

PRESIDENT OF THE REPUBLIC AND HIS CONSTITUTIONAL RELATIONS WITH PARLIAMENT AND GOVERNMENT IN NORTH MACEDONIA

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Abstract: There are many forms of democratic governance in the world today. However, in all forms of democracy, there is only one person who directs this government. This leader may be the King or Queen, in a constitutional monarchy system, the Prime Minister, in a parliamentary system, or the President, in a presidential system.

The subject of this paper will be a study on the constitutional relations of the President of the Republic with the Parliament and the Government of the Republic of North Macedonia as one of the factors of particular importance that affects the functionality of the political system of the Republic of North Macedonia. We must have in mind the fact that the Republic of North Macedonia builds a parliamentary political system that in addition to what it has in common with other parliamentary systems, has its own specifics that distinguish it in many aspects.

When it comes to the political system of the Republic of Northern Macedonia and the legal position of the President, it must be emphasized that there are many features that we do not find in other societies. From this perspective, the role and legal position of the President of the Republic of North Macedonia should also be analyzed.

Keywords: President, Government, Parliament, RNM, Democracy, Constitution.

1. INTRODUCTION

In general, presidents of states everywhere are central figures in the political system. The personality of the President of the State symbolizes the guarantee of the sovereignty of peace and the perspective of the state, however, the positions of the Presidents are not the same in all states and in all political systems. In both practical and theoretical terms, the president's position is more favorable in presidential systems, semi-presidential systems follow, and parliamentary political systems rank third.

Regardless of the differences in the different types of political systems that presidents have, they are respected personalities. Respect for the citizens and the legal-political position of the President of the State depend on a number of factors, and in the first place on the powers provided by law and the constitution on how the President of the Republic is elected (directly or by parliament). The level of democratization of a concrete society by the political culture of citizens from inter-ethnic, inter-religious, intercultural relations if it is a heterogeneous society from the reports of the contesting subjects in elections, etc.

When it comes to the political system of the RNM and the position of the President, it must be emphasized that there are many features that we do not find in other societies. RNM represents a "sui generis" case of the intertwining of different cultures and traditions that reflect on the overall social development and is implied in the functioning of the institutions of the system.

The prolonged transition and lack of genuine willingness to overcome the many innate and artificially created situations make this political system and state institutions less functional than they would have been in a normal system.

At the same time, the legal framework is also bypassed, thus marginalizing the not so coveted position of the President of the RNM. The political elites of the country have arbitrarily decided on the legal and political position of the President of the Republic in this period of political and party pluralism and it is not by chance that the personality of the President of the Republic is often overlooked and underestimated by treating him as a top activist or spokesman of a certain political party or by baptizing him only as a "citizen".

2. THE PRESIDENT OF THE STATE IN GENERAL

The constitution defines the head of state as the individual head of state representing the unity of the country. In constitutional terms, the head of state is presented in three forms: monarch, president, and president. These designations are not only formal but conceptually define the constitutional position of the head of state. The President of the Republic is designated in the states with a parliamentary form of government, which is elected by parliament and has no power over the executive and the legislature. The powers of the President of the Republic are representative, ceremonial, and more formal. The responsibility of the President in these cases lies with the Parliament and the Constitutional Court.

In presidential systems, the head of state is appointed as president, who is directly elected by the citizens and is at the same time a holder of executive power with broad powers in the political direction of the country. The President is authorized to control the Legislature through a suspended veto and its distribution. The president's responsibility

does not refer to parliament, but to a neutral constitutional mechanism (the Constitutional Court, the Constitutional Council, the Supreme Court, the Senate in cases of US impeachment, etc.).

The king - the crown, is the individual head of state, who is elected based on the principle of inheritance, with an eternal mandate. The Crown holds no political responsibility. Most contemporary monarchies have defined the symbolic and ceremonial role of the crown. The Crown does not participate in the separation of powers and has a passive political position, passing the country's prime ministerial and parliamentary rule.

The president of the state is a holder of executive power as part of state power. In the presidential system of power organization, there is monocephal executive power, ie. The president is both head of state and head of government. As an example, we have the President of the United States (White House)

The parliamentary system of power organization is characterized by the executive power, in which the president of the state has executive power along with the government. In this form of government, the president has more symbolic and formal power, while the government has effective power. An example of this is the President of Italy (Grimaldi 2011, 113-116), Germany (Bundespraesident), etc.

