

THE ROLE OF PARLIAMENTS IN THE SEMI-PRESIDENTIAL SYSTEMS:
THE CASE OF THE FEDERAL ASSEMBLY OF RUSSIA

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I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work.

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ABSTRACT

THE ROLE OF PARLIAMENTS IN THE SEMI-PRESIDENTIAL SYSTEMS: THE CASE OF THE FEDERAL ASSEMBLY OF RUSSIA

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The purpose of this thesis is to scrutinize the role and status of the Federal Assembly of Russia within the context of the semi-presidential system in the Russian Federation. Parliaments as a body incorporating the representative and legislative functions of the state are of critical importance to the development and stability of democracy in a working constitutional system. Since the legislative power cannot be thought separate from the political system in which it works, semi-presidentialism practices of Russia with its opportunities and deadlocks will be vital to understand the role of parliamentary power in Russia. The analysis of the the relationship among the constitutional bodies as stipulated by the first post-Soviet Constitution in 1993 will contribute to our understanding of the development of democracy in the Russian Federation. In the thesis, I aim to examine the parliament's role and functioning in Russia as an indicator of the democratic consolidation level by on the parliamentary committee competence, parliamentary oversight authority, law making process, and deliberation capacity of their deputies. I will discuss the relationship between the executive and legislative bodies, as well as the rights and duties of these political powers in under different presidential terms. Throughout the study, I will seek an

answer whether the Russian Federal Assembly is able to counterweight the presidential authority or not.

Keywords: Semi-Presidential System, Federal Assembly of Russia, Legislatures, President, Constitution.

ÖZ

YARI-BAŞKANLIK SİSTEMLERİNDE PARLAMENTOLARIN ROLÜ: RUSYA FEDERAL MECLİSİ ÖRNEĞİ

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Yüksek Lisans., Avrasya Çalışmaları

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Bu tezin amacı; Rusya Federasyonu'ndaki yarı-başkanlık sistemi bağlamında, Rusya Federal Meclisinin rolünü ve statüsünü incelemektir. Devletin temsil ve yasama işlevlerini yekvücut hâline getiren kurumlar olarak parlamentolar, işleyen bir anayasal sistemde demokrasinin gelişimi ve istikrarı bakımından kritik öneme sahiptir. Yasama erki, içinde bulunduğu siyasi sistemden ayrı düşünülmemeyeceği için Rusya'nın fırsatlar ve çıkmazları olan yarı-başkanlık uygulamaları, Rusya'daki parlamento gücünün rolünü anlamak bakımından hayati önemi haizdir. Sovyet sonrası dönemin ilk anayasası olan 1993 Anayasası'nın öngördüğü anayasal organlar arasındaki ilişkinin analizi, Rusya Federasyonu'ndaki demokrasinin gelişmesine dair anlayışımıza katkı sunacaktır. Bu tezde, parlamentonun Rusya'daki rolünü ve işleyişini; demokratik konsolidasyon seviyesinin bir göstergesi olarak parlamento komisyonların yeterliliği, parlamenten denetim yetkisi, kanun yapım süreci ve milletvekillerinin müzakere kapasiteleri üzerinden incelemeyi amaçlamaktayım. Farklı başkanlık dönemlerinde bu siyasi güçlerin hak ve yetkileri kullanımının yanı sıra yasama ve yürütme organları arasındaki ilişkiyi de tartışacağım. Çalışma

boyunca, Rus Federal Meclisi'nin Devlet Başkanı'nın yetkileri ile kıyas edildiğinde karşı bir ağırlık oluşturup oluşturamadığı sorusuna yanıt arayacağım.

Anahtar Kelimeler: Yarı-Başkanlık Sistemi, Rusya Federal Meclisi, Yasama Organları, Başkan, Anayasa.

*To my parents,
Fatma and Hasan Arabaci,
with my deepest love and respect*

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CHAPTER 1

INTRODUCTION

Throughout the Russian history, strong governance has been desired to be held sway over the Russian territory. Notwithstanding Russian style governance on its massive territory followed a fluctuating course via rule with an iron fist, from the Tsarist Russia to the Soviet Union and now Putin's Russia. Up to the collapse of the sumptuous Soviet Union in 1991, whoever ruled- either tsar of the empire or secretary-general of the Communist Party in the Soviet era, Russian political culture was associated with central government with ascendant leader. Russia's present-day politics is inherently regarded as an appendage of this political culture.

Russia has been experiencing a complex transformation process after the collapse of the Soviet Union just like the other former members of the Soviet Union. However, Russia, unlike the other former states, suffered from the chronic diseases of the Soviet Union as the main heir of that grandiose union. For that reason, the state had to concurrently cope with the difficulties in political realm as well as economical challenges. In that period, the Russian Federation, in quest of a new political system, followed the path of France in its system of government.¹ In line with this attitude, Russia looked up to the French Constitution of 1958. However, centralist tendencies in the Russian political tradition spawned a more powerful executive authority. On the other hand, legislature is regarded as an institutional expression of political and economic reforms aftermath of the fall of the Communist rule. Indeed, reform efforts named as *Glasnost* (openness) and *Perestroika* (restructuring) were initiated by Gorbachev even before the sudden collapse and

¹ Harvey, Cole Joseph. *The Double Headed Eagle: Semi-Presidentialism and Democracy in France and Russia*. Pittsburg: University of Pittsburg, 2008. (Unpublished Master Thesis) pp. 1-2.

these reforms have effects on the following political actors who have different attitudes on policy-making.

At this point, I think that the Federal Assembly of Russia and also its legislative predecessors in the Communist rule must be subject of a separate study to offer an insight into the Russian type semi-presidentialism. As for my underlying reason to choose the Russian legislatures as thesis topic, I have realized that there is a pile of works on parliaments, predominantly devoted to the U.S. Congress and the British Parliament. Several scholars pay only attention to the Russian executive, and by so doing legislative power of the Federal Assembly of the Russian Federation and its institutional dynamics have been underestimated. In fact, a vast number of scholars have examined the role played by parliaments in different political systems.² The literature, through outstanding scholars such as Blondel in 1973 Loewenberg and Patterson in 1979 and also Mezey in the same year and Polsby in 1975, originated in the 1970s³ and expanded from these years on. While there was a tendency in favor of the North American and the Western European democracies, scholars began to attach importance to the role of parliaments and MPs in non-Western political systems as of late 1990s and 2000s.⁴ As overall assessment,

² Krol, Gerrit. "Legislative Performance of the Russian State Duma: The Role of Parliament in an Authoritarian Regime." *East European Politics*. vol.33. no.4, 2017. p. 451.

³ Blondel, J. Comparative Legislatures. New Jersey: Prentice-Hall, 1973; Loewenberg, G and S. Patterson. Comparing Legislatures. Boston: Little Brown. 1979; Mezey, Michael L. Comparative Legislatures. Durham, N.C: Duke University Press, 1979; Polsby, Nelson W. "Legislatures." Handbook of Political Science. Ed. Fred Greenstein and Nelson W. Polsby. Reading, Mass: Addison-Wesley Pub, 1975. pp. 257-319.

⁴ Kopecky, Petr and Maria Spirova. "Parliamentary Opposition in Post-Communist Democracies: Power of the Powerless." *The Journal of Legislative Studies*. vol. 14. no. 1/2, 2008. pp. 133-159; Remington, Thomas F. and Steven S. Smith. "The Early Legislative Process in the Russian Federal Assembly." *The Journal of Legislative Studies*. vol. 2, no. 1, 1996. pp. 161-192. Likewise, Nelson and White, in their book, compiled the studies on the legislative institutions of different communist legislatures such as Yugoslavia, Poland, Romania, Czechoslovakia, China, and the USSR. They were in the opinion that little attention was devoted to communist legislature and also the Western mass public and scholars did not take them seriously despite the fact that their developing committee structure and the supervision function on the government and state bodies may rival that of Western parliaments in some cases in its scope and effectiveness. Nelson, Daniel and Stephen White. Communist Legislatures in Comparative Perspective. London and Basingstoke: The Macmillan Press, 1982.

scholars think that the performance of a parliament within the political system, no matter the political system democratic or not, is closely related to its properties along two institutional dimensions: its internal organization and the system of codified and/or unwritten regime characteristics.⁵ Considering this fact, I will frequently use articles on the rules of procedures of the Parliament as well as those of the Constitution.

The aim of this thesis is outrightly to evaluate the status of the Russian Federal Assembly especially in the Russian type semi-presidential system. Throughout the study, I will seek an answer whether the Russian Federal Assembly is able to counterweight as compared to presidential authority or not. Here, it goes without saying that many scholars in Russian politics label the political system as “super-presidentialism⁶”, rather than a prototype of semi-presidential system. Likewise, the concept of “managed democracy” has been discussed broadly, especially in Putin’s tenure. In the light of all discussions specified, to what extent the Parliament can prove adept at protecting itself against the potential usurpations by the President or which constitutional instruments are given to legislative power are among the core points of this thesis. To concretize, I will examine the mutual constitutional instruments as dissolution of the State Duma by the president and impeachment proceedings against the president as a trump card of the parliament in return. Likewise, the government’s dependence on the vote of confidence by the parliament and the independence of the president in the government formation process are among the critical issues to be discussed. Additionally, the success rate of executive-initiated measures compared to Duma-initiated ones, the source of

⁵ Krol, Gerrit. “Legislative Performance of the Russian State Duma: The Role of Parliament in an Authoritarian Regime.” p. 451.

⁶ Fish, Steven M. “The Impact of the 1999-2000 Parliamentary and Presidential Elections on Political Party Development.” *The 1999-2000 Elections in Russia: Their Impact and Legacy*. Eds. Vicki L. Hesli and William M. Reisinger. Cambridge: Cambridge University Press, 2003. p.201; Ishiyama, John T and Ryan Kennedy. “Superpresidentialism and Political Party Development in Russia, Ukraine, Armenia, and Kyrgyzstan.” *Europe-Asia Studies*. vol.53, no.8, 2001. p. 1186; Shevtsova, Lilia. “The Problem of Executive Power in Russia.” *Journal of Democracy*. vol.11, no.1, 2000 (January), <http://muse.jhu.edu/article/17023> (Date of Access: 10.05.2019).

initiation for all bills passed by the State Duma, the number of bills vetoed by the president, and the decree-making authority of the president are important instruments in determining the parliamentary power and the executive power. In sum, the balance of the mutual concession and compromise power between the parliament and the president described by the constitution and their constraints in practice will be handled.

When it comes to the humble endeavour of this study to achieve, through the lenses of a legislative expert it will seek to shed light on the Russian parliamentary structure exclusively and to evaluate the efficiency and fulfillment capacity of tasks of legislatures in Russia's road to democracy. In a nutshell, this thesis will focus on the inter institutional dynamics among constitutional bodies as well as intra institutional dynamics of the Assembly with respect to the roles and weights within the overall constitutional framework. The point here is that ingenious and well-founded legislative structure would be key in circumventing the potential deadlocks and more importantly, in that vein such a structure would be determinant in which direction that the Russian Federation will follow in its democratization process in the long run.

Three constitutional bodies as the President, the Federal Assembly and the Government will separately be examined in attempt to find out the real power of the Russian legislatures. The main questions I will ask are as such: What powers are granted to the Federal Assembly by the Russian Constitution in 1993? For that reason, my starting point is the 1993 Constitution regarded as the main source of presidential power. As for my core point in this study is to what extent legislative body can counterweight vis-a-vis the President. Having said that the relationship between executive and legislative bodies, and also rights and duties of these political powers which are entitled in the Constitution and rules of procedures will be guiding instruments in gauging process, it is of importance to look at the actual figures. It would be worthwhile to touch upon some of them deeply. After the tumultuous years, some scholars thought that Russia would experience pure Western type of constitutional design thanks to the adoption of the first post-Soviet Constitution in

1993 in which the principle of separation of powers would be applicable in the following years. But, from that time on, the main issue that preoccupied the scholars' minds is that the Constitution granted remarkable prerogatives to the President as compared to other political institutions and by so doing, as the time goes on it fuelled the suspicions of the scholars on Russian politics. But, at this stage, notions such as managed, controlled, captured, oligarchic or even authoritarian democracy have become recently the buzzwords in describing Russian political system. It shows us Russia has been following a different path than that of the Western type because of some peculiarities and requirements of its political culture, quest for stability, and attitudes of the prominent political actors in the given period. It is already evident that a huge gap between Russian political culture and Western democracy remains after almost three decades of post-Soviet politics.

Needless to say, throughout entire transition processes experienced by Russia, parliamentary bodies have played an important role in evaluating to what extent democratic institutions work in earnest in the democratization process. What is more, since the legislative consolidation can not be thought separate from the political system in which it works, semi-presidentialism practices of Russia with its opportunities and deadlocks will have vital bearing upon my analysis of the parliamentary power in Russia. Because they are indicators of democratic consolidation level by regarding parliamentary committee competence, parliamentary oversight authority, law making process, and deliberation capacity of their deputies. Considered in these ways, parliaments as a body incorporating representative and legislative functions of the state must be critical importance to the development and stability of democracy in working constitutional and political systems.⁷ That's why in this study, the status and roles of the legislative body will be

⁷ The phenomenon on the "governing by people" takes its place at the bottom of democracy term. The societal structures of states and forms of government shape their democracies. In other words, democracy is closely related to the societal structures and government systems. More importantly, today's representative democracies prioritize the existence of a representative body to assure the involvement of people in decision-making processes. For that reason, the parliamentary power and its positioning in organization and proceeding mechanism of state power, namely government system, is the most obvious indicator of the relationship between government system and democracy. *For further information, see. Güçyetmez, Mustafa. "Karşılaştırmalı Demokrasi Modelleri ve Hükümet*

examined within the context of semi-presidential system as the system of government in which it is spawned.

