

## THEORIES ABOUT SEMI-PRESIDENTIAL SYSTEMS

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### Abstract

The paper points out theories about semi-presidential systems and their characteristics. Maurice Duverger popularised this model of the separation of powers in his works, pointing out, alongside other writers who followed him, the differences in relation to the presidential and parliamentary systems. The differences in individual definitions of the semi-presidential system indicate the lack of agreement on the essential characteristics of this system of government. In addition to Duverger's definition of the semi-presidential system, which states that its three essential characteristics are: the president of the republic is directly elected, has significant powers, and has a prime minister and ministers who are parliamentarily responsible, the minimalist concept of Robert Elgie is also pointed out, from which significant presidential powers are excluded. Due to its importance in theory, Shugart and Carey's understanding of two subtypes of the semi-presidential system is presented, namely the prime-presidential and presidential-parliamentary systems. Giovanni Sartori's theory of the semi-presidential system is presented because this writer, among other things, gave science a definition that very well answers the question of the dynamic character of this institutional model. Among the normative-political theories and definitions that follow them, the one postulated by Rafael Martinez is the one given in the paper, and among the normative theories and definitions, the paper considers the theory of Gianfranco Pasquino. Finally, the author offers his definition of the semi-presidential system.

**Key words:** semi-presidential systems, theories, Maurice Duverger, definitions, France V Republic.

## ТЕОРИЈЕ О ПОЛУПРЕДСЕДНИЧКИМ СИСТЕМИМА

### Апстракт

У раду се указује на теорије о полупредседничким системима и њиховим особинама. Морис Диверже је популаризовао овај модел поделе власти у својим радовима, указујући, као и други писци који су га следили, на разлике у односу на пред-

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седнички и парламентарни систем. Разлике појединих дефиниција полупредседничког система указују на непостојање сагласности о битним особинама овог система власти. Поред Дивержеове дефиниције полупредседничког система, у којој се наводи да су његове три битне особине да је председник републике изабран непосредно, да поседује значајна овлашћења и да насупрот себи има премијера и министре, који су парламентарно одговорни, указано је и на минималистичку концепцију Роберта Елдија из које су искључена значајна председничка овлашћења. Због значаја које у теорији има, приказано је схватање Шугарта и Керија о два подтипа полупредседничког система, а то су премијерско-председнички и председничко-парламентарни систем. Теорија полупредседничког система Ђованија Сарторија приказана је због тога што је овај писац, између осталог, науци подарио дефиницију која веома добро даје одговор на питање о динамичном карактеру овог институционалног модела. Између нормативно-политиколошких теорија и дефиниција које их следе, дата је теорија Рафаела Мартинеза, а од нормативних теорија и дефиниција, дата је теорија Ђанфранка Пасквина. На крају, аутор је понудио своју дефиницију полупредседничког система.

**Кључне речи:** полупредседнички системи, теорије, Морис Диверже, дефиниције, Француска V Република.

## *INTRODUCTION*

From the very start we can state that classical dichotomous classification of government systems into presidential and parliamentary has not been so clear as it used to be a couple of decades ago. Many political comparative studies on constitutional and legal systems have already introduced new classification forms. Namely, what is currently in focus is a trichotomous division of constitutional and political systems. Through his pioneering work, Maurice Duverger, a French political scientist, professor and sociologist perhaps made the greatest contribution to establishing this new classification. Namely, he has elaborated a new model of political system, a semi-presidential government. According to his definition, which has been quoted many times, and which remains the most accepted and influential one:

"Political regime is considered as semi-presidential if the constitution which established it combines three elements: (1) the president of the republic is elected by universal suffrage; (2) he possesses quite considerable powers; (3) he has opposite him, however, a prime minister and ministers who possess executive and governmental power and can stay in office only if the parliament does not show its opposition to them" (Duverger, 1980, p. 166).

According to this author, this definition was derived exclusively from the constitution text and no other variable should be considered. Today, discussions on the semi-presidentialism as a specific system, different from presidential and parliamentary forms of government, are as vehement as they were when Duverger's article first appeared, with a question being raised about its basic characteristics and which countries have adopted it.

