Elgie R. (ed.), *Semi-Presidentialism in Europe*, Wyd. Oxford University Press 1999, s. 67–85.; Grossman E., *The President's Choice? Government and Cabinet Turnover under the Fifth Republic*, "West European Politics" 2009, vol 32, nr. 2, s. 268–286.; Marrani D., *Semi-Presidentialism à la française: the Recent Constitutional Evolution of the "Two-Headed" Executive*, "Constitutional Forum constitutionnel" 2009, vol 18, nr. 2, s. 69–77.

In this context, premier-presidentialism as a separate type of semi-presidential system of government functions as close as possible to presidentialism by its institutional and procedural logics²⁵. Even though the president does not formally have the right to terminate the powers of prime minister and cabinet, but instead can influence the latter only indirectly, i.e. through a presidential/pro-presidential majority in the legislature. Controversially, some cases of the European premier-presidentialism (for example, in Slovenia and a number of other European countries) also make possible the inter-institutional designs, situations and scenarios, when presidents and prime ministers belong to the same political parties or coalitions and are supported by identical majorities in the legislatures, but the prime ministers, not the presidents, exercise their constitutional powers as best they can and may even dominate in the executive dualism.

In turn, the opposite situation is typical for the cases of premier-presidentialism (mostly in semi-presidential countries, where presidents have the leading influence in the scenario outlined above), when the president and the prime minister cooperate within their own constitutional powers, but they both belong to competing political parties or coalitions in the legislature, as a result the president does not enjoy the support of parliamentary majority or the majority in the legislature. Consequently, if the president loses or does not enjoy the support of parliamentary majority, while the prime minister enjoys the support of parliamentary majority, then the leadership in the power-executive vertical strengthens or shifts towards the head of governmental cabinet and the cabinet itself. The reason is that the inter-institutional confrontation between the president, on one hand, and the parliamentary majority and governmental cabinet, on the other hand, is programmed one and affects the increase or decrease of the constitutional powers of these institutions in such a case. As a result, inter-institutional relations in such cases of premier-presidentialism are determined by the “friction” and disposition between the president as the head of state and the prime minister as the head of governmental cabinet and the executive in general, particularly given that the prime minister and governmental cabinet are collectively responsible exclusively to the legislature or the majority in the legislature²⁶.

Taking into account political and constitutional culture, structuring features of the ruling elite and the personalized-oriented attributes of the presidency and the premiership is of complementary importance to the functioning of European premier-presidentialism in this context. This determines that if the president and prime minister (in the case of coalition governmental cabinet’s formation) belong to the same, identical or related political parties, which have a majority in the legislature, then the inter-institutional relations between the president and parliament are slightly conflicting ones, and the executive “visually” or behaviorally is less dualized than in the case, when the president and prime minister have the support of different political parties in the legislature

²⁵ Shugart M., Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns, “French Politics” 2005, vol 3, nr. 3, s. 323–351.

²⁶ Chernov V., Sistemy pravleniya v Evrope: klassifikaciya i sravnitel’nyj analiz na primere stran Evrosoyuzha, „Politiya” 2008, vol 1, nr. 48, s. 142–159.; Sydorchuk O., Osoblyvosti vyboriv u napivprezidentskykh respublikakh: dosvid Ukrainyy Polshchi, „Hileia: naukovyi visnyk” 2013, nr. 73, s. 342–344.; Shugart M., Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns, “French Politics” 2005, vol 3, nr. 3, s. 333.; Choudhry S., Stacey R., Semi-Presidentialism as a Form of Government: Lessons for Tunisia, “NYU Law Working Papers: Consolidating the Arab Spring – Constitutional Transition in Egypt and Tunisia” 2013.

and are the political antagonists/opponents of each other, as a result the president and prime minister cannot cooperate within a single configuration of the majority in the legislature. This is especially true when the legislatures are excessively polarized and/or fractionalized and are formed on the basis of the electoral systems with majoritarian/single-member (i.e., TRS and FPTP) or at least mixed electoral formulas, because the latter significantly intensify and stabilize disputes over the distribution of powers in the executive vertical between the president and prime minister, as well as general confrontation between the executive and the legislature.