The status and role of the Russian Parliament must be naturally handled within the context of interrelationships among the constitutional bodies. First and foremost, one must define how we define the semi-presidentialism from past to today and in which direction it is evolving? Semi-presidentialism as a regime type that dates back to 1920s⁸ and firstly conceptualized by Maurice Duverger in 1970s⁹ is still a controversial issue among scholars. When it comes to the Russian case, scholars even today cannot converge their opinions in defining the political regime in Russia.¹⁰ Some scholars put the state in presidential system¹¹ while others name it as

Sistemleriyle İlişkisi.” *Hacettepe HFD*. vol. 7. no. 1, 2017. pp. 479–496; Aktan, Coşkun Can. “Temsili Demokrasilerde İdeal Bir Siyasal Rejim (Hükümet Sistemi) Arayışı.” *Hukuk Ve İktisat Araştırmaları Dergisi*. vol. 8, no. 1, 2016. pp. 18-35.

⁸ Elgie, Robert. *Semi-Presidentialism: Sub-types and Democratic Performance*. New York: Oxford University Press, 2011. pp. 19-20.

⁹ Elgie, Robert. “Varieties of Semi-Presidentialism and Their Impact on Nascent Democracies.” *Taiwan Journal of Democracy*. vol. 3. no. 2, 2007. p. 59.

¹⁰ For instance; Elgie, Cheibub, Troxel, Duvanova & Zielinski are among those who believe that Russia adopted a semi-presidential constitutional system in the 1993 Constitution. Since they label the political system as semi-presidential one provided that the survival of the government depends on the legislature or a popularly-elected president. Moreover, Troxel states that Russia has a semi-presidential system by not only regarding the authorities shared by the president and the parliament on paper, but also their authorities in practice. *For further information, see* Elgie, Robert. *Semi-Presidentialism: Sub-types and Democratic Performance*. New York: Oxford University Press, 2011. p. 22; Cheibub, José Antonio. *Presidentialism, Parliamentarism, and Democracy*. Cambridge: Cambridge University Press, 2007. p. 43; Troxel, Tiffany A. *Parliamentary Power in Russia, 1994-2001: President vs. Parliament*. Oxford: Palgrave, 2003. p. 12; Duvanova, Dinissa and Jakub Zielinski. “Legislative Accountability in a Semi-Presidential System: Analysis of the Single-Member District to the Russian State Duma.” *Europe-Asia Studies*. vol. 57. No.8. 2005. Besides, Remington, Sedelius & Linde follow the path of Shugart and Carey’s classification by labelling the Russian political system as president-parliamentary system as a sub-type of semi-presidential regime. By doing so, they underline the dominance of the president compared to the parliament. Remington, Thomas F. “Presidential Support in the Russian State Duma.” *Legislative Studies Quarterly*. vol. 31. no.1, February 2006. p. 7; Sedelius, Thomas & Jonas Linde. “Unravelling Semi-Presidentialism: Democracy and Government Performance in Four Distinct Regime Types.” *Democratization*. vol.25. no. 1, 2018.

¹¹ Fish, Easter, Kouwel, and Nichols put the state in presidential system. For instance, Fish indicates that the president occupies the central place in the system even though Russia, in formal terms, has semi-presidential system. Fish, Steven, M. “Stronger Legislatures, Stronger Democracies.” *Journal of Democracy*. vol. 17. no. 1, January 2006. p. 6. Likewise, Russia has a presidential system due to the

semi-presidential one. In addition to that rest of the scholars state that Russian case has idiosyncratic feature beyond familiar regime types. It is, of course, impossible to find only one type of semi-presidential system. Namely, constitutional designs, traditions, political experiences, executive-legislation relationships have an impact on the practices of presidential system in a given state. However, one should not overlook the delicate balance and subtleties in the system through a perfunctory analysis of the Russian case as semi-presidentialism. Throughout the thesis, I will refer to as needed the French case as a proto-type of semi-presidential system in order to show differences of Russian case.

This thesis consists of three core parts. After the introduction, the second part elaborates the semi-presidentialism as a regime type by unveiling clear and nebulous features of this political system. In this part, views of different scholars on semi-presidentialism will be compared and by doing so it will be aimed at defining and comparing the regime type in the world cases. Afterwards, as a hybrid regime having some commonalties and differences with parliamentary and presidential regime, this chapter investigates the status of the parliamentary bodies as legislative power.

The third chapter examines closely and separately the constitutional bodies as the President, the Federal Assembly and lastly the Government in Russia. The judicial power will be beyond the scope of this thesis since it is not of the determinants of semi-presidential system. But first of all, Russian political system and especially evolving process of legislative bodies must be handled in order to find

fact that the Russian Constitution gives the president extensive authority such as issuing of the presidential decree, the power to dissolve the parliament, and veto power. Easter, Gerald M. "Preference for Presidentialism: Postcommunist Regime Change in Russia and the NIS." *World Politics*. vol. 49. no.2, January 1997. pp. 195-196. In his study on cross-national comparisons of the countries selected, Krouwel, also states that there is no hesitation in labelling Russia's regime type as presidentialism even if the level of presidentialism remains disputable. Krouwel, Andre'. "Measuring Presidentialism and Parliamentarism: An Application to Central and East European Countries." *Acta Politica*. vol.38. no.4, 2003. p. 335. According to Nichols, the Russians deliberately opted for presidentialism because of the Soviet legacy which was deprived of convenient political base to create the political parties and NGOs to sustain a parliament. In such a case, they all converged on the presidentialism. Nichols, Thomas M. The Russian Presidency: Society and Politics in the Second Russian Republic. New York: St. Martin's Press, 1999. p. x. *For further information, see* Erdem, Kasım. "Yarı-Başkanlık ya da Süper Başkanlık: Rusya Federasyonu Örneği." Karşılaştırmalı Hükümet Sistemleri, Yarı-Başkanlık Sistemi: Fransa, Polonya ve Rusya Örnekleri. Ankara: TBMM Basımevi, 2017. pp. 233-238.

out how today's legislative power is created. The transition process from an ideologically based political system to a classical parliamentary structure and the state apparatus with the 1993 Constitution are elaborated in this part. Rather than envisaging its political system in line with the principle of separation of powers that is embedded in the Western-type democracies, the Soviet Union followed a different path since the constitution of the Soviet Union did not stipulate this principle. Furthermore, elections were considered as a means to make people adopt party ideology via ostensible candidates by the Party. All the Party wanted people to do was to give their consent to the intended member. Under these circumstances, the Chapter on the *Russian Political System in Retrospect and from 1991 Onwards* will be highly critical for understanding the Russian political system in even today. In addition that it is crucial to state that 1990-1993 period which we label as the transition period witnessed vital power struggles among governmental bodies. Due to this reason, it had better to grasp the period in question by evaluating constitution-making process of the 1993 Constitution. Undoubtedly, the two chambers of the Federal Assembly, the State Duma and the Council of the Federation, and their internal structure and proceedings are useful in analyzing the legislative performance.

At the outset, one of the most important things to say in understanding the role of parliament and their political functions, they symbolize democracy. For that reason, it is the parliament as a symbol of democratic order that first comes under attack by its enemies and concurrently is the first object of concern for its exponents in case of danger in democracy. That's what happened in Moscow in August of 1991.¹²

When it comes to the legitimacy of democratic regimes, it is based on the efficiency of their representative institutions. Considered in this way, a meager parliament may be short of carrying out its role of symbol and so curb the legitimacy

¹² Sergeyev, Victor and Nikolai Biryukov. Russia's Road to Democracy: Parliament, Communism and Traditional Culture. Aldershot, Vermont: Edward Elgar Publishing Limited, 1993. p. 9.

of the political system within which it has been established. The symbolic role of the Congress in Russia? proved paramount importance.¹³

The fourth chapter, *Relationship Among Constitutional Bodies*, scrutinizes the interrelations among constitutional bodies by analyzing the political actors further who are elaborated in the third chapter. By so doing, the thesis seeks to take heed that it is not adequate to create only constitutional bodies but also needed to have balanced and working mechanisms among them in order to build a well-functioning political system.

When handling the Russian political processes, it is vital to scrutinize the political actors since they are closely associated with developments and even mostly direct actors of the period under consideration. For that reason, the politicians and their attitudes like Yeltsin and Putin will be examined in an attempt to clarify the tide of changes in watershed moments in Russian politics. Indeed, the roles played by political actors deserve an independent and comprehensive evaluation as discussed in this chapter.

In this chapter, decree making authority beyond any doubt deserves a separate evaluation. In fact, the unconstrained use of the aforementioned authority by the president is regarded as an evidence of growing dominance of the presidential power to the detriment of the parliamentary power. Presidents have tendency to exploit this authority, in cases where the president do not have majority in the fragmented parliaments and also the presidents, in the garb of the legislative body, may ignore and usurp the parliament by presidential decrees. As a matter of fact, 1993 Constitution reinforced the presidential decree authority because prior to the adoption of the Constitution, Yeltsin and the parliament were in conflict with each other due to his tendency to resort to decrees. Frankly, he used the decree power to dominate the whole political agenda rather than economic sphere in which it had been supposed to alleviate. Given all these underlying causes, the tendency to reinforce the president in the 1993 Constitution makes sense.

¹³ Ibid. p. 9.

In this thesis, the period under evaluation is the aftermath of the adoption of the 1993 Constitution. As the first president of the post-Soviet period, Yeltsin had inimical relations with the legislative organ while Putin, the successor of Yeltsin, enjoy amicable relations with the Federal Assembly. The differences in attitudes of two political actors are consequently have been restating the political atmosphere in the Russian Federation.

The fourth chapter will also show us how the popular election of both parliament and the president coming from different political backgrounds, which is probable in the semi-presidentialism, may stalemate the system. Furthermore, the president's interventions and important powers to use, and even out of the powers stipulated in the Constitution, and this congestion often lead to military interventions by the claims that the system can lead to the collapse of regime. Conflictual relations between the parliament and the president in Yeltsin's tenure and the dismissal of the parliament by the presidential decree and even coup d'etat are cases related to these points.

The sources used in this study in scrutinizing the status of the Russian Federal Assembly in Russian political system are mostly books, articles and thesis/dissertations as well as English version of the official website of the Russian Federal Assembly. The 1993 Constitution and rules of procedure of the chambers are important instruments as legal documents. And also, I made use of information and data delivered by the European Center for Parliamentary Research and Documentation on various subjects. (ECPRD).

CHAPTER 2

SEMI-PRESIDENTIALISM

First and foremost, it is necessary to define the political system from scratch in an attempt to understand the political constellation among the core political actors in a given state. Apart from the presidential and parliamentary system, semi-presidential system offers a midway by embodying the features of both the parliamentary and presidential one at the same time. Due to its hybrid form, one must reveal the intrinsic characteristics of the political actors embedded in the system.

In this chapter, from a theoretical perspective, I will try to draw a frame for introducing semi-presidentialism as a system of government. Also, I will compare briefly the several cases adopting this type of system of government in the world and more importantly, we will be one step closer the thesis' concern by evaluating the role of parliaments in the semi-presidential systems. This preparatory chapter will serve the purpose of laying the bases of the following chapters.

2.1. Conceptual Framework

According to the traditional theory on the separation of powers by Montesquieu in the *Spirits of Laws*, a robust and efficient system is ensured by government functions divided into three branches as executive, legislative and judicial branches.¹⁴ The main purpose of this vital division is to limit the authorities and responsibilities of each power so that they do not abuse their powers by resorting to arbitrary attitudes. Furthermore, Locke, as an the other philosopher on the theory mentioned, prioritizes the legislative authority owing to the fact that it has the right to

¹⁴ Charles, Louis de Secondat, Baron de Montesquieu. The Spirit of Laws. (Translated by Thomas Nugent). London: T. Evans, 1777.

direct how the state power would be used to protect the members of the community and community itself. He thinks that the executive power whose authority is limited by the rules and laws is not equal to the legislative branch which itself lays down the laws and rules to organize the society and state as a whole. In other words, Locke insists upon the supremacy of the legislative power and the subordination of the executive power to the legislative. Yet, he does not put the executive power at the disposal of the legislative branch just like an aide, rather the power of the legislative is itself limited to the exercise of its own proper functions. However, the concentration of power, on the one hand, may trigger the abuse of power.¹⁵ According to him, the judicial branch is also derived from the legislative. Because judicial power follows the judicial proceedings through laws laid down by the legislative power. Accordingly, it is the derivative power of the legislative authority.¹⁶ It is surely beyond doubt that placing the judicial power into derivative position would underestimate the branch by ignoring both powers having different aims and consequences.¹⁷ At this juncture, Vile reminds us that the simple separation of powers would be incomplete unless it is combined with the theory of checks and balances¹⁸:

The doctrine of the separation of powers, standing alone as a theory of government, has, as will be demonstrated later, uniformly failed to provide an adequate basis for an effective, stable political system. It has therefore been combined with other political ideas, the theory of mixed government, the idea of balance, the concept of checks and balances, to form the complex constitutional theories that provided the basis of modern Western political systems.

Having clarified the intellectual background of the separation of powers, we can readily state that the doctrine of the separation of powers makes sense only if it

¹⁵ Vile, M.J.C. Constitutionalism and the Separation of Powers. Indianapolis: Liberty Fund Inc, 1998. p. 69; Kutlu, Mustafa. Kuvvetler Ayrılığı, Ankara: Seçkin Yayıncılık, 2001, p. 110; Hasan, Dursun. “Erkler Ayrılığı ve Yargıç Bağımsızlığı”. Türkiye Barolar Birliği Dergisi. vol. 80, 2009. p. 37.