In the combined system of government, there is bicephal executive power, in which, both the president of the state and the government, have effective executive power. For example, we have the President of France and the Government of France (French Government), where the President of France chairs government meetings.

The election of the president of the state is done in several forms: directly from the citizens to the presidential elections; the election of the president by a qualified majority parliament and the election of the president by a special body.

The president elected by the citizens has more legitimacy than the one elected by the parliament or the electoral college. The directly elected president has the same legitimacy as the parliament. On this basis, the president has the right to have his executive power or to share it with the government.

The general conditions for running for president are: "Age limit, country, permanent residence and no conflict of interest". Most states set an age limit to run for president. In most constitutions, this age is 40 years, some 50 years, and in rare cases 35 years (Maksuti 2000, 186-187).

3. THE PRESIDENT OF THE REPUBLIC OF NORTH MACEDONIA

The RNM president is the head of state, and he represents the state inside and out. According to the constitution, the president is a commander of the armed forces, and he is also chairman of the Security Council. During the term of office of the President of the Republic, the President shall not have any other public function nor any partisan function, too. This makes it clear that, in the constitutional context, the President is representative of all citizens of the country, regardless of their political, ethnic, religious, cultural, and so on (Kuvendi i RMV)

The President of the RNM enjoys immunity. He is not accountable for his work before anybody. It should not be understood that the President is above the law and the constitution of the country. On the contrary, he responds in special cases. The procedure for the President's legal responsibility is initiated by the Assembly of the Republic of North Macedonia by a qualified majority, and the Constitutional Court, as an independent body, decides only whether the President has violated the Constitution and the law during his function. In those cases, the Constitutional Court decides with two-thirds of its general composition. The President of the Republic of North Macedonia is unable to perform his duties and is replaced by the Speaker of Parliament.

The President of RNM has a position that is characteristic of all states with parliamentary democracy. In practice, it means that the President of the Republic is more of a ceremonial leader than a (nominated) leader. He is in the shadow of the Government, especially in cases of cohabitation, where the President belongs to one political party and the Prime Minister to the other party, which has happened many times in the RNM, even though North Macedonia has been practicing parliamentary democracy for only two decades (Agushi 2013, 49).

3.1. The way of electing the President of the Republic of North Macedonia

The way of his election plays an important role in the position of the President of the state. The President of RNM is elected by direct and free general elections, by secret ballot for a term of 5 years. The election of the President of the Republic of North Macedonia is regulated by the Constitution of the Republic of North Macedonia and the Electoral Code (Constitution of the RNM).

With the amendments to the Electoral Code from November 2015, voting outside the territory of the Republic of Macedonia is organized at the level of one constituency, Unit 7, and includes Europe, North and South America, Australia, and Asia (Official Gazette of the RNM).

In this way, the President of the Republic of North Macedonia wins the mandate directly from the voters, as is the case with the MPs. And this shows that the President of the Republic of North Macedonia has an undisputed legitimacy (Klimovski 1997, 335).

The President of the Republic is elected for five years. The same person may be elected President of the Republic at most twice. The President of the Republic must be a citizen of the Republic of Northern Macedonia. A person who is at least 40 years of age on election day may be elected President of RNM. A person who has not been a resident of RNM for at least ten years in the last 15 years until election day may not be elected President of RNM. Based on these constitutional provisions, it can be concluded that for the election of the President of the Republic of North Macedonia there are certain limitations as well as the special conditions that the person who wishes to become President of the Republic of North Macedonia has to fulfill.

By the constitution, at least 10,000 voters or at least 30 MPs can offer a candidate for President of RNM. The election of the President of the Republic is carried out in one or two rounds of voting. The candidate who won the absolute majority of the total number of voters in the first round will be a President of the Republic. If in the first round, no candidate wins the required majority of the votes, then they go to the second round of voting, but in the second round only the two candidates who have won the most votes in the first round. The second round of voting is held within 14 days of the end of the first round of voting. In the second round of voting for the President, the candidate who wins the majority of the votes of the voters who have voted, if more than half of the voters have voted, is elected. If even in the second round of voting none of the candidates wins the required majority of votes, the whole electoral procedure is repeated. The whole electoral procedure is also repeated if a candidate is nominated for President of the Republic who cannot win the necessary majority of the votes in the first round. So, in this case, there is no second round of voting at all. The election of the President of the Republic, as stipulated by the constitution, takes place within the last 60 days of the term of the former President. In case of termination of the mandate of the President of the Republic of North Macedonia for any reason, the election of the new President shall take place within 40 days of the termination of the mandate.