These discussions have been going on in the Republic of Serbia as well, mainly focusing on the ground characteristics of the semi-presidential system since the model of Serbian Constitution of 2006 could be, according to some definitions of this system, classified into this institutional design. (Popović, 2024, 106; Pejić, 2019, 53) There is also an opinion that the system of government in Serbia is parliamentary. (Jovanović, 2022, 357; Petrov, 2024, 235-236) The term "semi-presidential system" is not widely accepted among distinguished French constitutional jurists, although the French system is deemed to be the archetype of semi-presidentialism. In that context, Vitalino Canas underlines that the Fifth Republic has been differently interpreted by different authors in French constitutional and legal literature. Thus, Gicquel describes this system as "presidentialistic", Pactet as "parliamentary-presidential", Cadart as "republican-parliamentary monarchy" or "dualistic parliamentary system" while Colliard names it "a parliamentary system with presidential correction". There are some authors who use more radical terminology and call this system "consular republic" or "plebiscitary monocracy" (Canas, 2004, 114).

#### *FRENCH FIFTH REPUBLIC AS A STATE-MODEL OF SEMI-PRESIDENTIAL SYSTEM*

We believe that in theory there is a predominant opinion that France is the archetype of semi-presidential system. However, it should be noted that the Weimar Constitution of August 11<sup>th</sup>, 1919 for the first time brought to the global stage the semi-presidential system (Simovic, 2008, 151). This is not the only reason why there is not a uniform opinion in political literature of France being the state-model of the semi-presidential system since, before the French Constitution of 1958, Weimar Republic established this system, and according to Duverger's opinion, the same did Finland in 1919. Thus, based on the example of the Weimar Constitution and the French Fifth Republic Constitution, Fridrich Rüb argued: "The constitutions which have established semi-presidential government are different in terms of respective specifics. However, the major difference between them does not lie in a constitutional organization, but in a variety of games they allow to be played." (Rüb, 1993, 98). Olivier Duhamel also discusses France as a hybrid model of constitutional order:

"Formally speaking, the French Constitution is of parliamentary type, like the one in many other European countries where the parliament cannot dissolve the government by no confidence vote. However, it is also of a presidential type because, if we move away from the formal legal concept of government and start to look at it from political point of view, then the president, elected by popular vote represents, in principle, the executive power." (Duhamel, 2001)

French author Yves Mény raised the question whether the Fifth Republic was a presidential or a parliamentary system:

"This painful question can be answered in thousands of variants which eventually start to resemble the discussions on the angels' gender since this androgynous Republic does not fully correspond to the rules of classical beauty. In the presidential system it sees the attraction of the head of the state, elected by popular vote, the holder of important authority, without being accountable for it. In the parliamentary system, on the other hand, it accepts the government structure, the concept of ministerial accountability and the right to dissolve national assembly. In short, the Constitution of the Fifth Republic is like the bat from Aesop's fable – indecisive whether it wants to be a bat or a bird" (Mény, 1998, 24-25).

In Serbian constitutional and legal literature, as well as in some textbooks, French system of government is considered to be parliamentary. The following characteristics of this system are mentioned:

"1. rationalized dualistic model of parliamentarism (strong position of the president who enjoys broad powers to dissolve the parliament and the right to call for a referendum; broad, original regulatory authority of the government; strong prime minister; automatic adoption of laws proposed by the government if they are related to the issue of confidence, unless the assembly dissolves the government with absolute majority of no confidence vote); 2. elections by absolute majority vote; 3. the schematic of bipolar multi-party system (average effective number of parties - 3.43 (2.49-4.52), one strong and three moderate political parties); 4. the coalition government with narrow majority and, sometimes, with minority cabinets; 5. a certain degree of government domination over the parliament, close to the British model." (Živković & Simović, 2009, 212).