¹⁶ Ağaoğulları, Mehmet Ali. Kral-Devletten Ulus Devlete, Ankara: İmge Kitabevi, 2005. p. 208.

¹⁷ Özbudun, Ergun. Türk Anayasa Hukuku, , Ankara: Yetkin Yayınları, 2013. pp. 375-376.

¹⁸ Vile, M.J.C. Constitutionalism and the Separation of Powers. p. 2.

brings about the existence of different functions in harmony, rather than the isolated existence of each power in modern states.¹⁹ Today, we have different systems of government which stem from the relationships between the legislative and the executive branch.²⁰ From this point on, it can be scrutinized the classification of systems of government that is arisen from the relationship between the executive and legislative powers. The presidential system that is based on the rigid separation of power and parliamentary system which is based on the soft division are cases in point. And here there is third and hybrid model as semi-presidentialism having several commonalities with both systems.²¹

Meanwhile, Remington reminds us by referring Shugart and Carey's sayings that presidential system is one in which the executive is popularly elected and both executive and legislative are not dependent on one another's confidence. Likewise, the elected chief executive who forms the government enjoys some policy-making authority under the constitution. Unlike in a parliamentary system in which executive is depended on the confidence of the legislature to govern, legislature and president are independent both in formation and continuation in office. The semi-presidential system, as a mixed form, melts in the same pot while both powers are separately elected and government named by the president must also get the confidence of the legislature. But, according to Shugart and Carey, the key point here is that the president's own power is vitally important for dynamic of presidential-legislative relation and more importantly for the sustainability of the system in the long run.²²

Here, Shugart's contextualization of hybrid regimes is worthwhile to elaborate. According to him, the distinguishing mark of the semi-presidential system is the existence of an elected president with a cabinet responsible to the parliament.

¹⁹ Özbudun, Ergun. Türk Anayasa Hukuku. p. 187.

²⁰ Şen, İlker Gökhan. Rusya Federasyonu Siyasal Sistemi. Eskişehir: Anadolu Üniversitesi Yayınları, 2004. p.1.

²¹ Ibid. p. 350.

²² Remington, Thomas F. Presidential Decrees in Russia: A Comparative Perspective, New York: Cambridge University Press, 2014. pp. 10-11.

There is a wide range of regimes that include some features of parliamentary government and some features of presidential government. Nevertheless, one can not argue that all juxtaposition of these factors is enough for labeling a regime as semi-presidential one.²³

As seen below Table 1, based on the dimension of origin and survival of the executive authority vis-a`-vis the legislative assembly, illustrates the pure types and two hybrids. Also, it is divided the relationship to the assembly as *fused* and *separated* on each dimension if the executive is derived from a parliamentary majority, we can call this situation fusion of origin. On the contrary, separate refers that the executive has its own fount of democratic accountability, that is a popular election. As for the dimension of survival, the majority of assembly and the executive are closely interrelated with each other. In other words, if the parliamentary majority breaks apart, the executive falls whereas separation means that the executive is indifferent to a potential shift in majorities within the assembly. The point here is that commonly recognized pure types have the same relationship on each dimension, namely parliamentary systems occupy the fused-fused cell while the presidential system occupies the separated-separated cell.²⁴

²³ Shugart, Matthew Søberg. "Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns." *French Politics*. vol.3. no.3, 2005. p. 325.

²⁴ Ibid. p. 326.

Table 1: Pure Types of Executive-Legislative Structure and Their Mirror Hybrids²⁵

		Chief executive origin	
		From assembly majority (fused)	From electorate (separate from assembly)
Chief executive survival	Fused with assembly majority	Parliamentary	Elected prime ministerial
	Separate from assembly majority	Assembly independent	Presidential

Note: Pure types are shaded; their mirror hybrids are the non-shaded cells.

Shugart argued that both of the hybrids showed in Table 1 are really the most accurate hybrids in that they simply gather origin and survival in a manner that *mirror* the combination in the pure presidential and parliamentary types. On the contrary, due to the bifurcated executive structure, a semi-presidential system is a *mix*, not a *mirror* since it takes both of the pure types, rather than simply combining the two dimensions of origin and survival in the opposite manner from the pure types. In other words, it is situated in between on a continuum. In the semi-presidentialism, the president has both origins and survival separated from the assembly. From this aspect, one may argue that one portion of this bifurcated structure is similar to the presidential system with separated origin and separated survival, as well. But it is not enough to depict this type as pure one because of the existence of the other portion situated in a different manner. The prime minister (and cabinet) has its survival fused with the parliamentary majority. It is clear that semi-

²⁵ Ibid. p. 326.

presidential systems mix elements of the two pure types for each portion of a bifurcated structure.²⁶

Even if the semi-presidential systems have the characteristics of both the parliamentary and presidential one at the same time, one needs to address it from the point of the latter one. In such a way that both of systems, presidential and semi-presidential ones, has some features in common that there is a president who is chosen by the people, at least within the parliament or even by the parliament itself. The fact remains that semi-presidential system divides the authority into two parts, rather than monadic structure, for the very reason we call it semi. President in the presidential system is safe from the parliamentary intervention thanks to the separation of powers while the president has to share his/her authority with the prime minister who is in need of parliament support due to the division of powers.²⁷

Above all, in line with Duverger's definition, a political regime can be seen as semi-presidential if the constitution which established it, includes three factors²⁸:

- 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.*

The aforementioned definition was reexamined by Sartori and then was conveyed as follows²⁹:

- i) *The head of state (president is elected by popular vote-either directly or indirectly-for a fixed term of office.*
- ii) *The head of state shares the executive power with a prime minister, thus entering a dual authority structure whose three defining criteria are:*

²⁶ Ibid. pp. 326-327.

²⁷ Sartori, Giovanni. Karşılaştırmalı Anayasa Mühendisliği: Yapılar, Özendiriciler ve Sonuçlar Üzerine Bir İnceleme. Translator. Ergun Özbudun, Ankara: Yetkin Yayınları, 1997. pp. 161-162.

²⁸ Duverger, Maurice. "A New Political System Model: Semi-Presidential Government." *European Journal of Political Research*. vol.8. no. 2, 1980. p. 166.

²⁹ Sartori, Giovanni. Comparative Constitutional Engineering: An Inquiry into Structures, Incentives and Outcomes. London: Macmillan Press, 1994. pp. 131-132.

iii) *The president is independent from parliament, but is not entitled to govern alone or directly and therefore his will must be conveyed and processed via his government.*

iv) *Conversely, the prime minister and his cabinet are president-independent in that they are parliament-dependent: they are subject to either parliamentary confidence or no-confidence (or both), and in either case need the support of a parliamentary majority.*

v) *The dual authority structure of semi-presidentialism allows for different balances and also for shifting prevalences of power within the executive, under the strict condition that the “autonomy potential” of each component unit of the executive does subsist.*

Nevertheless, Elgie criticized both of the authors by stating that they took the powers of the president and the prime minister as the subjective factors into account. According to him, their way of definition is short of ensuring selection neutrality, namely suffered from literally selection bias. Once semi-presidentialism is only handled from the viewpoint of power-sharing, one must study countries where power-sharing is an issue. Thus, Elgie came up with defining semi-presidentialism through *uncontestable constitutional provisions* instead of referring the powers of either the president or the prime minister. He defined a political regime as semi-presidential if there is a both a popularly elected fixed-term president and a prime minister and cabinet is accountable to the legislature. By the year of 2007, he also put forward a comprehensive list of sixty regimes-ranging from partly to fully democratic countries with a large variation in the constitutional forms of semi-presidentialism in which selection bias problem adjusted.³⁰

For example, in the Russian case, as Parlett states, the President is the only state institution who is elected by all people and he is the guarantor of national unity in line with the Russian Constitution. For that reason, s/he is supposed to coordinate the political parties and interests that operate in the separated branches of the government in harmony and for the sake of the nation as a whole. In sum, by

³⁰ Elgie, Robert. “Varieties of Semi-Presidentialism and Their Impact on Nascent Democracies.” *Taiwan Journal of Democracy*. vol.3. no.2, 2007. pp. 60-61.

rejecting the Western-type constitutional design, the President is marked as a "fourth" kind of power in Russia's constitutional system.³¹

2.2. Semi-Presidential Systems in the World

As of today, there are more than 50 countries adopted semi-presidential regimes in the world. Finland and Weimar Germany were the first states with semi-presidential regime in 1919. Even if, for many decades thereafter, the spread of this regime ceased for a long time, again in the early 1990s the aforementioned regime became popular during the third wave of democratization. In the first two years of the 1990s, 29 countries adopted this regime and 39 in total.³²

Some thirty countries chose an unknown model as semi-presidentialism rather than pure parliamentary or presidential model after the collapse of the Communism. This model was generally known as the French type.³³ As for the political systems in European states along with the French political system 1958-1962, there were also five states having this form of government: Finland, Austria, Ireland, Iceland, and Germany under the Weimar Republic in the period of 1919-1933. In addition to that Portugal adopted semi-presidential system with the constitution of 1975. Even if the constitution of 1975 granted the head of state personal powers without requiring him to be elected by universal suffrage, the semi-presidential form of government failed to consolidate itself in Greece as Karamanlis

³¹ Partlett, William. "Separation of Powers Without Checks and Balances: The Failure of Semi-Presidentialism and the Making of the Russian Constitutional System, 1991-1993." The Legal Dimension in Cold War Interactions: Some Notes From The Field. Eds. William Simons and Tatiana Borisova. Leiden and Boston: Martinus Nijhoff Publishers, 2012. p. 106.

³² Elgie, Robert. "Semi-Presidentialism: An Increasingly Common Constitutional Choice." Semi-Presidentialism and Democracy. Eds. Robert Elgie, Sophia Moestrup and Yu-Shan Wu. New York: Palgrave Macmillan, 2011. pp.1-20.

³³ Armenia, Azerbaijan, Belarus, Bulgaria, Croatia, Georgia, Kazakhstan, Kyrgyzstan, Lithuania, Macedonia, Moldova, Poland, Romania, Russia, Slovenia, Ukraine, and Uzbekistan were 17 post-communist states choosing semi-presidentialism. Skach, Cindy. Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic. Princeton and Oxford: Princeton University Press, 2005. p. 8.

would have suggested such a political system, had he won the following election. But, the defeat of the prime minister put a damper on this process.³⁴

Initially, semi-presidentialism has been restricted to Western Europe,³⁵ as the time goes on; the spread of semi-presidentialism has not been confined to a constrained set of states in certain areas and political cultures. I mean that semi-presidentialism is a familiar tradition in most countries and regions ranging from Western Europe to African countries. By the same token, most of the Francophone and Lusophone countries adopted semi-presidentialism in their constitutional structure by their free will in an attempt to democratize in the aftermath of the sudden independence and statehood process.³⁶

Moreover, the countries mentioned above had the desire to be ruled by a strong president. Maybe, frailty process forced countries to gather around a strong national political figure. Some countries in the third wave democratization and most of the post-Soviet countries which adopted presidents with broad authorities are the cases in points. In a similar manner, especially in crisis periods, it paved the way for the consolidation of presidents who are furnished with ample authority through the constitution as a reaction against the unstable structures of the Third and Fourth French Republics which were regarded as “parliamentary government” by Sartori.³⁷

Seeing the semi-presidential systems as highly heterogeneous, Wu classified the countries that adopted the aforementioned system under three groups: established democracies, post-Leninist countries, and post-colonial countries. The first group of countries which are all established semi-presidential democracies is found in Western Europe and Scandinavia. These countries (Finland, Austria, Iceland, Ireland,

³⁴ Duverger. “A New Political System Model: Semi-Presidential Government.” p. 165.

³⁵ Wu, Yu-Shan. “Clustering of Semi-Presidentialism: A First Cut.” Semi-Presidentialism and Democracy. Eds. Robert Elgie, Sophia Moestrup and Yu-Shan Wu. New York: Palgrave Macmillan, 2011. p.21.

³⁶ Elgie, Robert. “Semi-Presidentialism: An Increasingly Common Constitutional Choice.” pp. 1-20.

³⁷ Abdullayev, Natig, *Demokratikleşme Sorunsalı Çerçevesinde Rusya’da Hükümet Şekli Üzerine* İstanbul Üniversitesi SBE, İstanbul 2008. (Yayınlanmamış Doktora Tezi). p. 173.

France, and Portugal) are also known as precursors of this system. As for the second cluster, post-Leninist countries that adopted the semi-presidentialism are predominantly found in Eastern Europe and the former Soviet Union, and sparsely in Asia.³⁸ And the last cluster is composed of Francophone and Lusophone post-colonial countries. Elgie and others underlined the fact that *the varied sociopolitical context of these clusters into which semi-presidentialism is introduced is likely to influence the choices of power distribution.*³⁹ Namely, Western European countries give the parliament a free hand since parliamentary tradition is the strongest in Western Europe. Quite the contrary, post-Leninist and post-colonial allocate remarkable presidential powers owing to the fact that they have the weakest parliament tradition. Even though semi-presidential experiences of various countries differ greatly across clusters, the main thing to say about the semi-presidential system is that adopting such a system in the country forced to make a choice of the calibration of powers between the actors of the executive and between the executive and the legislature, as well.⁴⁰

At his point, Elgie found out that democratic performance of semi-presidential systems with strong presidents are more likely to deteriorate, compared to the countries with weak presidents. For that reason, he advised the constitution-builders to adopt a semi-presidential system granting relatively less presidential authorities.⁴¹

³⁸ Countries which fall into this cluster and entry year of semi-presidentialism as follow: Bulgaria (1992), Croatia(1991), Macedonia(1991), Montenegro (2006), Poland (1990), Romania (1990), Serbia (2006), Slovakia (1999), Slovenia (1992), Armenia (1995), Azerbaijan (1995),Belarus (1996), Georgia (2004), Kazakhstan (1995), Kyrgyzstan (1998-2003, 2005), Lithuania (1992), Russia (1993), Ukraine (1996), Mongolia(1992), Taiwan (1997). Wu, Yu-Shan. “Clustering of Semi-Presidentialism: A First Cut.” p. 23.