The positions of the head of state, prime minister and other political actors in the system of party or intra-party hierarchy are another important factor in guaranteeing or limiting the inter-institutional balance and even compromise between the president and parliament on the formation, functioning and responsibility of governmental cabinets in the conditions of premier-presidentialism. For example, if the leader of a political party or electoral bloc/coalition that has a majority in the legislature becomes the head of state, then this leader will dominate the executive. However, if the president is not the leader of a party with a majority in the legislature, but the leader of such a party is the prime minister, then it is quite clear that the format of relations between the president and prime minister will depend on intra-party competition and structuring. For example, after the tragic catastrophe and the death of the Polish President L. Kaczyński in Smolensk in 2010, D. Tusk as the head of the Civic Platform (PO) parliamentary party, which had a relative/plurality majority in the legislature, refused to run for president and continued to serve as the Prime Minister. Instead, B. Komorowski who held the position of vice-chairman in the party hierarchy of PO, ran and won the presidential election. Therefore, it was difficult to talk about the dominance of the president in the system of the executive during this period. An even more interesting and vivid situation in Poland arose in 2015 as the result of the inaugurations and incumbency of the President A. Duda and the Prime Minister B. Szydło from the “Law and Justice” (PiS) parliamentary party, which was and is being currently (formally and actually) headed by J. Kaczyński. The same situation continued during the tenure of all the prime ministers (i.e., twice M. Morawiecki – in 2017–2019 and since 2019, also from PiS) during the two terms (in 2015–2020 and since 2000 and ongoing at the time of our research writing) of A. Duda’s presidency, that is according to the results of the 2015 and 2020 presidential elections and the 2015 and 2019 parliamentary elections. The most important is that it allowed the PiS party leader J. Kaczyński to informally concentrate powers in his hands and to significantly shift the balance of inter-institutional relations between the president and prime minister in Poland not in their favor, but in favor of the party leader and the informal leader of the state.

All this theoretically and methodologically proves the position of M. Shugart, according to which the cabinet in the conditions of premier-presidentialism can be subordinated to the president only when: a) the president and the parliamentary majority or the majority in the legislature come from the same party or are constructed by ideologically close parties, which form the

governmental cabinet all together; b) the president is the de facto chairman of a party that independently has or composes a majority in the legislature²⁷. However, such a dispositional and common feature of premier-presidentialism as the collective political responsibility of the prime minister and governmental cabinet solely to the legislature²⁸ means that if the legislature elects, appoints or approves a prime minister who is ideologically and party-wise opposed to the head of state, then the latter will have to accept this appointment. In the terminology of M. Shugart, this means that the resulting attribute of premier-presidentialism is that it is described by a governmental cabinet, which is endowed with parliamentary support (not subordinated to the president, but only to the legislature), and therefore the inter-institutional relations between the president and prime minister or between the president and the legislature are purely business or businesslike ones²⁹. The situation is completely different when the results of parliamentary election do not provide the possibility to form a stable majority in the legislature, because the president receives a “mandate” and the role of “mediator” during the process of governmental cabinet’s formation in this context³⁰.

This is especially important when the parliamentary vote of investiture on the formation of governmental cabinet is not constitutionally regulated and provided (this is only the case of France in the conditions of European premier-presidentialism³¹) or when the parliamentary vote of investiture in governmental cabinet is implemented within a negative majority rule (as in Portugal and earlier in Turkey). Instead, the president’s “mediation” is weakened by a constructive vote of no confidence in governmental cabinet (as in Croatia, Georgia, Poland, Serbia, Slovenia and earlier in Turkey), because this mechanism pushes the institution of president into the background during the resignation of the current cabinet and the formation of a new cabinet. On the other hand, it is important that if the president is not authorized to nominate a prime minister (regardless of whether the candidacy of prime minister, the composition and/or the program of governmental cabinet requires the parliamentary vote of investiture), then the outlined example of premier-presidentialism is almost indistinguishable from parliamentarism (this is most true for Finland since 1999).

On average, this regulates that the president in premier-presidentialism is “stimulated” to negotiate with the legislature on the process of governmental cabinet’s formation, and the legislature, in turn, is probably interested in a reciprocating and countering motion. Even though the president theoretically has more significant unilateral nominating powers to recommend a prime minister and form a cabinet, and the legislature is endowed with solely unilateral discretionary

²⁷ Shugart M., *Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns*, “French Politics” 2005, vol 3, nr. 3, s. 323–351.

²⁸ Sydorчук O., *Osoblyvosti vyboriv u napivprezidentskykh respublikakh: dosvid Ukrainy y Polshchi*, „Hileia: naukovyi visnyk” 2013, nr. 73, s. 342–344.

