

# THE DOMINATION OF THE GOVERNMENT IN THE POLITICAL SYSTEM OF THE REPUBLIC OF MACEDONIA

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## Abstract

The 1991 Constitution of the Republic of Macedonia inaugurated the system of division of powers as a fundamental value of the constitutional order. It abandoned the system of unity government (the assembly system), along with the one-party system, and substituted them with the multiparty parliamentary system. According to the principle of the division of powers, the power is divided into legislative, executive, and judicial (Article 8, item 4 of the Constitution of the Republic of Macedonia). The legislative authority is exercised by the Assembly; the executive is shared between the Government and the President; and the judicial power is exercised by the courts.

Nevertheless, parliamentary democracy is not determined only by the constitutional framework, but also by the (un) democratic tradition, the model of political culture, as well as the electoral and party system. In this sense, the same normative model works differently in different countries or at different periods of the development of the same political system. This is especially evident in the relations between parliament and government. The dominance of the executive is not only a characteristic of the model of organization of power in the Republic of Macedonia, but it is also a global tendency. In this sense, the parliament of the Republic of Macedonia shares the 'fate' of the representative bodies in contemporary parliamentarism. However, in the absence of a democratic tradition, the presence of subject political culture, the strong elements of partocracy and the party state, the fragile and fragmented civil society, and the weak general public, gives dramatic dimensions to the dominance of the executive over the legislative power.

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**Keywords:** Organization of state power, legislative power, executive power, political control

## **Introduction**

The European political space is a world of hybrid models of the organization of power (Silanovska, 2006). Consequently, the Macedonian model of organization of state power belongs to the group of combined systems. Although it is dominated by elements of the parliamentary system, it has elements of the presidential system as well.

The parliamentary characteristics of the Macedonian model of the organization of power include: the double-hated executive power; Government derives from the parliamentary majority and is accountable to the Assembly; and the Government is an (un)stable element of the executive power. However, some standard elements of a parliamentary system are lacking. These elements include: the compatibility of the MP and the ministerial position (Similar to the French model, the institute was vigorously supported by De Gaulle). In addition, there is no possibility for the dissolution of the Assembly by the President, at the request of the Government.

The elements of the presidential system can be identified in the direct election of the head of state, the right of suspension veto, and the responsibility of the head of state for violating the Constitution and laws (impeachment). Therefore, it is clear that this is neither a “clean” parliamentary nor a presidential system. This is a combined model of governance, in which there are relicts of the parliamentary system. Furthermore, Professor Gordana Siljanovska refers to it as “Macedonian constitutional cocktail of the organization of power” (Silanovska, 2006).

Academician Evgeni Dimitrov (PhD Evgenij Dimitrov, the first professor of Constitutional Law in the Republic of Macedonia) has an original view of the organization of state power in the Republic of Macedonia. He believes that the Macedonian model of organization of power has combined the parliamentary model with certain elements of the assembly system. “Regardless of whether this will be a temporary or a lasting phenomenon, in addition to the existing basic forms of organization of the state, the current theory of constitutional law and political systems should define another new model. Nevertheless, this model could be labeled as a parliamentary system with elements of the assembly system. Hence, this is a system by which the Macedonian model of the organization of state power would most certainly belong to (Dimitrov, 1995).

### **1. The Impact of Government (Executive) on the Assembly (Legislative)**

The legislative and executive powers are two wheels of the same machine. If their movements are not harmonized, the machine will not function properly. The relationship between the legislative and executive

authorities is not one-sided. On one hand, the legislature affects the executive; while on the other hand, the executive has tools to influence the legislative. To assess the impact of the legislative power over the executive, some issues are of utmost importance. First, the method of determining the holder of executive power; second, the political control over the work of the executive power, i.e. the political accountability of the executive power; and third, the change of the holders of the executive power.

The general tendency in the parliamentary system is also present in the Republic of Macedonia, i.e. the imbalance in the separation of powers in favor of the Government, which becomes much more than the executive power. The Government of the Republic of Macedonia is deeply involved in the legislative authority through the actual status of dominant proponent of the laws; proponent of the budget and other regulations; stating their opinion on the proposed laws and other regulations proposed by other authorized bodies; participation in the work of the Assembly and its working bodies; and the right to request convening a sessions of the Assembly. Here, it is worth noting that over 95 percent of the adopted laws have been proposed by the Government. Also, it has been passed by the MPs, as they have been proposed. Sometimes, it is passed by the MPs even without any discussion of the style of the subject political culture and party obedience.

By the adoption of the Rules of Procedure in 2008, the Government had the right as the proponent to submit amendments right until the end of the debate. Thus, the practice shows that the government often abused this right. Sometimes, at the last minute, it proposed amendments that actually changed the previous content of a certain provision of the proposed law. (Guseva, 2009)

The so-called “aggressive” government policy that literally models the parliamentary (dis)satisfaction depending on their needs is constantly present in the current parliamentary life in the Republic of Macedonia.