If we focus on the mere organization of executive branch of power, then we can accept the characteristics of French semi-presidential model defined by the Croatian author, Robert Podolnjak. According to him, these characteristics include:

- the president of the republic is directly elected by popular vote for a certain period in office ;
- the president of the republic shares the executive power with the prime minister creating the structure of the dual executive;
- the president of the republic appoints and discharges the prime minister and, at his proposal, the other members of government, he presides the government meetings;
- the government is, in accordance with the Constitution, formally accountable to the national assembly and must enjoy its confidence;
- in reality the government is politically accountable to the president of the republic when he appoints the prime minister and the government from the members of his political party or the

coalition which supports him; • the president of the republic has significant powers which are not the subject of co-signature (passing the orders with the force of law, calling a referendum, dissolving the parliament); • the president of the republic, and not the government, is the actual holder of the executive power in the situations when there is a triple political agreement: the first between the government and the majority in the parliament, the second between the president of the republic and the government and the third between the president and the majority in the national assembly" (Podolnjak, 2022, 106)

### *Maurice Duverger as the Creator of the Theory of Semi-presidential System and his Critics*

As we have already mentioned, Maurice Duverger was the first among constitutional jurists and political scientists who used the term "semi-presidential" to describe this new model of government. However, it was the French journalist Hubert Beuve-Mwery who invented this phrase in 1959 while working for the newspaper. Having analyzed political systems of the Weimar Republic in Germany and others in Finland, Austria, Ireland, France Iceland and Portugal, Duverger concluded that they all share the major condition for the institutional organization of this model of government - directly elected president who possesses significant authority and the government accountable to the parliament. However, this constitutional author noticed certain key distinctions between formal semi-presidential constitutions in these states and their functioning as classical parliamentary systems. The analysis of these seven political systems pointed to big difference in political practice regardless the similarities of their constitutional models and presidential authorities. According to Duverger, the constitutional framework is, in fact, the characteristic of the semi-presidential model, which is of secondary importance. In that context, the constitutions of Austria, Ireland and Iceland are semi-presidential, but the practice is parliamentary.

Thus, it has been stated in theory that, based on Duverger's pleiades of semi-presidential systems, the normative approach could lead us to conclude that Austria has a semi-presidential constitution.

"However, the analysis of political practice and the setting up of constitutional conventions which represent the constituent part of Austrian constitution in real life, are clearly in opposition to this status. Therefore, Austria should be, without dilemma, classified into a group of parliamentary systems given the fact that, according to its Constitution applied in practice, the head of state's role in the executive is exclusively limited to his dignitary activities." (Simovic, 2008, 183).

Moreover, in theory, in regard the relationship between Austrian president and Federal Chancellor, it has been noted that the federal Chancellor is the strongest man (*dux*), "he is a dynamic authority, the active king, while the president *rex* is an integrative authority, the passive king." (Miloradović, 1998, 57) . The president in Austria and in FR Germany, although they are not elected in the same way, play the same role, a passive ethical and political role. Both in Austrian and German constitutional and political system, the Chancellor has an active role. Such division of roles is usual in Germanistic constitution tradition. Similar situation is found in Ireland and Iceland where presidents, regardless the fact they were directly elected and that he constitution gives them considerable authority, are in practice ceremonial figures. Duverger used the example of former Weimar Republic, Finland and Portugal to point to dualism of executive branch of power that is to balanced division of executive powers between the president and the government. He also discovered that in France there was the third type of schematic of semi-presidential system. In this country powerful presidency rules (we can freely say that the same situation existed in 1980 when Duverger wrote his famous article and has remained until present day). Namely, French presidents, starting from De Gaulle, all the way to Macron, "have directly applied all prerogatives foreseen by the Constitution, that is, they have executed the authorities foreseen for their prime ministers and governments" (Duverger, 1980, 171). Thus, the presidents of the Fifth Republic have actually become supreme leaders of the executive, and *de facto* head of states.