²⁹ Shugart M., *Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns*, “French Politics” 2005, vol 3, nr. 3, s. 333.

³⁰ Shugart M., *Comparative Executive-Legislative Relations: Hierarchies vs. Transactions in Constitutional Design*, “Center for the Study of Democracy Paper” 2005, nr. 7, 31 s.

³¹ Elgie R., *France*, [w:] Elgie R. (ed.), *Semi-Presidentialism in Europe*, Wyd. Oxford University Press 1999, s. 67–85.

powers regarding the resignation of cabinet³², both the head of state and the legislature are still interested in working together and in jointly having their “share” in cabinet and in the political system as a whole³³. This is especially evident given that the process of governmental cabinet’s formation under premier-presidential type of semi-presidentialism involves more than just the choice of a prime minister. This process additionally includes negotiations on party (or non-party) composition of governmental cabinet, appointments to the leading positions in the public sector, the distribution of resources in the legislature, as well as in general on the attributes of political process. As a result, it is clear that inter-institutional relations under premier-presidentialism are not necessarily consensual or even mainstream ones, because they can and should (at least analytically) be complemented by the patterns of inter-party and political competition.

Accordingly, the interaction in the plane “premier-presidentialism and party system” is usually determined by the practical relationships between the president and the prime minister, in particular as to whether the prime minister is subordinated to the president, the president is subordinated to the prime minister or they are in cohabitation (i.e., providing divided majority system³⁴). This is institutionally due to the fact that the initiative to form a governmental cabinet or at least to nominate a prime minister belongs to the president under European premier-presidentialism (with the exception of Finland since 1999). However, in practice this is regulated by the fact that any new governmental cabinet (or the person of its prime minister, its composition and/or its program) must (with the exception of France since 1962) pass the parliamentary vote of investiture. In addition, the formation of a new governmental cabinet under premier-presidentialism is usually associated with the election of a new parliament or the leading chamber of parliament, rather than a president. This requires taking into account the balance and positioning of political parties in the legislature that, in turn, generates opportunities for parties to compete for the participation in governmental cabinet, encourages them to form party blocs/coalitions and distribute cabinet’s portfolios and thus to cooperate with governmental cabinet and to support or disapprove its initiatives or, in total, to the development of party system and its control over the institutions of the executive³⁵.

The situation is compounded by the fact that governmental officials and cabinet ministers in most cases of the European premier-presidentialism can be removed from office only at the request of the prime minister. Instead, the presidents of only a few cases of the European premier-presidentialism are empowered to unilaterally terminate the duties of some cabinet

³² Roper S., Are All Semi-presidential Regimes the Same? A Comparison of Premier-Presidential Regimes, “Comparative Politics” 2002, vol 34, nr. 3, s. 253–272.

³³ Garrido A., Semi-Presidentialism and Democracy: A Comparative Perspective, Presented at World Congress of the International Political Science Association (Santiago de Chile, July 2009); Elgie R., McMenamin I., Variation Within Semi-Presidentialism: Cohabitation, Cabinet Stability and Non-Partisan Prime Ministers, Paper presented at the annual meeting of the American Political Science Association (Chicago, August 30, 2007).

³⁴ Skach C., *Borrowing Constitutional Design: Constitutional Law in Weimar Germany and the French Fifth Republic*, Wyd. Princeton University Press 2005.

³⁵ Sydorchuk O., Osoblyvosti vyboriv u napivprezidentskykh respublikakh: dosvid Ukrainy y Polshchi, „Hileia: naukovyi visnyk” 2013, nr. 73, s. 342–344.

ministers, which generally ensures the loyalty of the ministerial composition of governmental cabinet mainly to the head of governmental cabinet³⁶. A similar, albeit much less average, logics apply to the appointment of the heads of state administrations (if such are regulated by law) or other officials of local government³⁷. Consequently, premier-presidentialism institutionally and politically focuses on the balance of inter-institutional relations between the president and prime minister, as well as (and as a consequence) on institutional (including cabinet one) and political stability, taking into account the number and connections of political parties in governmental cabinet and in the legislature. At the same time, premier-presidentialism is supplementally regulated by the independent (or hypothetically independent) role of the head of state who is also able to function as a stabilizing factor and institution. The fact is that it is the head of state who, in most cases of the European premier-presidentialism, decides whom will be the candidate for the next prime minister in the event of previous governmental cabinet's resignation, although given the support of the majority in the legislature. If this is not possible (each country defines it specifically), then the head of state can traditionally be authorized to dissolve parliament and call its early election on his or her own initiative. In general, this means that premier-presidentialism, at least theoretically, constitutionally, institutionally and procedurally, is more stable than president-parliamentarism (this conclusion is preliminary one, because the latter type of semi-presidentialism needs separate consideration). The reason is that premier-presidentialism focuses on the advantages of both parliamentarism (i.e., encouraging parties to control the formation, functioning and responsibility of governmental cabinets, in particular through increased inter-party electoral competition³⁸) and presidentialism (i.e., seeking to normalize political and systemic role of the president as an "arbiter" of inter-institutional relations of various branches of government).