## **2. The Legislative Competence of the Assembly**

The traditional definitions of parliament emphasize its legislative function, highlighting it as a place where the legislative policy is created (Silanovska, 2013; Treneska, 2013). The Constitution of the Republic of Macedonia defines the Assembly as the representative body of the citizens and the institution holding the legislative power. Furthermore, the exercising of the legislative activity of the Assembly is inevitably accompanied by certain phenomena in all mandates. These mandates include major political party disputes and conflicts that sometimes develop into ethno-party disputes; overemphasized role of the prime ministers, not only with respect to making governmental decisions, but also Assembly decisions; and domination of the Government in the legislative process. From the above

stated features, the impact of the Government in proposing and passing laws is most evident.

Laws proposed by	(2006-2008)	(2008-2011)	(2011-2014)
<b>Government</b>	289	818	888
<b>Assembly</b>	4	30	19

*Table 1 - Proposed laws in the Assembly from 2006 to 2014*  
(<http://www.sobranie.mk/godishen-izveshtaj.nspix>)

Table 1 shows that the Assembly of the Republic of Macedonia seems to be more of a voting machine, confirming the proposed decisions by the Government, rather than an actual policy maker. Similarly, we can point out what is often underlined, i.e. “often enough, legislation is passed through Parliament rather than by Parliament” (Haywood, 2004). Thus, the role of the MPs and the Assembly is more reactive than it is proactive and creative.

Therefore, the Assembly of the Republic of Macedonia is said to be “the place where we legitimize and legalize the already adopted decisions within the Government, i.e. by party leaderships of the governing parties”. It is difficult to prove in this study that the Assembly of the Republic of Macedonia is a public political arena for policy making and in resolving the practical problems of the citizens.

On the other hand, the Government is the basic and main engine of the legislation. Table 1 confirms the fact that it is the dominant ‘owner’ of the proposed legislation. Hence, it places itself as the absolute authority that dictates the legislative activity of the Assembly. This is with complete freedom to create legislation, and to propose new laws or amend the existing laws. Considering the above-mentioned facts, it can be concluded that the Assembly is only a place where laws get formal support through the vote of the MPs. Therefore, the actual legislator is the Government, i.e. the governing parties and their leaderships.

### **3. Assembly Control over the Government**

In addition to the legislative function, one of the main functions of Parliament is its control function. Essentially, political control should be a process by which the Parliament continuously and systematically monitors, verifies, and assesses the work of the Government. They are namely: the theories and concepts of accountability of the Government to Parliament, the mechanisms of such responsibility, and the less which corresponds to the real situation out of several reasons. First, the work of the Government and its departments today spans on a large area, covering various activities in the management of the country (its internal and foreign policy, the economy, etc.). Therefore, Parliament, despite its best will, has no opportunity to

review all the activities. On the other hand, Parliament itself is overloaded with many obligations which it needs to enforce as the legislative authority. Practically speaking, it cannot control the work of the Government. In addition, let us not forget the current extremely unusual situation, i.e. there is no opposition in the Assembly. As a result, the Government is basically left without any parliamentary control.

The Constitution and the new Rules of Procedure define the mechanisms by which the Assembly performs its political control over the executive power - Government and President of the Republic of Macedonia. The control of the Government, as a sine qua non of the parliamentary system, is only partially implemented in the Republic of Macedonia. It is accomplished through **MPs' questions, interpellation, and vote of no confidence in the Government.**

The institute MPs' questions, is a result of the English parliamentary practice and first appears in the XVIII century. Since 1886, the questions that have been asked orally without notice was been restricted by establishing the rules of procedure. According to these rules, they had to be announced in advance, asked at a specified time and date, and answered in a pre-determined time. The interest of the MPs for asking questions was huge, so it was necessary to introduce a limit to two questions in one day by one MP (Jennings, 1957)

What is the situation in our country? According to the Rules of the Procedure of the Assembly of the Republic of Macedonia, MPs' questions can be submitted once a month at a special session, on the last Thursday of the month. At the same time, the Rules of Procedure define the obligation for compulsory presence by the Prime Minister and the members of the Government on the session for MPs' questions. The MP is entitled to ask the Prime Minister questions, the member of the Government, and other public officials who are accountable to the Parliament relating to their work. The question should be asked orally at the session. Thus, in between the two meetings, it should be submitted in writing, through the President of the Assembly. At one meeting, the MP can ask up to three questions for a period of 10 minutes. The orally asked questions are answered orally not longer than 10 minutes. The official to whom the question is addressed may respond in writing within 10 days. The written response shall be submitted to the President of the Assembly. It is the duty of the President of the Assembly to immediately forward the written response to the applicant and to all members. Furthermore, the MPs have the right to comment on the answer to the question, but the answer itself is not brought up for discussion.

