

DISCUSSION

SEMI-PRESIDENTIAL REPUBLIC IN THE RUSSIAN FEDERATION

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Abstract: *The article defines the republic type in the Russian Federation, as the Constitution does not mention a specific kind of the republic, and identifies the features of the Russian Federation as a state with a republican form of government.*

Keywords: *form of government, separation of powers, mixed republic, parliamentary republic, presidential republic, the President of the Russian Federation*

The Russian Constitution in Art. 1 makes a clear choice between the two forms of government in favor of a republic: «The Russian Federation - Russia is a democratic federal law-governed state with a republican form of government»¹.

Republic is the most common form of government in the world. The unity of the republic combines with the diversity of state supreme body organization, order of their formation, duration, competence, as well as the order of the interaction among these bodies. Highlighting commonalities in different republics, we have to note that the general features of the republics are descriptive rather than normative, since each republic differs in the organization of the state mechanism. In this regard, highlighting specific features of the republic is possible when we rely on the comparative analysis of the state power organization.

The federal structure gives the republican form of government certain organizational and legal forms, but the Constitution of the Russian Federation does not indicate any specific kind of the republic at federal level or at the level of subjects of the Russian Federation. Therefore, regions can set up any kind of republic: presidential, parliamentary, or mixed.

Bushuev indicates, «Historically there are two typical forms of government, which are based on the principle of separation of powers, presidential and parliamentary. The main criterion that distinguishes them is the degree of structural and functional isolation of legislative and executive powers»².

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¹ Статья 1

1. Российская Федерация - Россия есть демократическое федеративное правовое государство с республиканской формой правления.

2. Наименования Российская Федерация и Россия равнозначны. The Russian Federation - Russia is a democratic federal law-bound State with a republican form of government. The names „Russian Federation“ and „Russia“ shall be equal. <http://www.constitution.ru/en/10003000-02.htm>.

² BUSHUEV, I. *The separation of powers in a federal state*. Moscow, 1997. p. 56. Dissertation of jurisprudence: 12.00.01.

Other researchers offer atypical or modified forms of government. Zaznaev writes, «The division into monarchies and republics reflects only the external, formal and legal aspects of the state, excluding the real existing system of relations between the legislative and executive power»³. He offers the classification of forms of power organization (forms of government) using two criteria - parliamentary responsibility of government and popular election of the president. Classification according to these criteria gives four options for forms of power, or forms of government.

Criteria	The Government accountable to the Parliament	The government is not accountable to the Parliament
The head of state is not elected by popular elections	parliamentary	semi-parliamentary
The head of state is elected by popular elections	semi-presidential	presidential

According to the chart above, the Russian Federation is a semi-presidential republic with some special features. The book «Russia at the turn of the century: the strengthening of statehood» states that «the analysis of contemporary Russian reality and the policy pursued by the President Vladimir Putin leads to the conclusion suggesting that Russia took a course to the creation of a presidential republic, more than once declared by the President himself»⁴.

In the article «Hyper-Presidentialism: Separation of Powers without Checks and Balances in Argentina and the Philippines»⁵, authors say that the states with strong presidential power have used the concepts of separation of powers and the system of checks and balances, yet they do not limit presidential powers. Considering this, the authors present two theories that justify such a «defective» system of power separation.

According to the first theory, all three branches of government are independent from each other, but there is an elected president, the head of the executive branch. He has a large amount of authority to ensure the balance of the separation of powers. This theory stresses that no branch has enough power to limit other branches, which is inherent in the system of checks and balances.

According to the second theory, all branches are also independent from each other, but there is a possibility of branches limiting each other using the system of checks and balances. In this case, none of the branches of government prevails in the system.

In practice, as the authors note, states with strong presidential power use the elements of these two theories. Nevertheless, there is a risk of transition to a super-presidential republic. Using a range of authorities presidents try to strengthen their position among the branches of government. Hence, the authors concluded that the system of checks and balances has to be implemented in the separation of powers.

³ ZAZNAEV, O. Organization of state power in the Republic of Tatarstan: problems and contradictions. Political Expertise. *POLIEKS*. 2010, Vol. 6, No. 2, p. 8.

⁴ *Russia at the turn of the century: the strengthening of statehood*. Kaliningrad: Amber tale, 2001, p. 100.

⁵ ROSE-ACKERMAN, S., DISIERTO, D., VOLOSIN, N. Hyper-Presidentialism: Separation of Powers without Checks and Balances in Argentina and the Philippines. *Berkeley Journal of International Law*. 2011, Vol. 29, Issue 1, pp. 247–249.

Sokolov said, «Parliamentary-presidential (semi-presidential, mixed) republic is characterized by the fact that the President who is the head of state and normally not the head of the executive power, though plays an essential role in the executive branch»⁶.

The characteristics of system of checks and balances in the Russian Federation allocated by Starodubtseva are «insufficient independence of government of the Russian Federation as an executive body and its dependence on the head of state; weak mechanism of parliamentary oversight; insufficient participation of State Duma of the Russian Federation in the formation of the government»⁷.

The balance of powers established due to system of checks and balances determines the specific features of the separation of powers and semi-presidential republic in the Russian Federation caused by the predominance of one institution of power - the President of the Russian Federation.

⁶ SOKOLOV, V. President of the Russian Federation in the mechanism of state. *Actual problems of Russian law*. 2010, No. 3, p. 55.

⁷ STARODUBTSEVA, I. Features of the constitutional system of «checks and balances» in Russia and France: from theory to the development of legislation. *Constitutional and municipal law*. 2011, No. 3, p. 33.