³⁹ Elgie, Robert, Sophia Moestrup, and Yu-Shan Wu. “Semi-Presidentialism: What Have We Learned?” *Semi-Presidentialism and Democracy*. Eds. Robert Elgie, Sophia Moestrup and Yu-Shan Wu. New York: Palgrave Macmillan, 2011. p.265.

⁴⁰ Ibid. p. 265.

⁴¹ Elgie, Robert and Iain Mcmenamin. “Semi-Presidentialism and Democratic Performance.” *Japanese Journal of Political Science*. vol. 9. no. 3, 2008. p. 21.

As for the experiences of the post-communist states, we can examine the states by looking through the lenses of the Shugart and Carey as a distinction between president-parliamentarism and premier-presidential system. It goes without saying that many studies later followed this classification. But, one firstly needs to address the two types of semi-presidentialism. As is well known, the concentration of power either in the hands of the president or prime minister is the focal point in discussions concerning dual executive power. Namely, Shugart and Carey handled the issue by examining the ratio of power between the president and the prime minister. Furthermore, Shugart argued that prime-minister is depended on the parliament in premier-presidential regimes and the parliament holds the authority to dismiss the cabinet. In such a case, prime-ministers tend to cooperate with the parliament causing possible executive conflict with the president. In contrast, prime-minister is responsible to both the president and the parliament in presidential-parliamentary regime since s/he deals with a stronger presidential figure. And also, this regime grants presidents to appoint and dismiss the prime minister. It will cause the prime minister to submit to the president, who will have the right to form an alliance with the prime minister.⁴²

And yet, Chang' s study is worthwhile to examine since it proposed that competition/cooperation between the two actors of the executive power and dual-executive identified with the semi-presidentialism are the most important factors determining how the regime operates. At this point, Chang stated that tactics of the president and the prime minister differ in the premier-presidential regime whereas the tactics of them are similar in a president-parliamentary regime.⁴³ He also thought that Elgie proposed a more accurate classification system based on operation patterns, divided into highly presidentialized semi-presidentialism regimes, semi presidentialism regime with ceremonial presidents, and semi-presidentialism regimes

⁴² Chang, Chun-hao. "The Competition/Cooperation Relationship in Executive Power Operating of Semi-Presidentialism." *International Journal of Social Sciences and Humanity Studies*. vol. 3. no. 2, 2011. pp. 106-107.

⁴³ *Ibid.* pp. 106-107.

with a balance of presidential and prime-ministerial power. Afterwards, in his own analysis, Chang used the three subtypes proposed by Elgie as the specific objectives of the executive authority. Any two subtypes were seen variations of the third one. For instance, in case of not following the aim of a highly presidential regime, the coexistence of highly presidential and ceremonial presidential or of highly presidential and balanced powers may come into existence. Here, it is implied as similar objective by referring the share of executive power by the president and the prime minister, on the other hand, if the president and the prime minister strive for executive power, it is implied as different objective. Table 2 presents the various combinations of executive relationships as follow.⁴⁴

Table 2: Original Hypothesis of Executive Relationship⁴⁵

Objective Tactic	Similar (share)	Different (struggle)
Similar (President-parliamentary regime)	Cooperation	Competition
Different (Premier-presidential regime)	Division of affairs	Conflict

Before going deep into the variations on the table above, it had better to clarify some important points on Chang's thinking. Namely, he is in the opinion that deciding a system is good or bad would be inaccurate by only evaluating the

⁴⁴ Ibid. p. 107.

⁴⁵ Ibid. p. 108.

executive power of the president or the prime minister. For that reason, he prefers to handle the issue through the facets in which executive power is granted to the president or prime minister as divided into two situations. These situations also differ according to whether the aforementioned political actors share or struggle for executive power. Moreover, they may divide their affairs or they may cooperate in them in case of sharing whereas competition or conflict may erupt in struggling.⁴⁶

This table above figures out the cases of the semi-presidential regime, examining the details of the internal workings of the executive. The core issue here is closely related to competition/cooperation between the president and the prime minister, nominately whether the actors of the executive power as the president and the prime minister “compete” or “yield” executive power.⁴⁷ Now, it is time to elaborate on the two aspects of cooperation and competition to indicate part of the operational patterns in executive power. Chang scrutinized the case studies of competition and cooperation within executive power under three circumstances: 1) executive authority held by the president. 2) executive power held by the prime minister. 3) Executive power shared by the president and the prime minister.⁴⁸

The first circumstance is the case of executive authority held by the president that the model with most impact on this aspect is the highly presidential regime. Moreover, it inclines to the coexistence of two other models as co-governance or ceremonial presidential according to whether the president and the prime minister agree upon in his model. They were handled by Chang in line with the interactions between president and prime minister in the similar tactic of president as follow⁴⁹:

*Cooperation: president-parliamentary regime (similar tactic);
highly presidentialized semi-presidentialism regime (similar
objective)*

⁴⁶ Ibid. p. 106.

⁴⁷ Ibid. p.105.

⁴⁸ Ibid. pp. 105-116.

⁴⁹ Ibid. p. 108.

Competition: president-parliamentary regime (similar tactic); highly presidentialized semi-presidentialism regime and co-governance (different objective)

If the tactics to form an authoritative president stemming from the constitution, such as granting the president complete authority to name the prime minister in highly presidential semi-presidential regimes, this normative approach will contribute to the objective of a president-parliamentary regime. Several semi-presidential countries in Africa like Tanzania, Uganda, Burkina Faso, Niger, and the Republic of Central Africa fall into this categorization. In the countries, a weak prime minister cooperates with a stronger president, operating jointly to reach highly presidential regime. The stunning fact here is that the authorities of the president of these African countries are greater than that of the presidents in other African countries adopting presidential systems.⁵⁰ Since the presidents in these countries have an active role in the formation of the government and cabinet meetings as well⁵¹ the prime ministers are subordinated in status by comparison and they are more apt to be accountable to the president.⁵²

If the objectives of the president and the prime minister differ and the president plays an active role in the formation of a highly presidential regime, a variation in which a highly presidentialized regime and co-governance co-exists will be apparent under the constitutional norms in president-parliamentary regimes. Presidents have greater authority and the prime minister must be attuned to changes in a political milieu in this type of mode of operation. For instance, in case of fatigue of president or his/her popularity falls, prime minister coming from the same party with the president will have chance to acquire more penetration against the president, hence forming an intra-party governance. However, the prime minister must also consider the risk of the president dismissing him/her. Dual accountability comes into

⁵⁰ Cranenburgh, O. Van. ““Big Men” Rule: Presidential Power, Regime Type and Democracy in 30 African Countries.” *Democratization*. vol. 15. no.5, 2008. pp. 970-971.

⁵¹ *Ibid.* pp. 961-962.

⁵² Chang, Chun-hao. “The Competition/Cooperation Relationship in Executive Power Operating of Semi-Presidentialism.” p. 109.

existence out of consideration for the president despite the prime minister may not obedient to the president without a reserve. In fact, playing the role as “the highest chief executive” and the president’s “chief executive officer” are two alternatives to be chosen by the prime minister in order to be not dismissed by the president. The semi-presidential regime in Russia falls into this category and it works just like this type.⁵³ More precisely, in May 2008 Putin left the presidency and occupied the prime ministry position, and also he had created a dominant party regime during his two terms of office putting the parliament at the disposal. Putin intrinsically had the means and motives to expand the responsibilities of the prime minister, being both the prime minister and the party leader at that time.⁵⁴

As for the executive power held by the prime minister, Chang stated that it is a return to normative situation and existence of a ceremonial president who is willing to be subordinate expedites most straight-forwardly this result. Moreover, the relationship between the president and the parliament and whether there is the last mentioned type of president are elements that give rise to variations in this type of regime as shown below⁵⁵:

*Cooperation: president-parliamentary regime (similar tactic);
semi-presidentialism regime with ceremonial president (similar
objective)*

*Competition: president-parliamentary regime (similar tactic);
semi-presidentialism regime with ceremonial president and co-
governance (different objective)*

In this type of regime having the variations mentioned above, we come across with a ceremonial president who facilitates the coherent relationship between the president and the prime minister by giving the prime minister more executive authority. But, one must notice that merely Austria, Bulgaria, Iceland, Portugal, and Slovakia, among the 55 countries adopting semi-presidentialism at the time, fall into

⁵³ Ibid. pp. 109-110.

⁵⁴ Remington, Thomas. “Patronage and Party of Power: President-Parliament Relations Under Vladimir Putin.” *Europe-Asia Studies*. vol. 60. no. 6, August 2008. p. 959.

⁵⁵ Chang, Chun-hao. “The Competition/Cooperation Relationship in Executive Power Operating of Semi-Presidentialism.” p. 110.

this type of regime according to survey made by Elgie in 2005; because countries, where the president is popularly elected but has far fewer power than the prime minister, are few in number.⁵⁶

Having more power of the president often shift focus away from the objective of a ceremonial president, hence resulting in co-existence of co-governance and semi-presidential regime with the ceremonial president. One can argue it is more conflict-prone type compared to the cases mentioned above. Put it in a nutshell, it generates an array of scenarios ranging from the regime with the ceremonial president to a highly presidential one. At this point, Chang said that Taiwanese regime is a case in point. For example, President Ma Ying-jeou had enjoyed the advantages of coming from the same party as the majority of the legislature at the inauguration of his tenure, yet his decision to turn over the executive power resulted in major policy shifts, namely being accused of evading responsibility. On the other hand, he held at the same time the status of party chairman and has entire control of the premier, creating co-existence of a regime with a ceremonial president and co-governance. Above all, although competitive relationship differs from that mentioned in earlier cases. Attendantly, competitive relationship exists between the president and the legislature, rather than the president and the premier. But, both the legislature and the president seek to change who the premier is accountable to.⁵⁷

As for the dimension of executive power commonly used by the president and the prime minister, the first thing to say about this type, it is a little bit more complicated as compared to the former two ones. It handles the operations of highly presidentialized regime and regimes with ceremonial presidents under the condition which the president is coming from the same political party as the majority of the parliament. Yet, co-governance is more usual when the president is in an opposition

⁵⁶ Ibid. p. 111.

⁵⁷ Ibid. pp. 111-112.

party in the form of cohabitation. The combinations of objectives and tactics are shown as follow⁵⁸:

Cooperation: president-parliamentary regime (similar tactic); co-governance (similar objective)

Competition: president-parliamentary regime (similar tactic); co-governance and highly presidentialized semi-presidentialism regime (different objective)

Chang, quoted from Tsai, said that balance of power semi-presidentialism experienced by the Weimar Republic is a case in point.⁵⁹

Besides all these, the Constitution gave the ministers considerable power providing that they had to enjoy the confidence of the parliament. That is to say that ministers or chancellor had to resign in case of an institution of an important vote of no-confidence by the parliament. Also, the parliament had the right to abrogate the president's executive orders. At this juncture, following the issue of an emerging act by the German President in 1931, merely 5 out of 66 laws which the president proposed could be approved by the parliament. In the case of strife between the president and the parliament, the president may expulse the parliament. The prime minister will be dually depended on the president and the parliament, which will thus result in conflict when the president is in a different party than the majority of the parliament. For example, the period between 1920 and 1930, the first ten years of the establishment of the Weimar Republic, fits into this pattern because the president and the prime minister came from different parties, and there is no stable majority in the parliament. In the denouement, formation a system of semi-presidentialism with balanced powers resulted from the competition between the president and the ministers to attain a dominant power.⁶⁰

For Chang, differing objectives between the president and the prime minister may provoke the president to intervene in co-governance under a president-

⁵⁸ Ibid. p. 112.

⁵⁹ Tsai, Jung-Hsiang. "Sub-Types of Semi-Presidentialism and Political Deadlock." *French Politics*. vol. 6. no.1, 2008. pp. 76-80.