In contrast, the specificity of the presidency under the European premier-presidentialism (largely with the exception of the post-Soviet countries of Eastern Europe as well as France) is that the head of state (unlike the president-parliamentary type of semi-presidentialism on average) is traditionally (especially in countries of Western, Central-Eastern and South-Eastern Europe) deprived of powerful levers of influence on the executive, and therefore the attractiveness of this institution is lower than the attractiveness of the institution of parliament³⁹. This is due to the fact that the field of activity of the president is mostly and traditionally reduced to reconciling and coordination of the conflicting interests of various political parties and institutions, as well as to maintaining the balance of the political system in general. Thus, parliamentary elections

³⁶ Protsyk O., Reforming Cabinets in Post-Communist Countries: Political Determinants of Cabinet Organization and Size, Presented at American Political Science Association Meeting (Chicago, September 2–5, 2004).

³⁷ Pavlenko R., *Parlamentska vidpovidalnist uriadu: svitovyi ta ukrainskyi dosvid*, Wyd. KM Akademia 2002, s. 44.

³⁸ Sydorchuk O., *Osoblyvosti vyboriv u napivprezidentskykh respublikakh: dosvid Ukrainy y Polshchi*, „Hileia: naukovyi visnyk“ 2013, nr. 73, s. 342–344.

³⁹ Sydorchuk O., *Osoblyvosti vyboriv u napivprezidentskykh respublikakh: dosvid Ukrainy y Polshchi*, „Hileia: naukovyi visnyk“ 2013, nr. 73, s. 342–344.; Clark T., Larson J., *The Head of State in Premier-Presidentialism: Weak President or Strong President?*, Wyd. Creighton University 2005.

play a major role in the political and behavioral delineation of the institutional and procedural attributes of premier-presidentialism. The fact is that parliamentary elections determine the control over the executive, first of all over the prime minister and governmental cabinet, while presidential elections have if not symbolic then supplementary significance. This is especially true for such cases of the European premier-presidentialism as Bosnia and Herzegovina, Bulgaria, Croatia, Czechia, Finland, Ireland, Montenegro, Northern Macedonia, Serbia, Slovakia and Slovenia. This applies to a lesser extent to such countries as France and Lithuania (as well as historically to Armenia), since their governmental cabinets are obliged to resign after the inauguration of the newly elected presidents⁴⁰/

The exceptions in this regard are Georgia and Ukraine (both as such historical cases of premier-presidentialism as Armenia and Turkey), as well as to a lesser extent Lithuania, Poland, Portugal and Romania, where the institution of president does not correspond to the theoretical construct of an “arbiter” of political system, because the head of state quite often (for various reasons and in view of the support in the legislature) transfers to himself or herself a significant part of the powers in the executive and focuses not “over”, but “within” the political system and the system of inter-institutional relations. Accordingly, the president is not always irrelevant in the conditions of premier-presidentialism (even on average), because the head of state may have the right of legislative initiative and veto⁴¹, on the basis of which there is a significant rapprochement with the ideal position of the president⁴². This is often due to the fact that the president relies on the fact of direct legitimacy of his or her power, which differs from the limited powers of the head of state in the executive⁴³. As a result, premier-presidentialism hypothetically and potentially generates the situations of confrontation between the prime minister or parliamentary majority and the president. The fact that the presidential “popular mandate” is supplemented and significantly strengthened by a fixed-term election also contributes to this. This, in the combination with the above-mentioned factors as well as with the historical traditions/features of the political system of each particular semi-presidential country, gives the head of state incentives to use his or her “national-wide popularity” to compensate for the lack of constitutional powers and to oppose the prime minister. In addition, as D. Samuels and M. Shugart⁴⁴ argue, the importance of presidential elections increases when the presidential candidates are the leaders, but not the second, third or any other authorized persons of different parties, because the parties in this case invest large resources in the victory of their nominees. Conversely, according

⁴⁰ Elgie R., France, [w:] Elgie R. (ed.), *Semi-Presidentialism in Europe*, Wyd. Oxford University Press 1999, s. 67–85.