A question may be raised what caused such a different position of the head of states in Duverger's pleiades of semi-presidential systems. Namely, the constitutions of the mentioned countries stipulate that their head of states possess similar powers, which are not negligible, but in practice there are variations in their applications. Some presidents used them in full scope, even stepping outside the constitutional framework (for example, in France) while in Austria, Ireland and Iceland the presidents do not apply them extensively. These variations are the result of different traditions in these countries and the commitment of political parties (or the president of republic, in some countries) to the parliamentarization or presidentialization of political practice. Different roles of presidents in semi-presidential systems are the consequence of the relationship between the president and parliamentary majority. In that context, Duverger underlines that if the head of the state also leads the majority in the parliament, then he becomes super powerful, as is the case with French presidents.

"If he is just a party member<sup>1</sup>, and not its leader, then he becomes the figure similar to current Austrian president or most of Irish presidents. If he is outside the parliamentary majority, either as an opponent or a neutral person, he still holds regulatory position and his actual authorities will correspond to those foreseen in the constitutional text." (Duverger, 1980, 184)

A new theoretical concept was created based on the criticism of Duverger's theory. Namely, Robert Elgie, an Irish professor of politicalology, is the author of so called "minimalistic concept of the semi-presidential system" (Rapajić, 2017, 110-123). Namely, the phrase "considerable authority was erased from the Duverger's definition, while its institutional characteristics remained: directly elected president and the government accountable to parliament as necessary but sufficient to be called a semi-presidential system. According to Elgie, the advantage of such definition is that allows certain countries to be classified in the category of semi-presidential regimes and gives them an opportunity to be compared as similar systems. Thus this politicalologist classified semi-presidential states into three groups: 1) free presidential states; 2) semi-presidential states which are not free, but represent elected democratic systems; and 3) semi-presidential system which are not free and are not elected democratic systems. After this classification, Elgie created another classification of free and elected democratic semi-presidential systems dividing them into three groups: 1) highly presidentialized semi-presidential systems (Guiana, Peru, South Korea); 2) semi-presidential systems with a ceremonial president (Austria, Bulgaria, Iceland, Ireland, Portugal, Slovenia) and 3) semi-presidential systems with balanced authorities of the president and prime minister (Cape Verde, Croatia, Finland, France, Lithuania, Mali, Mongolia, Poland, Romania, Sao Tome and Principe, Senegal, Slovakia and Taiwan) (Elgie, 2005, 102-109).

This Elgie's theory seems vulnerable since it includes the systems with extremely different political practices and presidential authorities which is supported with the fact that he classified Croatia into semi-presidential systems with balanced authorities of the president and prime minister, that has been opposed by eminent Croatian authors. Thus, for example, professor Branko Smerdel states that: "Croatia has a semi-presidential system since the change of the Constitution in 2000" (Smerdel, 2020, 292). To this counterstatement opposing Elgie's assertions that Croatia is a semi-presidential system we can add criticisms directed at some of his views, but, before that, we would like to point to the definition of semi-presidential system, according to which this system of the organization of powers can be described as the situation where,

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<sup>1</sup> Meaning: the parliamentary majority (author's note).

apart from the head of state who is elected by popular vote for a defined period of time in office, there is also a prime minister who is accountable to the parliament (Elgie, 1999, 13). As it has been noted in Serbian theory "Elgie proposed a pure constitutional definition which describes how the president and prime minister accede their term of office and how long it lasts" (Simovic, 2008, 55). According to Elgie, the advantage of this definition over Duverger's theory is that it specifies Duverger's criterion for selecting semi-presidents and removes the other element from his definition related to president's authorities. Thus, the element which represented the most vulnerable segment of Duverger's theory on semi-presidential systems has been erased, but this Irish political scientist believes that this definition remained almost fully applicable.