⁶⁰ Chang, Chun-hao. "The Competition/Cooperation Relationship in Executive Power Operating of Semi-Presidentialism." pp. 112-113.

parliamentary system. There are two approaches to have a powerful president in this type of operation. The president who does not come from the political party of which majority in the parliament are members, must firstly appoint a prime minister and form a minority government in an attempt to become a powerful actor in this type of operation. And secondly, having a powerful president would be disabling the parliament's authority to limit the president, just like abrogating or impeaching the cabinet. Because of the dual accountability of the prime minister before the president and the parliament, merging the co-governance objective of the prime minister and highly presidentialized regime objective of the president would obstruct the government operations. Thus, the prime minister could be dismissed at any time. For example, the reign of the Democratic Progressive Party in Taiwan from 2000 to 2008 displayed a similar manner like this. At the time, President Chen charged a prime minister who came from the majority party in the parliament. Then, prime minister formed a cabinet in his own name. But, he was also caught between two fires as the president and the parliament. In the end, after the resignation of the prime minister, following prime ministers fell short of being accountable to the president. During President Chen's second tenure, corruption scandals prompted the prime ministers of the time to subvene the legislative majority in certain issues. It proved that co-governance and a highly presidentialized regime were operating collectively and the president was not the chief executive.⁶¹

Above all, in the three dimensions concerning who executive power belongs to in semi-presidential systems, Chang found out those conditions of cooperation and competition are not positively related to constitutional norms. The result of highly presidentialized semi-presidentialism and co-governance were more related to changes in the external milieu. From the dimension in which executive power was held by the president. In the subtypes of semi-presidentialism proposed by Shugart and Carey, when the president and the prime minister follow the same objective, the impacts of constitutional norms are only exerted, thus truly mirroring the oscillation

⁶¹ Ibid. pp.113-114.

of authority between the president and the prime minister. On the other hand, Chang believed that in the case which executive power shared by the president and the prime minister, risk of conflict is determined by whether the president and prime minister have the same perception towards the objective of co-governance. In contrast, co-governance operates with more focus on one authority in case of holding the different objectives brings about a moderate relationship between the executive and the legislature. Yet, cohabitation may become the norm if the constitution endows more power to the prime minister.⁶²

While in another case, namely under the classification made by Gönenç; Armenia, Belarus, Kazakhstan, Kyrgyzstan, Turkmenistan, Ukraine and Russia adopted president-parliamentary systems while Poland, Romania, Lithuania and, Moldova favored premier-presidential (semi-presidential) systems.⁶³

Here, it bears repeating the former Soviet bloc countries preferred semi-presidential system since the political balance of power between the actors in the transition process induced them to disseminate power in order better to have a share in it. Indeed, the presidency overrode the idea of the separation of powers; hence parliament had to content itself with a secondary role. In the transition period, the incumbents, to be honest, regarded the semi-presidentialism as a model convenient for keeping a share of power while anti-communist elite thought that they would have a chance to acquire their part of power, in the meanwhile being fortified against a totalitarian backset. In sum, it can be argued that there is an evident homogeneity in the constitution mechanisms and their application in which countries that adopted semi-presidential regime due to similar motivations of the chief political actors during the transition to keep or share powers, and common heritage inherited from the previous Soviet model.⁶⁴

⁶² Ibid. 114-115.

⁶³ Gönenç, Levent. Prospect for Constitutionalism in Post-Communist Countries. The Hague, London and New York: Martinus Nijhoff Publishers, 2002. p. 291, 308.

⁶⁴ Roche, François Frison. "Semi-Presidentialism in a Post-Communist Context." Semi-Presidentialism Outside Europe. Eds. Robert Elgie and Sophia Moestrup. London and New York: Routledge, 2007. pp.56-58.

2.3. The Role of Parliaments in the Semi-Presidential Systems

A question facing us today is whether the parliament can preserve its main functions in the semi-presidential systems. Here, it must be known that it is closely related to the relationship between the parliament and the president.

In the semi-presidential regimes, even if there are dual elections and so separation of origin, the maintenance of a parliamentary majority is vital for the survival of government.⁶⁵

The role of parliament in semi-presidential systems can be most clearly observed in the subtypes of the semi-presidentialism. I think that it is worthwhile to note here that one needs to make a distinction between two subtypes of semi-presidential regime by Shugart and Carey. Premier-presidentialism and president-parliamentarism. According to them, both in the premier-presidentialism and president-parliamentary systems, president is elected by a popular vote for a fixed term in office. However, in the first one the presidents select the prime minister as head of the government, in the latter one the president appoints and dismisses the prime minister and other cabinet ministers. More importantly, in the premier-presidentialism, president does not have the power to dismiss the government, namely authority to dismiss the cabinet is confined to the parliament while under president-parliamentarism, and the prime minister and cabinet are dually accountable to the president and parliamentary majority. Since the president can not dismiss the government in the premier-presidentialism, it enables the combination of presidential leadership with a government anchored in a parliament. In such a case, president would be in need of negotiating with the parliament in an attempt to have a voice on the government and political process, as well. The point here is that unlike in parliamentary and presidential systems, *“the institution that selects an agent may not*

⁶⁵ Shugart, Matthew Søberg. “Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns.” pp. 323-351.

*be the same one empowered to dismiss that agent.*⁶⁶” in the semi-presidential regime.⁶⁷

In president-parliamentary systems, the parliament cannot shorten the president’s term of office while the president may dissolve the parliament. Yet, some constitutions allow this dissolution for both houses of parliament just as in Kyrgyz constitution whereas the Russian President can solely one of its chambers as the State Duma. Even if dissolution mechanisms and allowance of dissolution either both or both of the chambers vary across the countries, one can say that presidents appear more powerful in terms of cabinet formation in president-parliamentary systems as compared to those in pure presidential systems. The president holds the upper hand against the parliament by virtue of the fact that parliament which is uneasy about dissolution feels obliged to approve the candidates proposed by the president.⁶⁸

Moreover, the cabinet is in need of confidence of the parliament both in the inauguration and in office in president-parliamentary systems. Namely, the cabinet is always under the threat of vote of no-confidence in these systems. In some cases, vote of no-confidence may mean to call a halt to government or dissolution of the parliament. For instance, according to Article 117 of the Russian Constitution, the president has two choices as making a decision on the resignation of the government or dissolution of the State Duma and announcing a new election in case of vote of no-confidence to the government before the State Duma. This provision, needless to say, renders to relieve the adversities proceeding from a troublesome position of the government which suffers from dual pressure of the president and parliament even though it is short of ensuring immunity against the parliamentary censure.⁶⁹

⁶⁶ Ibid.p. 333.

⁶⁷ Ibid.p.333; Sedelius, Thomas & Jonas Linde. “Unravelling Semi-Presidentialism: Democracy and Government Performance in Four Distinct Regime Types.” *Democratization*. vol. 25. no. 1, 2018. pp. 138-140.

⁶⁸ Gönenç, Levent. Prospect for Constitutionalism in Post-Communist Countries. p. 297.

⁶⁹ Ibid. p.299.

When it comes to the premier-presidential (semi-presidential) system in the post-Soviet geography; Poland, Romania, Lithuania, and Moldova fall into that category. In contrast to the president-parliamentary system, the presidents are not as powerful figures as presidents in premier-presidential systems. In addition to this, governments which retain the confidence of the parliament cannot be dismissed by the presidents in these systems. It is the core tenet of the semi-presidential system. For that reason, according to Gönenç granting such authority to the president would break one of the most peculiar features of the semi-presidential system. Indeed, the president has the authority to dissolve the parliament no matter it is conditionally or not, but it cannot put a damper on the semi-presidential characteristic of the system.⁷⁰

It is worthy of note that legislative power granted to the president via constitutional instruments is relatively so constrained that allocating the president fewer legislative power appease the risk of stalemate between president and parliament as to legislative process in the premier-presidential system.⁷¹

Skach reminds that president's partisan strength in parliament is vital in determining the presidential power in semi-presidential regimes. However, a classification of semi-presidentialism which examines solely the presidential power provided by the constitutional itself overlooks this fact. In other words, whether the president is supported by a parliamentary majority will actually affect his/her strength. To put it bluntly, in case of cohabitation, for instance, the prime minister, instead of the French president, plays a central role. Quite the contrary, the French President who is supported by a parliamentary majority can enjoy more power than a catalog of constitutional powers would suggest possible.⁷²

Tsai put forward four scenarios to depict the interaction of executive and legislative branches in the semi-presidentialism. In the first scenario, there is a strong president vis-à-vis strong parliament mode. In such a case, s/he can make use of

⁷⁰ Ibid. p.309.

⁷¹ Ibid. pp. 314-315.

⁷² Skach, Cindy. Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic. p. 99.

decree power, the power to dominate the prime minister, veto power, and the power to dissolve the parliament in order to circumvent the opposing parliament. On the other hand, the parliament having powers such as repeal decrees or propose a censure motion with a simple majority may challenge the initiatives of the president or the government. The balance of power can pendulate between the president and the parliament. Second, the president has considerable powers while parliament is deprived of such powers. It is the mode of strong president vis-a`-vis weak parliament. The third case shows us the exact opposite situation when the president is weak and the parliament is strong. And the last one is the case when both the president and the parliament have few powers, it is the mode of weak president vis-à-vis weak parliament. Tsai thought that in the case of a strong president vis-a`-vis a strong parliament, political conflict and deadlock is a more likely scenario. In such a case, the sequence of events is typically as follows: the parliament passes the bill proposed by the opposition. Then, the president uses his/her veto power regarding the bill. And then, the president's veto is annulled by the opposition in the parliament. In the end, the president issues a decree in an attempt to substitute the bill in question. From this point on, there is a political conflict between the president and the parliament. However, parliament drops the other shoe by rescinding the decree by a simple majority or possess another law to override it. In sum, the pendulum of power swings back and forth between the two powers.⁷³

When one branch overrides another branch, no matter which branch is more powerful compared to another one, there is still a risk of political conflict, but this conflict does not ripen into political deadlock. To give an example, the Weimar Republic and the Russian First Republic fall into this mode in which both of the executive and legislative powers were strong, it is merely like to result in political conflicts and deadlock event to the point of collapse of the democratic regimes. On the other hand, the mode of parliament-dominant semi-presidentialism in Portugal in which political dynamics in parliament not only curb the president's political

⁷³ Tsai, Jung-Hsiang. "Sub-Types of Semi-Presidentialism and Political Deadlock." pp. 79-80.

authority in legislation, but also limit the working of presidential power of veto. It indicates that the parliament constrains the president's powers and authority. As for the French case, the president looms large in politics during the non-cohabitation period while the prime minister has an important say in legislation, yet the president keeps on having reserved authorities. After all is said and done, the semi-presidentialism incapsulate different subtypes and regarding how the democratic regime proceeds, the distribution of power between the two actors as the president and parliament create the difference in semi-presidential regimes.⁷⁴

Legislative power can be measured vis-a`-vis the president in semi-presidential systems through proactive powers and reactive powers at the disposal of the parliament. To be more precise, proactive powers include censure power and power to initiate bill while reactive powers comprise investiture power and override power. For example, if a simple majority in parliament is sufficient to override the president's veto, the parliament enjoys the appreciable reactive power. Conversely, parliament needs a qualified majority such as a two-thirds of majority to override the president's veto, one can argue that parliamentary reactive power is limited. Likewise, the parliament is a powerful legislature if it is endowed with investiture, censure, and override powers requiring only a simple majority vote. In that vein, parliament enjoys a substantial authority in situations like opposition dominates a legislative majority vis-a`-vis the president. In other words, the more president dominates the legislative majority, the less parliament has autonomy.⁷⁵

2.4. Advantages and Disadvantages of Semi-Presidential Systems

As hinted before, semi-presidential systems design the roles and status of the president and the prime minister, too. Despite the stipulations stated before, the prime minister is accountable to the president; on the other hand s/he is dependent on the vote of confidence in the parliament, and hence ask for the support for the

⁷⁴ Ibid. p. 80.

⁷⁵ Ibid. p. 79.

parliament when the president and majority in parliament are from the same party or coalition, the prime minister who has important influence on domestic policy act as “second” to the president.⁷⁶ This is the first scenario that can create a moderate atmosphere in the political system. On the contrary, there is an exact opposite situation in the semi-presidential system: cohabitation.

In fact, the most notorious feature of the semi-presidential system is the risk of cohabitation. It should also be pointed out that the semi-presidential system is not able to solve the problem of cohabitation deriving from competing legitimacies of the president and the prime minister.⁷⁷

The semi-presidential system was chosen by new democracies since the 1990s; however academic community considered this adoption a poor constitutional choice because of the inherent potential for cohabitation in this type of political system. Well, what refers to cohabitation and which risks may it spawn? If a president from one party and at the same time a prime minister from the opposing one and also the president’s party is not represented in the cabinet, the situation is called cohabitation.⁷⁸ To put it more concretely, there must be some conditions for the existence of cohabitation.⁷⁹

- 1. The President and the Assembly majority must have different policy preferences and priorities.*
- 2. The President must appoint a candidate for the office of Prime Minister supported by the Assembly majority.*
- 3. Either the constitution must regulate the executive powers of the President and the Prime Minister ambiguously or their power must overlap.*

Ironically, it was first identified in France where representatives from different coalition parties hold the two main positions within the executive in the

⁷⁶ Ishiyama, John T. Comparative Politics: Principles of Democracy and Democratization. West Sussex: Wiley-Blackwell, 2012. p. 184.

⁷⁷ Gönenç, Levent. Prospect for Constitutionalism in Post-Communist Countries. p. 317.

⁷⁸ Elgie, Robert. “Semi-presidentialism, Cohabitation and the Collapse of Electoral Democracies, 1990-2008.” *Government and Opposition*.vol.45. no.1, 2010. pp.30-31.

⁷⁹ Gönenç, Levent. Prospect for Constitutionalism in Post-Communist Countries. p. 317.

period 1986-1988. As for the risk in newly emerged democracies, the president directly elected by the people and prime minister having parliamentary support legitimately have the authority to speak on behalf of the people. In such a case, the president has two alternatives, namely s/he may choose to co-exist with the legislature as the political opponent or challenge it and expulse the head of government. By so doing in return, it may be expected that a new prime minister who would not get along with the president would have been appointed by the legislature. This process may pave the way for an impasse between the president and prime minister. Neither of them finds a compromise and naturally, the decision-making process may come to a halt. At the very end, the military may intervene to restore the executive authority.⁸⁰

In case of cohabitation, the president may harshly criticize the government actions and has tendency to use guerilla warfare tactics such as veto, constitutional referral powers, and explicit support for opposing factions within the cabinet or its parties. In this way, government public and partisan support and also its stability may be undermined. Even in cases where presidents do not have the discretionary ability to actually remove cabinets or to call an early election, such patterns of conflict may come into question. Ultimately, it can be expected that either through non-electoral replacement or through early elections, cohabitation may be detrimental to government survival.⁸¹ The remedy of such a deadlock is to demarcate the powers of both powers by the constitution, by doing so the risk of legislative-executive conflict can be moderated to a certain extent.⁸²

Linz and Stepan explain the potential risks of cohabitation for new democracies in their book as follow⁸³:

⁸⁰ Elgie, Robert. "Semi-presidentialism, Cohabitation and the Collapse of Electoral Democracies, 1990-2008." pp.30-31.