⁴¹ Clark T., Larson J., *The Head of State in Premier-Presidentialism: Weak President or Strong President?*, Wyd. Creighton University 2005.

⁴² Tsebelis G., *Veto Players: How Political Institutions Work*, Wyd. Russell Sage Foundation 2002.

⁴³ Elgie R., France, [w:] Elgie R. (ed.), *Semi-Presidentialism in Europe*, Wyd. Oxford University Press 1999, s. 67–85.

⁴⁴ Samuels D., Shugart M., *The “Semi-presidential” model and its subtypes: Party presidentialization and the selection and deselection of prime ministers*, Paper presented at the Committee of the 10th Congress of the French Political Science Association (Grenoble, September 7–9, 2009), s. 9.

to O. Sydorчук⁴⁵, if the presidential candidates do not show a desire to actively influence the executive and occupy a relatively insignificant position in the party hierarchy, then presidential elections are less significant, in particular compared to parliamentary elections. In summary, this means that the importance of presidential elections and, therefore, the importance of the institution of president in the context of premier-presidentialism depend on the strategy of their participants: if they are aimed at active influencing the political system and forming governmental cabinets, then the role of presidential elections and presidential institutions increases significantly, and vice versa.

However, on the other hand, the majoritarian tendencies of the presidential executive⁴⁶ decrease depending on whether the head of state enjoys the support of the majority in the legislature. The point is, for example, that cohabitation (i.e. divided majority system as well as divided minority system⁴⁷) can have a potential effect in this context, because it can reduce the “presidential orientation” of parliamentary elections and, therefore, of governmental cabinets. Accordingly, it is intuitively clear that the president under premier-presidentialism can maximize his or her influence over the governmental cabinet only by cooperating with the legislature⁴⁸, and that the president cannot exercise actually any power without the help of the prime minister⁴⁹. In other words, the president, yielding his or her powers to the legislature, receives constant influence on the political process and inter-institutional relations and, therefore, rises above the political system, in particular over the system of government.

At the same time and on the contrary, this does not mean that the president cannot try to avoid concessions to the legislature and nominate a prime minister or a governmental cabinet's option that does not have the support of the majority in parliament. However, such a strategy characterizes the institution of president in the conditions of premier-presidentialism very rarely. The reason is that the president clearly understands that such actions only antagonize the legislature and cause the latter to express a vote of no confidence in the “presidential” governmental cabinet. In turn, repeating such a strategy will eventually lead to the president being treated as “incapable of negotiating” and “guilty” of failing to form a stable governmental cabinet⁵⁰. This is largely the reason why the head of state is aware of the fact that the price of his or her “guilt” in the instability of governmental cabinet is too destructive politically. Therefore, all the president's calculations will conclude that there is a need to bargain

⁴⁵ Sydorчук O., *Osoblyvosti vyboriv u napivprezidentskykh respublikakh: dosvid Ukrainy y Polshchi*, „Hileia: naukovyi visnyk“ 2013, nr. 73, s. 342–344.

⁴⁶ Shugart M., Carey J., *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*, Wyd. Cambridge University Press 1992, s. 282.

⁴⁷ Skach C., *Borrowing Constitutional Design: Constitutional Law in Weimar Germany and the French Fifth Republic*, Wyd. Princeton University Press 2005.

⁴⁸ Elgie R., McMenamin I., *Variation Within Semi-Presidentialism: Cohabitation, Cabinet Stability and Non-Partisan Prime Ministers*, Paper presented at the annual meeting of the American Political Science Association (Chicago, August 30, 2007).

⁴⁹ Elgie R., France, [w:] Elgie R. (ed.), *Semi-Presidentialism in Europe*, Wyd. Oxford University Press 1999, s. 67–85.