Elgie did not make Duverger's definition of semi-presidential system (which indeed has its weaknesses) more precise, but, by removing the part "quite considerable powers", he made it rather simple. The removal of one element of the definition of semi-presidential system represented, in fact, the removal of one characteristic trait that made this system distinct from the parliamentary system. According to this author, presidential powers do not represent a reliable criterion for the classification of governmental systems. Only two criteria are needed for the existence of a semi-presidential system: direct election of the head of state by popular vote and government's accountability to parliament. It is obvious that semi-presidential system and parliamentary system have one common characteristic - government's accountability to parliament. What makes them different is the method of selecting the head of state - in a semi-presidential system it is a direct election of the head of state by popular, while in a parliamentary system the head of state is appointed by parliament or, he is the successor monarch. It is indisputable that Elgie's definition is objective clear and precise. However, his theoretical structure of semi-presidential systems have received criticism of methodological character that we agree on.

"Firstly, it could be said that his definition is not comprehensive since it does not include all key characteristics of semi-presidential systems. Then, this definition is not essential, since it does not reflect the subject it defines. We would like to add that this definition is not proportional, that is, it is too broad and comprises even those government systems which could not function in practice as semi-presidential systems." (Simovic, 2008, 57-58)

It is difficult to discern from this minimalistic definition the core characteristics of semi-presidential system, such as: intra-executive conflicts between the president and prime-minister which could result in a volatile relationship within the executive. It seems that this Irish author resorted to this minimalistic definition not because he wanted to express the essence of semi-presidential system, but rather to avoid difficulties

which such a scientific endeavor would entail. Regardless the criticism, that is, the vulnerability of Elgie's minimalistic concept of semi-presidential system, this concept has a considerable number of supporters in legal and political theory.

The following American authors also made significant contribution to the theory of semi-presidential systems: Shugart and Carey. They created the classification of semi-presidential systems by dividing them into two subsystems: prime-ministerial-presidential and presidential-parliamentary. Acknowledging Duverger's definition as precise and generalized, they state, nevertheless that "what Duverger calls semi-presidential, we call prime-ministerial-presidential" (Soberg Shugart & Carey, 1992, 23). They actually renamed the newly government system in theory believing that this term is more adequate since it implies that this institutional model includes both the prime-minister as in parliamentary systems and directly elected head of state as in presidential systems. However, this is not the only difference in relation to Duverger's theoretical structure. Namely, Shugart and Carey made one of the elements of Duverger's definition more precise: in a prime-ministerial-presidential system, the head of state should not have the right to recall the government. If a regime is structured in the following way: 1) directly elected president; 2) the president appoints and discharges members of cabinet-government; 3) the government members are subject to parliamentary confidence and 4) the president has powers to recall the parliament, as well as the legislative powers, or both, then we are speaking about a presidential-parliamentary system. (Soberg Shugart & Carey, 1992, 24).

In a prime-ministerial-presidential system, the dominant role is played by prime-minister. The authors of this paper hereby list a number of countries which adopted this institutional system: France, Austria, Finland, Iceland, Portugal and Romania since 1982. The dominance of the president over the prime-minister is the characteristic of presidential-parliamentary system. In their book published in 1992, Shugart and Carey mentioned the following countries as the examples of this institutional model: German Weimer Republic, Sri Lanka, Portugal since 1976, Peru and Namibia. These authors described these institutional systems as the systems in which one constitutional body always has a dominant position within the executive. According to our opinion this stand is not adequate since there is a number of circumstances which influence mutual relations within the dual executive. In French Fifth Republic, the head of state does not have a constitutional right to recall the government, but except for three periods of cohabitation (1986-1988, 1993-1995 and 1997-2002.) he has always had a dominant position within the executive. This position is not the result of his constitutional authorities, but rather the fact that he enjoys unconditional support of the majority in the parliament.

"Cohabitation creates a form of paradox in French political system, because in such unusual situations, all political actors strictly keep their authorities within the margins foreseen by the Constitution. Since the prime-minister is not politically inferior in relation to the president, he is free to choose his ministers and formulate the Government program. The president has certain influence in appointing the ministers of exterior and defense, but not in selecting other members of cabinet. Cohabitation motivates both holders of executive powers to use all possible authorities and means, even those which the Constitution stipulates to be used only in exceptional situations" (Nedić, 2021, 42-43).