⁸¹ Fernandes, M. Jorge and Pedro C. Magalhaes. "Government Survival in Semi-Presidential Regimes." *European Journal of Political Research*. vol.55, 2016. pp.68-69.

⁸² Gönenç, Levent. Prospect for Constitutionalism in Post-Communist Countries. p. 317.

⁸³ Linz, J.J. and A. Stefan. Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe. Baltimore: John Hopkins University Press, 1996. p. 286.

When supporters of one or the other component of semi-presidentialism feel that the country would be better off if one branch of the democratically legitimated structure of rule would disappear or be closed, the democratic system is endangered and suffers an overall loss of legitimacy, since those questioning one or the other will tend to consider the political system undesirable as long as the side they favor does not prevail . . . [I]n a semipresidential system, policy conflicts often express themselves as a conflict between two branches of democracy.

The division of responsibilities under cohabitation also may cause to claim executive leadership by presidents via the call of referenda authority. Presidents may use extraordinary legislative authority so as to refraining from conceding leadership of the executive. In other words, the authority to call referenda may turn into an instrument of bypassing parliamentary opposition. What's more, even a minority president may take advantage of this aforementioned instrument especially combining single majorities on issues that cross-cut partisan cleavages. Thus, it would have attained dominance on the legislative agenda. The French experience is a case in point. The President Charles de Gaulle, who did not regard the assemblies as equally legitimate as he enjoyed in representing the nation, appealed the referendum in order to establish a provisional executive in Algeria in 1961, he did it without assembly or cabinet approval. Whereas, Article 11 of the French Constitution stipulates that the referendum must be proposed as well by the government or by a joint motion of two houses of the parliament. Furthermore, only issues which will affect the organization and functioning of the existing political institutions can be subjected to a referendum. Despite this fact, Charles de Gaulle invoked five more times in the next eight years. It was the rejection of his sixth attempt by the electorate that urged him to resign in 1960. Then, President Pompidou also invoked the referendum in the same manner by which his predecessor had used. But the referendum hardly passed and it was not seen enthusiastically. In such a case, he did not invoke the referendum again.⁸⁴

⁸⁴ Shugart, Søberg Matthew and John M. Carey. Presidents and Assemblies: Constitutional Design and Electoral Dynamics. Cambridge: Cambridge University Press, 1992. p. 59.

Skach scrutinized the semi-presidential system under three sub-types as a consolidated majority government, divided majority government, and divided minority government. The first one is an instance where two figures of executives enjoy the same majority. This situation increases the chance of a more stable government since the president and prime minister coming from the same majority can concretize their common political goals and policy agenda. Yet, it does not mean that the regime would be safe from the potential conflict in such a case that the president and the prime minister from different parties or factions within the majority. In a similar manner, differences in personalities of the president and prime minister may pave the way for affrays about who would be coxswain of the government.⁸⁵

And as the second sub-type, a divided majority government is generally called as *cohabitation* in the French literature. This subtype may conceivably cause conflict as compared to the first sub-type owing to the fact that there is a stable and coherent majority in the legislature, consisting of either a single party or a coalition, yet the president is from the party that opposes the majority. In such a case, the president would follow his/her own political agenda bypassing the prime minister. Moreover, the president is often more prone to use decree authority, emergency powers and direct command of the armed forces in order to counterbalance the prime minister's legislative authority.⁸⁶

Last but not least, when it comes to the most conflict-prone, problematic and fragile sub-type of Skach's classification, there is no clear majority in the legislature. She called this sub-type as a divided minority government in which "neither the president nor the prime minister, nor any party or coalition, enjoys a substantive majority in the legislature."⁸⁷ The absence of any clear majority may result in

⁸⁵ Skach, Cindy. Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic. pp. 18-21.

⁸⁶ Skach, Cindy. Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic. pp.18-21.

⁸⁷ *Ibid.* p. 17.

instability stemmed from shifting legislative coalitions and government reshuffles as well. Then, relentless presidential intervention and use of reserved powers are other arising issue in this case. When the going gets tough, it can be a deadlock, namely *vicious cycle* with Skach's own words⁸⁸,

The greater the legislative immobilism, governmental instability, and cabinet reshuffling resulting from the minority position of the government, the more justified or pressured the president may feel to use their powers beyond their constitutional limit, for a prolonged period of time.

As stated above, the president exceeds his/her authority beyond the constitutional constraints for a prolonged period of time. Just like in postcommunist Russia through the 1990s, vital and urgent legislative initiatives in an attempt to solve the economic crises could not be taken because of the absence of a majority in the legislature. Instead, the President Yeltsin dominated the political sphere at the expense of the political parties which are trying to create effective channels between citizen and government. Here, Skach lays emphasis on the impotence of the president even though he has constitutional power.⁸⁹ Under these circumstances, the president who is subject to pressures by international funding agencies for economic alleviation prefers to use his/her emergency powers and decrees to pass laws for the sake of appeasing international pressures. And political parties that are bypassed by the president may, in turn, hesitate over the validity of the institutions, even if the regime itself as well as the legitimacy of the president. At the end of the day, democracy is under risk if the large masses of the political system hesitate and a disloyal opposition comes to exist.⁹⁰ Ultimately, Elgie underlined the fact that even though the course of events is different from cohabitation, the result is the same. If

⁸⁸ Ibid. p. 18.

⁸⁹ Skach, Cindy. Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic. p. 18.

⁹⁰ Linz, Juan J. The Breakdown of Democratic Regimes: Crisis, Breakdown, & Reequilibrium. Baltimore and London: The John Hopkins University Press, 1978. pp. 27-38; Skach, Cindy. Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic. pp. 18-21.

there is a weakened executive because of the absence of either a stable presidential or prime ministerial parliamentary majority, popularly elected president think that there is a power vacuum to be filled and need to control over the system. At the end of the day, the injured one would be the process of democracy in such a case.⁹¹

More succinctly, while the problem of cohabitation stresses on the conflict within the executive between the president and the prime minister, the question of divided government mainly focuses on the conflict between the executive and the legislature. Due to the existence of highly fragmented legislature and absence of a stable or coherent legislative majority, a stalemate or power vacuum is formed. Under these circumstances, the president or the military may be enticed to fill the vacuum and rule by decree. In the course of events, the rule of law may be violated and democracy may break down.⁹²

Linz remarked that a semi-presidential regime is more likely to suffer from instability and inefficiency even if president, prime minister, and ministers belong to the same political party which has a legislative majority owing to the fact that there may be differentiation in policies produced by the president and the prime minister as well. In such a case, when proposals of the ministers are not well accepted by the prime minister, they hope for the help to the president. It brings about delay in decision-making and inefficiency of policies.⁹³ In sum, due to the potential impact of a dual executive embedded in the semi-presidential regimes may cause problematic result even if the president and the prime minister are from the same party or coalition since competitive element that system itself creates.⁹⁴

⁹¹ Elgie, Robert. "Varieties of Semi-Presidentialism and Their Impact on Nascent Democracies." p. 58.

⁹² Elgie, Robert. Semi-Presidentialism: Sub-types and Democratic Performance. New York: Oxford University Press, 2011. p. 13.

⁹³ Elgie, Robert. Semi-Presidentialism: Sub-types and Democratic Performance. p. 14.

⁹⁴ Suleiman, Ezra N. "Presidentialism and Political Stability in France." The Failure of Presidential Democracy. Eds. Juan J. Linz and Arturo Valenzuela. Baltimore and London: The John Hopkins University Press, 1994. p. 158.

Along with the disadvantages of the semi-presidential system, there are also some advantageous features. The first argument raised by the proponents of the semi-presidential system is that even though the centrality of the office of the presidency remains, it is not perilous to the extent it occupies in the presidential system. Thanks to the existence of prime minister and even taking supremacy in some cases may shift the power from the president to the prime minister.⁹⁵

First and foremost, the semi-presidential system is regarded by some authors as a half-way house between the presidential and parliamentary system. As firstly Duverger, then Lijphart state, this system would show a tendency either a parliamentary or a presidential system depending on whether the president's party holds the majority. Those favoring the system argue that it brings about the good sides of presidentialism while relieving the daunting difficulties.⁹⁶

For the advocates of this system, this system paves the way for some extent of cooperation and authority sharing between rivals. In case of arduous political tension in a country, the aforementioned system may enable opposing actors to share political power. For instance, one of them can have presidential authority while the other one enjoys the premiership. Hereby, as compared to winner-take-all that is the presidential system, there is more chance of both upholding the system as a whole in a semi-presidential system for the sake of their own perpetuity.⁹⁷ Indeed, power-sharing is itself causal underlying the creation of a semi-presidential regime.⁹⁸

As for the secondary cause stated by the advocates of this political system, the president can be adept at assuring stability and legitimacy, even though the parliament is highly fractionalized and governments are unstable. In a nutshell, semi-

⁹⁵ Gönenç, Levent. Prospect for Constitutionalism in Post-Communist Countries. p. 316.

⁹⁶ Ibid. p. 316.

⁹⁷ Elgie, Robert. "Varieties of Semi-Presidentialism and Their Impact on Nascent Democracies." p. 55.

⁹⁸ Elgie, Robert. Semi-Presidentialism: Sub-types and Democratic Performance. p. 14.

presidentialism can be more convenient for democratization compared to pure parliamentarism.⁹⁹

Sartori thinks that semi-presidential systems have instruments to unlock the deadlocks. Namely, when the prime ministers of the majority get on with the president, the underlying cause of this balance is stemmed from the deep-rooted material constitution and his willingness for being an “imperial” president. That’s why president and prime minister would found out that the system works owing to rebalancing grown out of flexible diarchy. On the hand, Sartori concedes that any types of diarchy may suffer from the potential belligerency and thus, come to an impasse. In such a case, the impasse can be removed by changing the place of the president or increasing the authority of whoever gets the majority. By so doing, Sartori puts forward that he has had undermined the thinking of Linz about the lack of any democratic principle to solve any conflict of claim on representation between the executive and legislature.¹⁰⁰

I will now evaluate briefly and comparatively the semi-presidential system in the light of all discussions and hypotheses about the pros and cons proposed by eminent scholars. All in all, some scholars favor the semi-presidential system on the ground that its bifurcated executive authority enables to divide political power and by doing so, political actors can justly have a say in politics. And interestingly enough, other scholars consider the semi-presidentialism as a conflict-prone system because of different formations within the political milieu; meaning that the relations among the president, the prime minister, and the parliament can steer the political atmosphere and we have various kinds of semi-presidential systems. Therefore, scholars prefer to handle the semi-presidential system by dividing it into several subtypes in order to categorize the countries’ political systems. Here, one must notice

⁹⁹ Elgie, Robert. “Varieties of Semi-Presidentialism and Their Impact on Nascent Democracies.” p. 55.

¹⁰⁰ Sartori, Giovanni. Karşılaştırmalı Anayasa Mühendisliği: Yapılar, Özendiriciler ve Sonuçlar Üzerine Bir İnceleme. p. 166.

that the separation of power lies behind the core of all democracies. But it only makes sense in the political systems having an effective balance system.

Throughout the chapter, I also examined the countries that adopted the semi-presidential systems as case studies and cooperation or competition tendencies within the executive power are sought to be clarified by looking at the distribution of power within the president and prime minister. In the light of all these discussions, one can say that the relationship between the parliamentary majority and the parliament as a whole with its authorities is closely related to the constitution and political practices as well. Also, the executive power is dramatically vital for a well-functioning democracy.

CHAPTER 3

CONSTITUTIONAL BODIES: SCRUTINIZING THE STATUS OF THE PARLIAMENT

“The USSR Government, ministries, and the state committees are guided in their activity not only by the USSR laws [passed by parliament] but also by the decrees of the president.”¹⁰¹

Anatolii Lukianov

3.1. Russian Parliamentary Bodies in Retrospect and from 1991 Onwards

As mentioned in the previous chapter, the conflict between the legislative power and the executive power looms large in a democratic system. Over the centuries, Western political history witnessed harsh struggle by the legislative against the executive rule to have an impact upon the executive and limit its power. As for the Bolsheviks, the ancient conflict was resulted from the bourgeois order, not by a basic tenet of modern government. In this sense, this conflict would come through in a socialist revolution.¹⁰² In scrutinizing the status of the constitutional bodies,

¹⁰¹ “On Making Changes in and Additions to the USSR Constitution (Basic Law) and Establishing the Post of President of the USSR,” *Izvestiia*. in CDSP. no.11, 13 March 1990. pp. 7-8, quoted in Huskey, Eugene. “Executive-Legislative Relations”. Executive Power and Soviet Politics: The Rise and Decline of the Soviet State. Ed.Eugene Huskey. Armonk, New York: M.E.Sharpe Inc, 1992. p. 90.

¹⁰² Huskey, Eugene. “Executive-Legislative Relations”. p. 84.

especially that of the legislature in Russia, we must take into consideration this evolution that differs significantly from its European counterparts. In today's world, all parliamentary bodies are products of previous experiences of which they have arisen. Under the circumstances, it becomes inevitable to take a brief trip down memory lane in Russian history in the context of legislative development.