The President of the Republic of Northern Macedonia makes a solemn statement at the Assembly and commits himself to the observance of the Constitution and the Laws. The constitution regulates the issue of performing the function of President, in the event of the death of the President, resignation, permanent obstruction of office or termination of office under the Constitution of the President of the Republic until the election of the new President of the Republic. If one of these circumstances occurs, then the function of the President of the RNM is performed by the Speaker of Parliament. As we had the case when, President Kiro Gligorov was replaced by the Speaker of Parliament after the 1995 assassination attempt, or President Boris Trajkovski, after the tragic death, was replaced by the Speaker of Parliament, too. According to the constitution, the Speaker of Parliament, when he holds the office of President of the Republic, may participate in the work of Parliament but without any right to vote (Klimovski 1997, 336-337).

3.2. The President's relations with parliament and the government

Of particular importance for the functioning of any political system are the relationships created between institutions, bodies, and all actors in the political system. The degree of functionality of the political system depends directly on those reports produced. The reports that must be created within a political system are based on the legal framework of the state. However, the legal framework is not always a guarantee for the proper development of the state and society as a whole.

The separation of powers, which is also an undisputed democratic value for contemporary political systems, also implies the balance and control of one power over the other to create the preconditions for not allowing one power to dominate the other, that is, forbidding the creation of power. social relations where the development of society and the state would be centered on a very limited number of people. So, one of the goals of the separation of powers is to limit oligarchic tendencies in favor of democratic values.

The relationships that emerge between the three main pillars of power (legislature, executive, and judiciary) vary from state to state depending on conditions and circumstances (Aziri 2012, 234).

3.3. Relations between the President and Parliament

As regards the relationship between the President of the Republic of North Macedonia and the Government, two constitutional principles are particularly characteristic. According to the former, the President of the Republic shall at least once a year notify the Assembly of matters concerning his powers. The President may propose, suggest or make concrete proposals to Parliament for the resolution of any legal matter. According to the second principle, the Parliament may ask the President of the Republic for his opinion on any matter which is within his competence. The independent position of the President of the Republic of Macedonia has been particularly strengthened as the constitution allows him not to sign a law that he thinks is contrary to the constitution or is state-owned. So the President has a so-called suspensive veto. If this happens, then Parliament again revises the law, and if the law in question is again voted on by an absolute majority, the President of the Republic is obliged to sign the law (Deskoska, Karakamishova and Klimovski 2009, 339).

Thus, according to the RNM constitution, the relationship between the President and Parliament is foreseen, but the reality is something else. Even though it was said that the influence of the President of the Republic on the work of Parliament is almost insignificant or rather symbolic. The President's relations with Parliament are convincing in favor of Parliament. The President has no legal mechanism to influence the general policy of Parliament. Concerning the President's suspensive veto, Parliament's powers can diminish it and overwhelm the President's opinion. The President has no right to propose laws and has no influence whatsoever on the composition of the laws themselves. The President of the RNM has the right to address the Parliament at least once a year on matters relating to the Presidential function and vice versa, Parliament may call on the President to address the deputies. After the presentation of the President, no debate opens and his findings and suggestions do not in any way oblige Parliament. Usually, the President can address the Parliament. But in cases where the political determinations of the parliamentary majority contradict the opinions or findings of the President belonging to another party (although by law he should be a President of all citizens and not a party person), problems arise. Such a situation was in early 1999 when the Speaker of Parliament did not allow President Gligorov to address Parliament after the government decided to recognize Taiwan as an independent state without consulting the President of the Republic, when it was known that this action of the Government led to the termination of diplomatic relations with the People's Republic of China. After this event, he was forced to appear in front of the media and give his statement, as this was his last opportunity (Vankovska 2007, 246-247).