⁵⁰ Elgie R., McMenamin I., *Variation Within Semi-Presidentialism: Cohabitation, Cabinet Stability and Non-Partisan Prime Ministers*, Paper presented at the annual meeting of the American Political Science Association (Chicago, August 30, 2007).

with the legislature, especially if the latter can unilaterally form a governmental cabinet. However, it is also noticeable that the president's ability to influence the governmental cabinet and the political process after the confrontation as well as to reconcile interests with the legislature will be much less than in the case of the initial bargaining with parliament. In contrast, if the legislature tries to maximize its influence on the governmental cabinet and the political process as a whole, in particular without taking into account the interests of the head of state and given that the head of state cannot dismiss the governmental cabinet, then only the parliament will be solely "guilty" of governmental and political instability. Consequently, the legislature, in particular its majority, is also aware that such a strategy is too destructive politically for parties opposed to the president (which have the majority in the legislature).

In general, this means that the legislature and the president in the conditions of premier-presidentialism have direct and indirect incentives to negotiate with each other and reach an agreement on the formation and responsibility of governmental cabinet, and this distinguishes premier-presidentialism from president-parliamentarism. This is due to the fact that premier-presidentialism is logically (though not in all semi-presidential countries in Europe) constructed on the basis of a series of cross-relations – between the president and prime minister, between the president, prime minister and parliamentary majority, between the executive and other state structures, between the political elite and the people⁵¹. The result is the minimization of the risks of institutional collapse and relative political/inter-institutional stability, which should theoretically help to improve the consolidation of democracy. At the same time, such incentives are limited or disappear only when a new majority in parliament is formed as a result of the parliamentary election, especially if it is actively opposed to the president and, therefore, can legitimately refuse to bargain and negotiate with the head of state, even if it threatens the fact of cohabitation. Therefore, all responsibility for the political process in this case lies on a governmental cabinet and the majority in the legislature, and the powers of the president are limited.

On average, this fits into M. Shugart's logic and theoretical/methodological remark, according to which the president in the conditions of premier-presidentialism is characterized as a "head of state with considerable powers" only when he or she can dissolve the legislature or veto its legislation⁵² (or appoint the head of governmental cabinet if the legislature cannot do so as a duty. These powers of the head of state somewhat expand the "business" or transactional nature of the inter-institutional relations in the conditions of premier-presidentialism, because the former give the latter a transactional character in the format of the president's bargaining with the legislature and, accordingly, with the prime minister and governmental cabinet. For example, the president's legislative veto forces the governmental cabinet and the legislature to function more farsightedly. This is especially true when overcoming the presidential veto requires a qualified majority in the legislature. However, even when overcoming the legislative veto

⁵¹ Elgie R., France, [w:] Elgie R. (ed.), *Semi-Presidentialism in Europe*, Wyd. Oxford University Press 1999, s. 67–85.

⁵² Shugart M., *Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns*, "French Politics" 2005, vol 3, nr. 3, s. 339.

requires the support of an absolute majority in the legislature, this may be a more complicated procedure than adopting a regular act of parliament. The reason is that laws in a significant number of European semi-presidential countries are passed by a relative majority, and therefore governmental cabinet must more closely mobilize the legislature in the event of a legislative veto. The powers of the president are further strengthened within premier-presidentialism when the head of state is authorized to appoint or nominate a formator (or an informant, to a lesser extent) during the formation of governmental cabinet⁵³.

Ultimately, this means that premier-presidentialism in the context of the institution of the head of state is characterized by certain “presidential features”, i.e. constitutional conditions that allow the president to be endowed with and act on the basis of a “separate mandate”⁵⁴. On the other hand, premier-presidentialism is moving away from presidentialism at the same time, because: a) it is necessarily conditioned by the possibility of the resignation of governmental cabinet by the legislature; b) it traditionally provides for the possibility of dissolving the legislature by the head of state. In this context, the presidential powers to dissolve the legislature (as a “non-attribute” of parliamentarism) balances the parliamentary powers to resign governmental cabinet (as a “non-attribute” of presidentialism). It theoretically and methodologically means that any hypothetical system of government, where the president may dissolve parliament, but governmental cabinet is not responsible to the legislature or its majority, will act against the principles of inter-institutional control, equilibria, checks and balances. On the other hand, if a popularly elected president is an “agent” of the electorate, then he or she must have the constitutional authority to demand the cooperation from the side of the majority in the legislature. And complementary: it is the voters under premier-presidentialism who decide whether to strengthen or weaken the president’s actual powers over the legislature and the prime minister, or vice versa.