The relationship between presidential and parliamentary majority definitely influences the intra-executive relations which the periods of cohabitations in France can confirm. "Cohabitation, however, does not necessarily mean 'a peaceful coexistence', but under the conditions of semi-presidential government there is always a possibility for a cohabitation crisis" (Pejic, 2007, 52). Such crises are sometimes the consequence of different interpretations of the president and prime-minister in semi-presidential systems in terms who has a dominant position in the executive. Objectively speaking, in such situation the answer should be sought in the constitutional provisions. Pointing to the differences between two systems: prime-ministerial-presidential and presidential-parliamentary created by Shugart and Carey, Giovanni Sartori criticized them in the following way:

"Following these distinctions, French system (and prototype) is being split into two parts, since its central characteristic is to have a oscillating superiority which moves from president to prime-minister and vice versa. To me, their distinctions seem unacceptable in other aspects too. The criteria used by Shugart and Carey led them to include Austria and Iceland in prime-ministerial-presidential category (and, in fact, in semi-presidentialism) which points to their weak discriminatory power. Finally, presidential-parliamentary category seems to remain an empty coin container, a vessel desperately looking for the content. Hence, does the breaking of semi-presidentialism and the distinction derived from it point to obvious and significant differences? I believe not" (Sartori, 2003, 155).

Giovanni Sartori clearly indicated that there are many difficulties in defining a semi-presidential system of government. In that context he writes:

"This definition is not easy to formulate since it is not easy to catch one structure with two heads, which at the same time exhibits considerable variations of their cases. If we attempt to be too precise, then we take the risk to end up with one class which includes only one case. On the other side, if we look for an easy way and use vague formulations, then we do not realize the primary

goal of defining something: setting boundaries. Thus, I will take a middle road between over-defining and under-defining, by defining semi-presidentialism as a political system with following traits or characteristics: I) head of state (president) is elected by popular vote, directly or indirectly for a defined term of office; II) the head of state shares executive powers with the prime-minister thus creating a dual- power structure defined by these three criteria: III) president is independent in his work in relation to the parliament, but is not allowed to govern affairs directly and by himself; therefore his directives must be approved by and coordinated with his government; IV) symmetrically, the prime-minister and his cabinet are independent from the president to the extent they are dependent on the parliament, that is if they are subject to parliamentary confidence or no confidence (or both), that is if they have a parliamentary majority; V) this dual-power structure of semipresidentialism allows various forms of checks and balances and changeable government organization within the executive where each executive unit or component must have a "potential autonomy" (Sartori, 2003, 154-155).

This definition of semi-presidential system corresponds to the greatest extent to supreme legal acts of German Weimar Republic, Finland, France, Sri Lanka, Portugal and Russia. For Russian semi-presidential system, Sartori stated that it "represents the most decisive presidential version compared to all other semi-presidential systems" (Sartori, 2003, 154). This Italian author made efforts to create a theoretical structure which is elastic in order to reveal the dynamic nature of the relations within the executive. Speaking about the institutions of semi-presidential system, there is a possibility that two bodies of the executive branch of power (head of state and government) will have rather volatile relationship since parliamentary majority may strengthen the position of the head of state in the situation when he is from the same political party or coalition that majority of members of parliament belong or to weaken it, if they are from the opposite political options. With his definition of semi-presidential system Sartori encompassed all constitutional systems which Maurice Duverger classified into this institutional system. In fact, he included into semi-presidential systems only those countries which had a strong presidential figure. Speaking about Austria, Ireland and Iceland whose constitutions stipulate strong presidential positions, Sartori actually agreed with Duverger who pointed out that political practice in those countries is parliamentary and that the position of their presidents is purely ceremonial. Therefore he further raises the question why Duverger classified these three countries into semi-presidential systems.

"These three countries... cannot be identified as semi-presidential only based on the fact that their presidents are directly elected by popular vote. They also cannot be identified as semi-presidential

because their presidents (with the exception of the Irish president) are only on paper, strong presidents. I repeat they are only strong on paper since their rights, foreseen by the constitution, are reduced by material constitution " (Sartori, 2003, 149).