3.4. Relations between the President and the Government

The reports between the President of the RNM and the Government reflect the complexity of systems that have a dual executive. Issues related to the precise allocation of competences, coordination in the areas in which both institutions have competences and responsibilities, as well as the relations between the two branches of power, are key points showing the efficiency of the performance of the function, as well as principles of power-sharing.

According to the parliamentary model, efficient executive power belongs to the Government, while the executive powers of the President are considered as supplementary. For example, it is observed during the mandate-setting procedure for the new Government, where the authority of the President is only symbolic, as he has to respect the final results achieved in parliamentary elections. We have the case, when after VMRO-DPMNE failed to form the government with DUI in the last parliamentary elections, Macedonian President Gjorge Ivanov refused to give the mandate of SDSM leader Zoran Zaev as party leader second in the number of MPs from the December 11, 2016 early parliamentary elections. Ivanov, in a scandalous statement on March 1, 2017, said he would not give Zaev a mandate after he accepted the "Tirana Platform" "Which, as he said, is prepared in a foreign country and serves foreign interests. There were strong reactions to this decision from senior representatives of the European Union and the United States of America, Embassies in the country, political parties, non-governmental organizations as well as experts in political affairs. However, the staunch Ivanov repeatedly said he was not giving up his mandate. But after much and daily pressure, on May 17, 2017 Ivanov surrenders and gives Zaev the mandate to form the new government. Recall that this is not the only scandalous decision of President Ivanov. Also in 2016, he pardoned 56 officials suspected of serious crimes, a decision which also received strong backlash from both domestic and international actors. But even in this case, after much pressure, Ivanov withdrew his apology.

The difference between the President and the Government is also reflected in the legislative process where the Government is almost exclusively a proponent of laws, while the President does not enjoy this right. The government is the one that practically creates (creates) general politics in the country, while the President has only his moral and political authority when addressing Parliament and the citizens.

However, the areas in which the responsibilities of both executive institutions coincide are those of defense as well as external relations, but both of these areas show the incompleteness of the constitutional model as well as difficulties in coordination, especially in cohabitation situations.

In the field of international relations, the Government decides on the recognition of foreign states and governments, establishes diplomatic and consular relations, decides on the opening of embassies and consulates overseas, and proposes candidates for ambassadors and diplomatic representatives. Viewed from the perspective of the competences of the President of the Republic in this area, we understand that the President is only formally finalizing the Government's proposals.

While in the field of national defense and security, apart from constitutional norms, these relations are standardized with the law on protection, but in the normative as well as in practical terms, there are serious contradictions. According to the constitution, the President of the RNM is a formal holder of the position of Supreme Commander of the Armed Forces, but the actual operationalization of the function remains unclear. The complexity of the position President of the Republic does not allow for his direct and daily engagement in the field of defense. This is usually accomplished through acts it approves, such as the appointment and dismissal of the Army General Staff and Chiefs of Staff, as well as through the management carried out by the Ministry of Defense and commanded by the

Army General Staff. A more delicate issue is the responsibility of the Chief of General Staff of the Army. Although appointed by the President under the constitution, he reports to the President and the Minister of Defense (Vankovska 2007, 255-256).

How and to what extent the President of the Republic uses his / her powers depends on several factors: the personality of the President himself, the power of the political entities in parliament, the personality of the Prime Minister, historical circumstances, and many other political and economic factors. But, it is understood that the work of the function of President of the Republic must be performed within the constitutional dispositions (Treneska 2000, 428).

4. CONCLUSION

The Republic of North Macedonia belongs to the parliamentary states with a relatively satisfactory position of the President, which gains its legitimacy after the first general elections directly from the free vote of the citizens of the RNM. Although the constitution taxably specifies the role and powers of the President of the State, the practice proves that the President of the RNM is in the shadow of the Head of Government which is proof that the RNM still stands very far in terms of respecting the division of powers as a major achievement of contemporary democracies.

The current constitution of the RNM does not make a clear differentiation of the powers of the President of the state, which creates confusion and fog in the functioning of the political system as a whole. The current practice of the functioning of the RNM political system gives the impression that the President of the state resembles a party activist rather than a personality, who is president of all citizens of the country.

The marginal role of the President of the State is detrimental to the democracy of North Macedonia, which operates based on political and ethnic divisions. In this environment, an authority is needed that will have the task of aligning different political and ethnic entities in the event of political and security crises.

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