The competency and functional specificity of premier-presidentialism is that the prime minister or governmental cabinet and the president are formally and mostly actually endowed with separate (but not necessarily unrelated) powers in the executive. As a result, premier-presidentialism is almost always unquestionably characterized by the dual/dualistic nature of the executive. This is reflected in the fact that the prime minister traditionally (with or without the participation or consent of the president) forms his or her governmental cabinet and directs/coordinates its work, primarily in the fields of social and economic policies. Instead, the president, who may even be authorized to appoint some cabinet ministers, is traditionally able to influence social and economic policy-making, but mainly determines the foreign policy course of the state and is responsible for national security and defense.

⁵³ Shugart M., *Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns*, “French Politics” 2005, vol 3, nr. 3, s. 338; Shugart M., *Comparative Executive-Legislative Relations: Hierarchies vs. Transactions in Constitutional Design*, “Center for the Study of Democracy Paper” 2005, nr. 7, 31 s.

⁵⁴ Shugart M., *Comparative Executive-Legislative Relations: Hierarchies vs. Transactions in Constitutional Design*, “Center for the Study of Democracy Paper” 2005, nr. 7, 31 s.

All this is a reason to argue that the president in the conditions of premier-presidentialism can be endowed with both legislative (non-political) and non-legislative (political) powers⁵⁵. Moreover, the head of the premier-presidential state does not necessarily have legislative (non-political) powers, but necessarily has non-legislative (political) powers, particularly in the executive, even if he or she is unable to exercise most of them alone or independently. This or rather the combination and comparison of the legislative and non-legislative powers of presidents is the basis of the internal taxonomy of the two types of premier-presidentialism⁵⁶, in particular: the “French” one, which is characterized by a greater number of legislative powers and a smaller volume of non-legislative powers of presidents; the “moderate and formal” one, which is characterized by relatively small legislative and greater non-legislative powers of presidents⁵⁷. At the same time, the proposed evaluation model is not consolidated one, because it does not take into account some important aspects of the institution of presidency, which do not belong to legislative and non-legislative powers of presidents, but significantly affect their role and place in the political system. In particular, these are the patterns of early termination of powers of presidents and the peculiarities of the powers of presidents in relation to the judiciary. This conclusion is complemented by R. Elgie⁵⁸, D. Samuels and M. Shugart⁵⁹, who do believe that different cases of premier-presidential semi-presidentialism determine different political effects and depend to a large extent on both institutional and non-institutional factors.

This means that premier-presidentialism can be presidentialized both formally and informally or both institutionally and behaviorally, in particular through political parties. Moreover, as noted above, presidents in the conditions of premier-presidentialism acquire informal political influence if the president and the majority in the legislature belong to the same political party and/or the president is the head of his or her political party *de facto*⁶⁰. In other words, premier-presidentialism can create the necessary conditions for formal/institutional presidentialization, but instead only or exceptionally sufficient (rather than necessary) conditions for informal/political presidentialization. In summary, this means that the degree of influence of the head of state under premier-presidentialism depends not only on constitutional norms, but also on the way how parties solve their internal problems, in particular on the transfer of powers and coordination of powers. Accordingly, it is quite correct to conclude that the degree of presidentialization of premier-presidentialism decreases when the president and the parliamentary majority belong to mutually opposed/oppositional parts of the party and ideological spectrum,

⁵⁵ Shugart M., Carey J., *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*, Wyd. Cambridge University Press 1992

⁵⁶ Roper S., *Are All Semi-presidential Regimes the Same? A Comparison of Premier-Presidential Regimes*, “Comparative Politics” 2002, vol 34, nr. 3, s. 258–259.

⁵⁷ Zaznaev O., *Klassifikacii prezidentskoj, parlamentskoj i poluprezidentskoj sistem*, [w:] Farukshin M. (ed.), *Dinamika politicheskikh sistem i mezhdunarodnyh otnoshenij*. Vyp 1, Wyd. Kazan. gos. un-t 2006, s. 196.

⁵⁸ Elgie R., *Varieties of Semi-Presidentialism and Their Impact on Nascent Democracies*, “Taiwan Journal of Democracy” 2007, vol 3, nr. 2, s. 53.

⁵⁹ Samuels D., Shugart M., *Presidents, Prime Ministers and Parties: A Neo-Madisonian Theory of Party Organization and Behaviour*, Paper presented at the annual meeting of the American Political Science Association (Philadelphia, 2006).