Lenin pejoratively regarded parliaments as “merely talking shops.”¹⁰³ In respect to the political ideology of the Soviet period, the concepts that are associated with the Western ideas, such as separation of powers, check and balance mechanisms seemed odd with Soviet constitutions.¹⁰⁴ More clearly, as Huskey quoted from Lenin, socialism in Russia pledged to melt legislative and executive functions in a new “working parliament,” the Soviets while capitalism put the parliamentary “talking shop” at the disposal of the class-aligned executive.¹⁰⁵ This idea stems from the theory of commune democracy as a converse theory of liberal democracy. Despite the fact that both of them have their roots in Greek democracy, commune democracy attaches importance to collective and participatory understanding while the latter one underlines the accountability and representation. In the works of Marks and Lenin understanding of democracy through commune embodied the following ideas: the abolition of the coercive instruments of the state, delegates whose salaries are no more than the average worker wages in an attempt to hinder the bureaucracy as an institution and they can be also revocable and merging of executive and legislative functions in one hand thanks to self-governing capacity of society.¹⁰⁶

In retrospect, we can argue that Russians had very little experience of parliamentary institutions until the early twentieth century. In fact, they lived under a

¹⁰³ Olson, David M. *Democratic Legislative Institutions: A Comparative View*, New York: ME Sharpe. 1994. p.56.

¹⁰⁴ Sakwa, Richard. *Soviet Politics in Perspective*. New York: Routledge, 1998. p.107.

¹⁰⁵ Lenin, V. *The State and Revolution*. New York: International Publishers, 1932, quoted in Huskey, Eugene. “Executive-Legislative Relations”. p. 84.

¹⁰⁶ Sakwa, Richard. “Commune Democracy and Gorbachev's Reforms.” *Political Studies*. vol. XXXVII, 1989. p. 225.

somehow autocratic monarchy for most of their history. There were citizens' assembly (*veche*) and assemblies of the lands (*zemskie sobory*) in the Medieval Novgorod. The bodies convened sporadically until the seventeenth century. Thereafter, the country adopted a new system of elected regional assemblies with a limited franchise to control the schools and local institutions aftermath of the reforms in the 1860s. Even, the reforms might bring about an imperial parliament. However, circumstances altered cases. The climbing opposition against the tsarist system in the 1870s and the assassination of Alexander II in 1881 put a damper on these efforts. Summing up, the process resulted in a period of conservative retrenchment.¹⁰⁷

Notwithstanding Russia established its first parliament after the Russian Revolution of 1905, it was short of constraining the power of the Tsar. It was called *Duma*, which means “thought” in the Russian language, unlike the Anglo-Norman assumption that parliament is related to “speech.” The reformist ministers regard this step as “modernizing” effort in an attempt to transform tsarism into a constitutional monarchy.¹⁰⁸

In plain words, in the 1905-1917 period, successive Dumas that were elected and managed to have power over the tsarist government eventually dissolved by the Tsar. By the year of 1917, in an attempt to select a Constituent Assembly for a post-tsarist political system, Russia held its literally democratic election in the aftermath of the monarchical abdication. But, upon Lenin and Bolsheviks were short of getting a majority in the assembly, they annulled the parliament within a single day. He hereupon prompted the masses with slogans that included “*all power to the*

¹⁰⁷ Ware, Richard. “Transferability of Parliamentary Experience: The Russian Example.” *The Journal of Legislative Studies*. vol. 1, no. 2, 1995. p. 269.

¹⁰⁸ *Ibid.* pp. 269-270.

soviets."¹⁰⁹ Indeed Lenin's motto was a political move to call in an attempt to gather constantly the varied functions of state under a single roof.¹¹⁰

The Soviets that were first created in disarray of 1905 and reappeared after 1917 formed the basis of the USSR's state structure and remained in the Soviet system until Yeltsin disbanded them in 1993.¹¹¹ The Soviets which were composed of workers', soldiers' deputies and their network continued their existence when the communists established their constitution because he sought to legitimize the communist authority.¹¹² Even though the functions of the Soviets varied according to whether it was a district or city-based and the circumstance in which it operated, they had more or less similar mechanisms. To concretize, they had a broad spectrum of functions such as from coordinating a strike to demand political change and even claim the task of local government. From this aspect, one can argue that Soviets, no matter which tasks were carried out by them, enabled workers to experience the electoral process and a sign of the extent to which pre-revolutionary Russian society was democratized. Furthermore, the Soviets would be a hurdle against those desiring to assure the one-party rule.¹¹³

The Soviets were the core of the new system of government aftermath of the October Revolution in 1917. In accordance with 1918 and 1924 Constitutions, supreme legislative authority belonged to the Congress of Soviets of the USSR. Its Central Executive Committee was responsible between Congresses while town and

¹⁰⁹ The Bolsheviks aimed at creating soviets which would spawn the "working parliament" with executive and legislative functions. In line with this purpose, Lenin desired to merge different functions in a body through the aforementioned motto. However, these councils became "dead legislative assemblies" since the mid-1930s. Huskey, Eugene. "Executive-Legislative Relations". p. 84.

¹¹⁰ Huskey, Eugene. "Executive-Legislative Relations". p. 84.

¹¹¹ Thatcher, Ian D. "Elections in Russian and Early Soviet History." Elections and Political Order in Russia: The Implications of the 1993 Elections to the Federal Assembly. Ed. Peter Lentini. Budapest, London and New York: Central European University Press, 1995. pp. 25-26.

¹¹² Donaldson, Robert H. "Russia". The Journal of Legislative Studies vol.10 no. 2-3. 2004. p. 232.

¹¹³ Thatcher, Ian D. "Elections in Russian and Early Soviet History." Elections and Political Order in Russia: The Implications of the 1993 Elections to the Federal Assembly. Ed. Peter Lentini. Budapest, London and New York: Central European University Press, 1995. pp. 25-26.

rural soviets were in charge of local governance. The point here is that towns and rural soviets continued to be the only institutions by which voters could directly elect their representatives in government after the dispersal of the Constituent Assembly. The Central Executive Committee of the Congress of Soviets was to be elected by the Congress' deputies and Congress deputies were elected by deputies of the town and rural soviets on the basis of one Congress deputy for each 25.000 electors in the towns and one deputy for every 125.000 inhabitants in the villages.¹¹⁴

The 1936 Constitution, extolled as accurately democratic, claimed to vest supreme legislative authority in the elected Supreme Soviet of the USSR. Eventually, territorially based hierarchy of soviets culminated in the bicameral national legislature whose deputies were nominated by the CPSU and elected on single ballots by near unanimous turnouts of voters.¹¹⁵

The Supreme Soviet, as named in the 1936 and 1977 Constitutions, was defined as the highest state body according to the constitution, consisted of two chambers with an equal number of deputies (750) as the Council of the Union and Council of Nationalities. The Soviet of the Union was directly elected by the population through universal suffrage with about 300.000 electors per constituency while the latter house of the Supreme Soviet which consisted of a fixed number of deputies from several federal and national units.¹¹⁶

Having stated the formation of the Supreme Soviet, it may be useful to find out the status of the assembly in the system. The Supreme Soviet appointed the government of the USSR, the Council of Ministers, many of whom were simultaneously members of the Assembly, namely of the Supreme Soviet. For that reason, the government was accountable to the assembly through the principle of ministerial responsibility. Considered in this way, the Soviet government began to take on the appearance of a typical parliamentary system. As for the legislative and

¹¹⁴ Ibid. p. 26.

¹¹⁵ Donaldson, Robert H. "Russia". p. 232.

¹¹⁶ Sakwa, Richard. Soviet Politics in Perspective. New York: Routledge, 1998. p. 110.

supervision functions of the Supreme Soviet, the Supreme Soviet had substantial functions even though it was not adequately efficient in commencing policy. The legislative function was appreciable in involvement in drafting legislation, to put it bluntly initiating new laws moved to some extent from the Council of Ministers to the Supreme Soviet. By doing so, competency and expertise made space in that sphere. The supervision function of the Supreme Soviet was carried out by 34 standing committees, 17 in each chamber, of which over 80 percent of deputies were members had a vital role in supervising state apparatus by reviewing legislation, auditing the proceedings of state bodies.¹¹⁷

Above all, it did not have an independent legislative power. The constitutions mentioned above marked that the body solely used the legislative authority. Nevertheless, under the 1918 Constitution, the Supreme Soviet used to meet only two times in a year, and Presidium of the Supreme Soviet that was created by this constitution also had the authority of legislation in the rest of the year. Considered in this way, the Presidium, and earlier Central Executive Committee, began to take on the appearance of a full legislative body, rather than executive one.¹¹⁸ By the 1936 and 1977 Constitutions, the Presidium of the Supreme Soviet served as the collective head of state of the USSR.

According to Hahn¹¹⁹:

From 1937 to 1988 all decisions by the 1500 members of the Supreme Soviet were made unanimously in two sessions a year, each lasting only a few days. Obviously, one had to look for real political power elsewhere; it certainly did not belong to the soviets.

Indeed, exaggerated number of members of the Supreme Soviet with almost 1300 members and 1500 as a fixed number by the 1977 Constitution was a sign for its inefficiency. Moreover, the Supreme Soviet convening hardly two times in a year,

¹¹⁷ Ibid.

¹¹⁸ Abdullayev, Natig, *Demokratikleşme Sorunları Çerçevesinde Rusya'da Hükümet Şekli Üzerine*. pp. 11-12.

¹¹⁹ Hahn, Jeffrey. "State Institutions in Transition." Developments in Soviet&Post-Soviet Politics. Eds. Stephen White, Alex Pravda and Zvi Gitelman. London: Macmillan. 1992. p. 91.

solely approve unanimously the decisions taken by the Presidium and the Government, to put it bluntly, decisions by the Party.¹²⁰

The 1936 and the 1977 constitutions labeled the Supreme Soviet as the most competent organ of the state apparatus since that organ was the unique one which could exercise the national legislation. However, one cannot argue that the Supreme Soviet and its Presidium used their authority autonomously. Namely, it was like a rubber-stamp whose task was to legitimize the decisions taken by the Communist Party.¹²¹ Even if Article 108 of the Constitution marked the Supreme Soviet as the highest body of the state authority of the USSR, it was a less influential body that its formal position might imply during over thirty years of its existence.¹²² First and foremost, it convenes such infrequently (usually for solely two or three days on each occasion.) that it is one of the least gathered assemblies in the world.¹²³

The Western scholars notoriously remembered the Supreme Soviet. In addition to its sporadic convening feature, scholars are so cynical about its election process. The Communist Party of the Soviet Union to which three-quarter of all candidates normally belonged played an essential role in selecting the deputies of the Supreme Soviet through a selection process. Here it cannot be referred to as an election in real terms because there was a single agreed slate as the “bloc of Communist and non-party candidates” and lack of choice as to party and candidate at the poll itself. In fact, it has never received less than 99 percent of the vote since the

¹²⁰ Remington, Thomas F. Politics in Russia. Boston: Pearson Longman, 2012. p. 38; Şen, İlker Gökhan. Rusya Federasyonu Siyasal Sistemi. p. 58.

¹²¹ Abdullayev, Natig, *Demokratikleşme Sorunsalı Çerçevesinde Rusya'da Hükümet Şekli Üzerine*. pp. 14-15.

¹²² White, Stephen. “The USSR Supreme Soviet: A Developmental Perspective”. Communist Legislatures in Comparative Perspective. Eds. Daniel Nelson and Stephen White. London: The Macmillan Press, 1982. p. 125

¹²³ Blondel, J. Comparative Legislatures. pp. 56-60.

Second World War. Normally in such an assembly, every proposal submitted by the Soviet Government and the Council of Ministers were unanimously adopted.¹²⁴

The 1978 Constitution was a reproduction of that of the Soviet Union itself, and it was also a common practice for constitutions in all the constituent republics of the USSR. This constitution, on paper, envisaged a robust parliamentary system. According to Article 108, the parliament, the Supreme Soviet, was called “the highest institution of state power” in the USSR. Furthermore, deputies were elected for five-year terms based on universal suffrage. The parliamentary body elected the government, called the Council of Ministers and headed by the functional equivalent of a prime minister. It was also, even if in theory, accountable to that body.¹²⁵

The Supreme Soviet could not enjoy considerable power since the real power laid down to the Communist Party of the Soviet Union (CPSU), who monitored the implementation of its policies through vast state bureaucracy. As the sole legitimate “directing force of Soviet society”, according to Article 6, the CPSU’s monopoly of decision-making power was consolidated through the involvement of the party into parliamentary nominations. Nominately, in the absence of real electoral competition, a tacit consent by the party organization to be nominated to the parliament was required. Under these circumstances, the nomination was tantamount to election.¹²⁶

Until the establishment of the first relatively representative Soviet parliament by Gorbachev in 1989, communist power hindered the endeavors from exerting substantial parliamentary influence on government.¹²⁷ Indeed *the Soviets*, known as a council in the Russian language, had been first created in 1905 and then reborn in

¹²⁴ White, Stephen. “The USSR Supreme Soviet: A Developmental Perspective”. *Communist Legislatures in Comparative Perspective*. Eds. Daniel Nelson and Stephen White. London: The Macmillan Press, 1982. p 125.

¹²⁵ Hahn, Jeffrey W. “Analyzing Parliamentary Development in Russia.” *Democratization in Russia: The Development of Legislative Institutions*. Ed. Jeffrey W. Hahn. Armonk and New York: M.E. Sharpe, 1996. pp. 13-14.

¹²⁶ *Ibid.*

¹²⁷ Lynch, Allen C. *How Russia is not Ruled: Reflections on Russian Political Development*. Cambridge: Cambridge University Press, 2005. p. 143.