“Question time” in the Macedonian Assembly did/(has) not receive(d) its rightful place neither as an important instrument of

parliamentary democracy, nor as an instrument of control and as a means of obtaining the necessary information.

Mandate	MPs' Questions	Sessions for MPs' Questions	Unanswered Questions
<b>2002-2006</b>	1375	25	125
<b>2006-2008</b>	556	14	130
<b>2008-2011</b>	795	26	112
<b>2011-2014</b>	427	22	47

*Table 2 – MPs' questions in the period 2002-2014* (<http://www.sobranie.mk/pratenicki-prashanja.nspix>)

Table 2 shows that in the period of 2002-2014, the number of MPs' questions were very small compared with the British figures (50,000 MPs' questions per year) or the French figures (about 12,000 MPs' questions in the National Assembly and 4700 MPs' questions in the Senate). Therefore, this reflects the influence of the democratic tradition in the use of democratic mechanisms. The questions in the British Parliament (oral and written), holds a very significant place. Thus, from Monday to Thursday at 14 to 15.30 hrs, the House of Commons (the lower house) dedicates its sessions to the questions. However, these questions includes both the ones submitted fifteen days in advance, which is possibly related to further questions allowed by the *Speaker*, while the others are urgent questions delivered that morning, i.e. the private notice questions –PNQS (Duhamel, 2004).

The second instrument for exercising political control over the work of the Government is interpellation. Interpellation is an instrument for bringing political responsibility and control over the work of the executive power. Thus, there are various elements of informing, and this might lead to the overthrowing of the Government at the same time. Interpellation may be invoked upon the work of any public official: the Government and every individual member thereof, as well as on issues concerning the work of the state bodies (Article 72, item 1 of the Constitution of the Republic of Macedonia). As of January 1991 till date, all interpellations have been submitted by the parliamentary groups which acted as the opposition in the Assembly. Thus, none was accepted.

The third and most effective mechanism for achieving political responsibility of the Government to the Assembly is the institute vote of no confidence in the Government. The Government and each of its individual members thereof, answer before the Assembly for their work (Article 92, item 1 of the Constitution of the Republic of Macedonia). Subsequently, the political liability of the Government before Parliament is in twofold: joint (collective) and several (personal/individual). Collective liability is exercised by voting in support of the no confidence motion in the Government, which

is initiated at the request of at least 20 MPs. The voting is carried out upon the expiry of three days from initiating the no confidence vote. However, the decision of the no confidence motion was adopted by an absolute majority. Till date, Parliament was in favour of the no confidence vote in the Government only once, at the beginning of the transition in 1992. Here, the Assembly decided not to support the expert government that substituted the party Government (Silanovska, 2013; Treneska, 2013). In 2008, due to the political crisis in the parliament which resulted from the lack of double majority, i.e. Badinter majority (in 2006, there was a coalition between VMRO-DPMNE and DPA, which was legal in legislative terms. However, it was partially illegitimate, since the winner of the Albanian political campus was DUI with 16 MPs. DPA had only 11 MPs), the then ruling coalition VMRO-DPMNE and DPA, terminated the mandate of the eighth government after the first dissolution of the Assembly.

All previous Governments in the Republic of Macedonia, except the coalition governments were “Macedonian-Albanian”, even at times when the winning coalition had an absolute majority. Therefore, the Albanian coalition partner was chosen according to an unwritten rules “winner in the Albanian political campus”. The 1998 Government of Georgievski and the 2006 Government of Gruevski, derogated from this principle by legally creating a coalition with the illegitimate Albanian party.

The political crisis that arose after the problems of 24 December 2012, and the opposition's boycott of the recent (2014) parliamentary elections, has affected the relations between the two powers: legislative and executive.

## **Conclusion**

In conclusion, this is evident even in the most important functions of the Assembly, the legislative, and the control function. The Government is not only the maker of the government policy, but also the maker of the Assembly policy.

In the absence of opposition in the Assembly and with the major political crisis, it has been the undisputed master of the overall political decision-making process.

It turned out that the constitutional norms and guarantees are not sufficient for a democratic political system based on the principle of division of powers. The lack of a long democratic tradition, the (un) democratic political culture with strong elements of patriarchy and servitude are not only evident in the internal party relations. However, they are also within the Assembly and the Government, as well as in their mutual relations stimulated by undemocratic tendencies and distortions in the political system

of the Republic of Macedonia. In addition, this has inevitably led to lagging behind in the European integration processes.

On one hand, we need constitutional, legal, and institutional reforms, and on the other hand, there is a desperate need for reform in the internal party relations, the civil society, and the informing and opinion making of the general public in the spirit of Europeanization.

Subsequently, it is necessary to identify the factors of the disrupted equilibrium between the legislative and executive authorities. Also, it is important to find mechanisms that will provide the needed balance, aimed at good governance and management.

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