⁶⁰ Shugart M., *Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns*, “French Politics” 2005, vol 3, nr. 3, s. 323–351.

and therefore the system of government works exclusively according to formal and constitutional patterns⁶¹. This expectation is due to the fact that governmental cabinet in the conditions of premier-presidentialism depends exclusively on the confidence of the majority in the legislature, the opposite or non-opposite one to the head of state. However, if such a majority is opposite or oppositional one, it eliminates internal and narrow-party sources of presidential influence on the legislature, shifting the theoretical attention to the phenomenon of cohabitation (which is discussed in various relevant studies).

In this context, it is important to take into account the authority or non-authority of the head of state to dissolve the legislature, since these powers serve as a very important basis for the internal taxonomy of all the cases of the European institutional and procedural premier-presidentialism. Based on the so-called “neo-Madison perspective”⁶², the cases of the European premier-presidentialism should be divided into the cases of parliamentary-like premier-presidentialism, when the president cannot dismiss the prime minister and/or governmental cabinet and cannot dissolve the parliament (Finland since 1999, Montenegro in 2006–2007, Northern Macedonia and Turkey earlier), and cases of classical premier-presidentialism, when the president cannot dismiss the prime minister and/or governmental cabinet, but may dissolve the parliament (all other cases of premier-presidentialism among the current and continuous semi-presidential countries of Europe; see Table 1 for details). It is clear that through the application of the logic of the internal taxonomy of premier-presidentialism this type of semi-presidentialism is heterogeneous one in its institutional and political stability and democratic effectiveness. The reason is that of all the cases of European premier-presidentialism the most stable ones (even much close to president-parliamentarism) are those where the president has considerable executive powers, as well as legislative and non-legislative powers in general. In this case, the constitutional obligation of the branch of government or political institution that initiates the dissolution of another branch of government or political institution also to be re-elected one is considered as a “safeguard” for premier-presidentialism to “slide” into authoritarianism and instability⁶³.

Overall, the article found that premier-presidentialism (or semi-presidentialism with only parliamentary responsibility of governmental cabinet) is a system of government, where cabinet and prime minister are collectively responsible exclusively to the legislature. Consequently, the president

⁶¹ Samuels D., Shugart M., The “Semi-presidential” model and its subtypes: Party presidentialization and the selection and deselection of prime ministers, Paper presented at the Committee of the 10th Congress of the French Political Science Association (Grenoble, September 7–9, 2009).

⁶² Shugart M., Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns, “French Politics” 2005, vol 3, nr. 3, s. 328, 333–335, 339; Carroll R., Shugart M., Neo-Madisonian Theories of Latin American Institutions, [w:] Munck G. (ed.), Regimes and Democracy in Latin America: Volume I: Theories and Agendas, Wyd. Oxford University Press 2007, s. 51–104; Samuels D., Shugart M., Presidents, Parties and Prime Ministers: How the Separation of Powers Affects Party Organization and Behaviour, Wyd. Cambridge University Press 2010.; Elgie R., McMenamin I., Variation Within Semi-Presidentialism: Cohabitation, Cabinet Stability and Non-Partisan Prime Ministers, Paper presented at the annual meeting of the American Political Science Association (Chicago, August 30, 2007); Samuels D., Shugart M., The “Semi-presidential” model and its subtypes: Party presidentialization and the selection and deselection of prime ministers, Paper presented at the Committee of the 10th Congress of the French Political Science Association (Grenoble, September 7–9, 2009).

⁶³ Movchan U., Raboriahova I., Statusno-rolovi osoblyvosti instytutu prezydenta na rynku vlady, „Visnyk Kharkivskoho natsionalnoho universytetu imeni V. N. Karazina: Serii: Pytannia politolohii” 2010, vol 16, nr. 885, s. 89–97.

under premier-presidentialism cannot be subjected to an early unilateral resignation of governmental cabinet, and presidential legislative powers can also be severely limited. However, this does not necessarily diminish the president's influence in the system of government, since the head of state may be empowered to dissolve the legislature, usually nominates a candidate for the position of the head of governmental cabinet, is empowered in the executive and shares the executive with the prime minister and his or her cabinet. Thus, premier-presidentialism is characterized mainly by hierarchical relations between the president, prime minister and parliament (often not known in whose favor), and therefore is relatively conflictive only depending on the party affiliation of the president and prime minister and the composition of the legislature. This means that premier-presidentialism is a separate type of European semi-presidentialism, which significantly affects the formal and actual powers of the institutions of president, prime minister and parliament, since it can have both institutional and procedural (formal) as well as political and behavioral (actual) consequences.

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