Finally, reviewing Sartori's theory of semi-presidential system, we can note that he bestowed to science such a definition that provides a very good answer to the question of dynamic character of this institutional model. However, in Serbian theory of constitutional law it has been noted that even this definition "has not cured old, incurable disease of Duverger's theoretical system - lack of precision which leaves large area susceptible for different interpretations" (Simovic, 2008, 51).

Following two definitions and theories of semi-presidential systems are created by two authors Rafael Martinez and Gianfranco Pasquino. Martinez' definition, which we will have an opportunity to see, is of normative and political nature, close to normative definitions, while Pasquino's definition and theory are of normative nature since it is entirely based on the content of constitutional provisions. We made a choice to present Martinez' definition of semi-presidential systems because this author strived to neutralize partiality as much as possible in the procedure of defining this institutional model. According to Martinez, there are five conditions that need to be met for the existence of a semi-presidential system:

"1) directly elected president of the republic at general election; 2) the existence of bicephal (two heads) executive; 3) the president of the republic has a broad scope of constitutional powers; 4) the president appoints the prime minister and presides the cabinet sessions; 5) the government is accountable to parliament" (Martinez, 1999, 11).

If any of mentioned conditions is not fulfilled, then we cannot speak about the existence of a semi-presidential system. It is, then, another type of government system. From the above given characteristics of semi-presidential system, it can be concluded that head of state is leading political figure. Bearing in mind the constitutional powers that are available to the head of state, he falls somewhere between parliamentary and presidential head of state. What is to be praised in Martinez theoretical work is that he identified the characteristics of the president of the republic in semi-presidential system. They are following:

"the right to convene extraordinary sessions of parliament, the right to dissolve the parliament, the right to a legislative initiative, the control over foreign policy, exceptional powers in extraordinary situations, the right to initiate the procedure of the control of the constitutionality of laws, the right to call for a referendum, the right to appoint the highest state officials, and the command of armed forces" (Martinez, 1999, 13).

What should be commended in listing these powers is, for example, the identification of the most significant presidential authorities. By pointing out that it is the head of state who appoints the prime-minister and presides parliamentary sessions in semi-presidential systems, Martinez concluded that the president is at the same time the head of state and the head of government, based on which it can be said that the bicephal executive is just an illusion. In such situations, the position of prime-minister is inferior to presidential position. According to Martinez definition, the only difference between presidential and semi-presidential systems lies in government's accountability to parliament. Identifying the right of the president to preside the cabinet sessions, Martinez excluded from his definition those institutional systems in which the head of state possesses considerable authorities, but not the one that was identified above. With this definition of semi-presidential system where he listed cumulative conditions which this system must fulfill, Martinez created a rigid and static theoretical model. However, the political life of semi-presidential systems is everything, except static.

As it has already been said, normative definitions are based on the constitutional text, that is, on the institutional characteristics of a government system. These definitions remove partiality and possibility of different interpretations. One of the representatives of normative theories of semi-presidential systems is the Italian author Gianfranco Pasquino. According to this author, semi-presidential systems must meet the following three criteria:

"1) the president of the republic is elected directly by popular vote индиректно од стране грађана; 2) the president of the republic has the right to appoint the prime minister and, under certain conditions, the right to dissolve the parliament 3) the prime minister is, implicitly and explicitly, accountable to parliament" (Pasquino, 1997, 130).

Pasquino made a detailed comparative analysis between parliamentary and presidential government systems (Rapajić, 2016, 92). In this way he attempted to prove that semi-presidential system is an autonomous institutional model. By comparing these two systems, Pasquino concluded that in a parliamentary system, the president of republic does not have executive authorities, but only the rights which are rather of ceremonial nature. One government system cannot be changed by changing the manner in which the head of state is elected. This means that one parliamentary system which first appointed the head of state by parliament, and then, following the constitutional reform elects the head of state directly by popular vote, does not automatically become a semi-presidential system unless the head of state receive more power. Difference between semi-presidential and presidential systems is obvious since in the presidential system, the executive monocephal and the head of state does not

have the right to dissolve the parliament. Pasquino's definition of semi-presidential system is too broad since it incorporates certain parliamentary systems. Namely, the right of the head of state to appoint and to dissolve the parliament under certain conditions, does not need to be in contradiction with institutional logic of parliamentary system. Pasquino did not underline in his definition that the president of republic should possess executive authorities that would be the key element for distinguishing semi-presidential from the parliamentary system. This is definitively a weakness of his theoretical concept that needs to be revised.

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## ТЕОРИЈЕ О ПОЛУПРЕДСЕДНИЧКИМ СИСТЕМИМА

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### Резиме

Почев од 1980. године, када је светлост дана угледао чувени чланак Мориса Дивержеа о полупредседничком систему, живо је интересовање уставно-правне и политиколошке теорије за овај нови систем власти. Многе теоријске концепције о полупредседничким системима су под знаком питања, па постоји потреба за конзистентним теоријским уобличењем. Диверже је теоријски уоквирио полупредседнички систем, чија је основна особина да у оквиру парламентарног институционалног контекста установљава шефа државе из председничког система. Међутим, теоријска конструкција овог писца није потпуно научно конзистентна. Тако је Диверже у тумачењу овог институционалног модела у њега убројао поједине типичне парламентарне системе. Дивержеова је заслуга што је уместо увелико застареле дихотомне системе власти, установио трихотомну поделу.

Роберт Елци, други значајан теоретичар полупредседничких система, своју концепцију овог модела базирао, између осталог, на критици Дивержеове теорије. Његова концепција се назива минималистичка, јер су из Дивержеове дефиниције одстрањена значајна овлашћења, а остале су институционалне особине, а то су непосредно изабрани председник и влада која је одговорна парламенту, као нужне и довољне да би се неки систем могао уврстити у полупредседнички. Међутим, његовој теоријској конструкцији полупредседничког система упућују се критике методолошког карактера. Тако је у теорији већ истакнуто да његова дефиниција није свестрана, да није суштинска и да је несразмерна. Заслуга Американаца Шугарта и Керија је што су направили класификацију полупредседничког система на два подсистема: премијерско-председнички и председничко-парламентарни. Они су ова два подсистема експлицитно оквалификовали као система који се увек карактеришу превлашћу једног уставног органа унутар извршне власти.

Ђовани Сартори је створио теоријску конструкцију која је еластична, управо да би се показала динамична природа релација унутар егzekутиве. Он је јасно указао да у полупредседничком систему постоји могућност променљивих односа између два органа извршне власти – шефа државе и председника владе. Сартори је својом дефиницијом полупредседничког система омогућио да под њу буду подведени сви уставни системи које је Морис Диверже сврстао у овај институционални модел. У теорији су присутне и дефиниције нормативно-политиколошке природе, као што је она дата од Рафаела Мартинеза и нормативистичке дефиниције дате од Ђанфранка Пасквина. Поред критика које су изречене Мартинезовој дефиницији, за његов рад је похвално што је указао која су то карактеристична овлашћења шефа државе у полупредседничком систему. Код Пасквинове дефиниције, проблем је њена екстензивност, јер су у њој убројани и одређени парламентарни системи. Код политиколошких теорија, основна мана је то што поступак класификовања чине посебно субјективним и што одбацују непосредан избор председника републике као битан елемент дефиниције полупредседничког система.

Коначно, на основу приказаних теорија и дефиниција полупредседничког система, можемо приметити да она има три битна елемента: први елемент тиче се избора председника државе, а то је, по правилу, непосредно од стране грађана или посредно од стране изборног колегијума у којем, или није присутно представничко тело, или оно не преовладава. Председник се, иначе, бира на фиксни временски период. Други елемент су председничка овлашћења која су значајна и који је уз владу активна власт у оквиру егzekутиве. Могли би рећи да је он стварни шеф извршне власти. И, трећи елемент је неизоставна политичка одговорност владе парламенту. Поред ове одговорности може, али и не мора, постојати одговорност владе и премијера шефу државе.