1917, as before cited many times, were formal and also a notable legislative branch of the Soviet government. Due to his will to liberate the state from the party and to create a more independent state, Gorbachev aimed at promoting economic reform through these institutional restructure.¹²⁸ In fact, Gorbachev found out that he could not count on the CPSU as an instrument of a rule in the campaign of democratization. Therefore he desired to shift power from the party to the state. He made hay while the sun shines by adopting a strong presidency based on the French model. By so doing, namely envisaging a potent presidency onto its traditional parliamentary system, the Soviet Union evolved executive-legislative relations a more executive dominated direction. In that sense, the role of legislature dramatically decreased by the rise of presidentialism in the Soviet and post-Soviet politics. That means that a hybrid president-parliamentary system which was born in France as a reaction to imperious parliaments of the Third and the Fourth Republic would take root in a country with no legislative tradition, much less legislative power. Thus, adopting the presidency in government and parliament changed the politics of 1989 in two aspects: Firstly, the government gained institutional ground, and it deferred to the president while looked down on the parliament. The parliament also had to share its oversight authority with the president. In addition to that, the president was given remarkable new executive powers not enjoyed formerly by the chair of the Supreme Soviet and the prime minister. For instance, some authorities such as the right to veto parliamentary legislation strengthened the president's hand to limit legislative action whereas others allowed him to govern without reference to parliament such as the right to issue binding decrees. Huskey stated that just then when Soviet parliament was initiating to discover its lawmaking power again, the presidency sprang up to counter to its traditional prerogative of the legislature. It was the year of 1989 when the Soviet parliament had shown of life as a lawmaking body.¹²⁹

¹²⁸ McFaul, Michael. Russia's Unfinished Revolution: Political Change from Gorbachev to Putin. New York: Cornell University Press, 2001. p. 48.

¹²⁹ Huskey, Eugene. "Executive-Legislative Relations." pp. 90-91.

As for the legislative performance of the body, while each year the Supreme Soviet adopted on average only 3-5 laws and 15-20 normative edicts, government issued more than a thousand decrees and tens of thousands of departmental instructions. Here one must notice that these instructions had an impact beyond their realm of authorities. Moreover, government as an implementing body disregarded the parliamentary laws. In that sense, parliamentary laws played second fiddle both in number and political clout despite the fact that government decrees were formally subordinated to the constitution and parliamentary laws. In practice, the dominance of executive as rulemaking power came to a halt at the end of the 1980s. The revival of the Soviet parliament and creation of a Constitutional Review Committee, one of whose tasks was the conciliation of disputes in the war of laws among the law of the parliament and the regulations of government and its ministries, were breakthrough changes in that process.¹³⁰

The new parliament, formed in 1989, adopted 69 laws in the first year and a half. Moreover, its fruitfulness was not only in number, but also in its breadth and detail. In other words, the new parliament tried to eliminate attempts by the government to fill the gaps and legal loopholes of laws with regulations that violated legislative intention.¹³¹

As for the Constitutional Review Committee, it stated that when citizens' rights were in question publication must outclass implementation by citing Article 59 of the USSR Constitution alongside international treaties of which the Soviet Union was a party. Thus, the Committee allotted the Government three months to publish these instructions. In the case of non-published ones at the end of February 1991, they were to lose legal force. Nevertheless, the Cabinet of Ministers issued the publications of such acts solely on 22 June 1991. Moreover, the Constitutional Review Committee put forward the precedence of constitutional principles enacted by the legislature over the detailed instructions issued by the Government. In short,

¹³⁰ Ibid. pp. 91-92.

¹³¹ Ibid. p. 92.

parliament's role in the Soviet political system was sought to be strengthened through the authorities of "proto-constitutional court" in such disputes between legislative and executive.¹³² At this juncture, Huskey stated that the point here is that whether the executive would pay obedience to laws enacted by the parliament and the rulings of the court was the major problem at the end of Soviet history. In this sense, the Government and its ministries issued several substatutory acts to hinder reform-oriented legislature enacted by the still party-controlled parliament in the first years of Gorbachev period. On the other hand, the resistance of some ministries to the parliamentary laws lessened after 1989.¹³³

In the middle of those fervent days in the mid-1980s, Soviet scholars first also discussed the matter of the separation of powers.¹³⁴ Thanks to the democratization program by Gorbachev, some questions as to how the division of labor would work, how effective was the Soviet parliament in constraining the executive, how did the uprising conflict of power and authority in the USSR rekindle the development of legislative and executive relations began to occupy the agenda in the Soviet political system.¹³⁵

The year 1989 also heralded a series of amendments to the 1978 Constitution within the scope of Gorbachev's program of democratization. By doing so, it changed the process by which the parliament was formed and gave birth to an

¹³² Sergei Alekseev, the Head of the Constitutional Review Committee, however, indicated to the lesson of France before the Fifth Republic in arguing for a strong and effective government alongside a strong parliament. He said that "a purely parliamentary solution historically has led to blind alleys." See "The Extraordinary Third Congress of USSR People's Deputies." *Izvestiia*. in CDSP. no. 11, 13 March 1990. pp- 2-3, quoted in Huskey, Eugene. "Executive-Legislative Relations." p. 102.

¹³³ Huskey, Eugene. "Executive-Legislative Relations." p. 93.

¹³⁴ Lazarev, B. "'Razdelenie vlastei' i opyt sovetskogo edinstvo i razdelenie," *Kommunist*, no.16, 1988, and Tikhomirov, Iu, "Vlast' v obshchestve: edinstvo i razdelenie," *Sovetskoe gosudarstvo i pravo*, no. 2, 1990, pp.35-43, quoted in Huskey, Eugene. "Executive-Legislative Relations". p. 84.

Lenin, V. *The State and Revolution*. New York: International Publishers, 1932, quoted in Huskey, Eugene. "Executive-Legislative Relations". p. 84.

¹³⁵ Huskey, Eugene. "Executive-Legislative Relations." pp. 84-85.

unusual two-pronged legislature.¹³⁶ At the heart of this system, there was the Congress of People's Deputies with 1,068 members. By the Constitution, state power was en masse given to the Congress, that's why there was no separation of powers. Moreover, the Congress which met periodically could amend the Constitution by a two-thirds majority and elect the powerful Chairman of the Supreme Soviet. Supreme Soviet that was subject to review by the Congress was designed as the smaller standing legislature, and it came out of the members of the Congress and also it had the authority to adopt the law and other acts.¹³⁷ The Supreme Soviet with 252 members were elected out of the 1,068 members of the Congress of People's Deputies (hereafter RCPD) as a full-time parliament. RCPD convened nine times since elected in March 1990 and work over 2,000 proposals to votes. RCPD was so important that it paved the way for the collapse of the Soviet Union and the Communist Party. The Congress approved the Decree on Power envisaged the sovereignty of the Russian state after the election of Yeltsin as the Speaker of the RCPD. Also, the office of President which would be filled by popular election was voted to create in May 1991. Furthermore, RCPD voted to allow newly elected President Yeltsin to rule by decree after the coup attempt in August 1991.¹³⁸

Here, it is worthwhile to state that the status of the chairman of the Supreme Soviet was regarded as the head of the state, as well. However, some researchers argue that de facto sovereign authority exercised by the Secretary General of the Communist Party, not by the chairman of the Parliament. For that reason, the presidency did not exist in the Soviet Union even until the amendments on the Constitution in 1988. These amendments paved the way for a change of relations

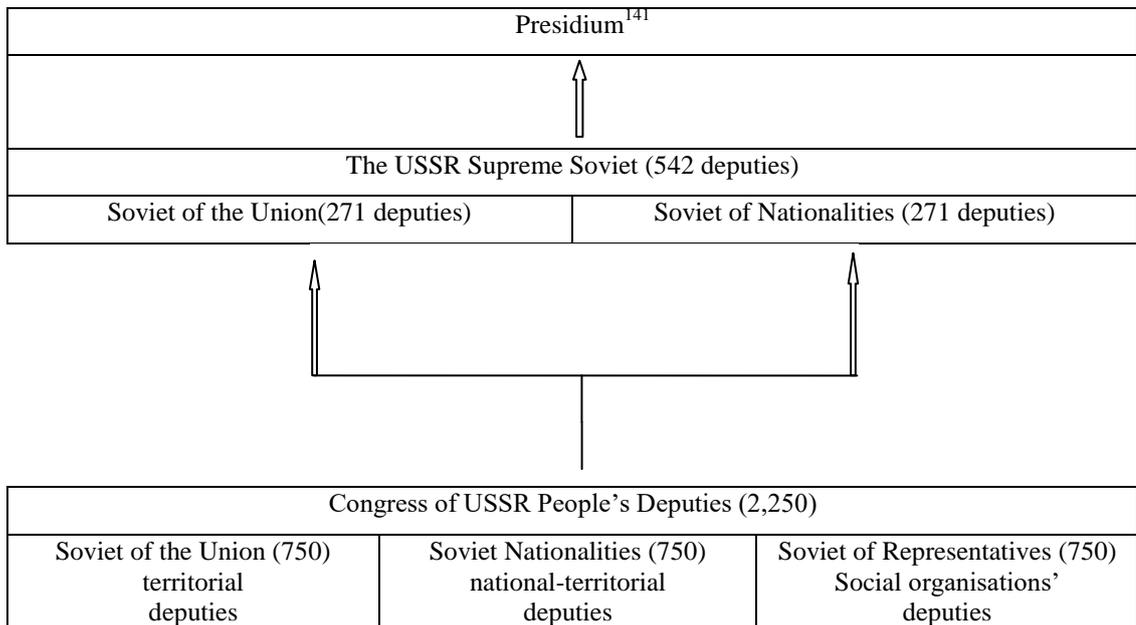
¹³⁶ Carey, John M. and Matthew Soberg Shugart. Executive Decree Authority. Cambridge: Cambridge University Press, 1998. p. 65.

¹³⁷ Remington, Thomas F., Steven S. Smith, D. Roderick Kiewiet, and Moshe Haspel. "Transitional Institutions and Parliamentary Alignments in Russia, 1990-93." Parliaments in Transition: The New Legislative Politics in the Former USSR and Eastern Europe. Ed. Thomas F. Remington. . Boulder, Co: Westview Press, 1994. pp. 160-163, quoted. in Carey & Shugart. Executive Decree Authority. p. 65.

¹³⁸ Myagkov, Mikhail G. and D. Roderick Kiewiet. "Czar Rule in the Russian Congress of People's Deputies?." Legislative Studies Quarterly. vol.21. no.1, (February 1996). p. 6.

between the party and state and status of the Supreme Soviet in the political system. It aimed at restricting the party mandate by extending the political and administrative sphere of the Supreme Soviet.¹³⁹

Table 3: The USSR Congress of People’s Deputies and Supreme Soviet (1989-91)¹⁴⁰



¹³⁹ Abdullayev, Natig, *Demokratikleşme Sorunları Çerçevesinde Rusya’da Hükümet Şekli Üzerine*. p. 72.

¹⁴⁰ Hahn, Jeffrey. “State Institutions in Transition.” p. 99; Sakwa, Richard. *Soviet Politics in Perspective*. New York: Routledge, 1998. p. 112.

¹⁴¹ The Presidium of the Supreme Soviet had authority to plan the work of both the Congress and the Supreme Soviet. The Presidium consisted of the Chair of the Supreme Soviet, his deputies, chairs of the two chambers and chairs of the standing commissions and committees, And also, notwithstanding the Constitution did not grant formal provisions the Presidium dominated remarkable authority. Biryukov, Nikolai and Victor Sergeev. *Russian Politics in Transition*. Aldershot: Ashgate Publishing, 1997. p. 79.

Due to the amendments on the Constitution in 1988, precisely in the final session of the old Supreme Soviet, the institutional structure of the USSR's central government was dramatically altered by amending "higher organs of state power and management of the USSR" in Section 5 of the Constitution.¹⁴² As seen in Table 3, a tricameral Congress of People's Deputies with 2250 members came into existence. 750 deputies who were elected in general national elections to form Soviet of the Union, 750 in direct elections create the federal units to form the Soviet of the Nationalities, and the rest 750 were nominated by several social organizations, including a 100 by the Communist Party to form a Soviet of Representatives. While members of the Soviet of Nationalities were created by regional basis, members of the other house, the Soviet of the Union were chosen in line with the distribution of the population. And regarding the sitting frequency of the Supreme Soviet, in contrast to the brief existence of the Congress of People's Deputies as average twice a year for about two weeks each time, it was a full-time assembly on the Western model, convening three or four two-months long sittings in a year. What functions, then, did the Congress play? It elected the Constitutional Oversight Committee to decide if acts were constitutional or not. Additionally, the Congress had several rights such as the dismissals of the President, modification of the country's frontiers, or repeal of laws of the Supreme Soviet. Moreover, the Congress appointed the Procurator-General of the USSR, the supreme command of the armed services and elected the Supreme Court. On the other hand, the Supreme Soviet appointed the Prime Minister and approved the minister nominations by the Prime Minister. It is noteworthy here that for the first time since the 1920s, the Supreme Soviet converted into full-time paid MPs who freely used their rights to blackball government programs.¹⁴³

The Soviet national legislature seems ineffective until the Gorbachev era. Even when Article 108 of the Soviet Constitution granted the Soviet legislature as

¹⁴² Kiernan, Brendan. The End of Soviet Politics,.Boulder: Westview Press, 1993. p. 73.

¹⁴³ Sakwa, Richard. Soviet Politics in Perspective. New York: Routledge, 1998. p. 113.

the highest body of the state apparatus, no one can argue that it created a high legislative output. In contrast to some scholars who underestimated the Soviet legislatures, others said that parliamentary activism was thanks to standing committees. During the Perestroika era, parliamentary committees played an important role. As Biryukov and Sergeyev stated, committees issued instructions that interpreted laws as well as drafting legislation. Namely, they took on the functions of ministerial departments in some cases. Eventually, in All-Union level in 1989 and Russia in 1990, the Soviet-style parliaments were replaced by democratically elected transformative parliaments through multi-candidate nature. Article 6 of the Soviet Constitution stipulated that the Communist Party kept its unique status on political activity. For that reason, elections were held through multi-candidate, not multi-party. Under these circumstances, legislative committees as standing institutions developed great influence within the parliament.¹⁴⁴

Shevchenko states that parliamentary parties and legislative committees were two core components of a legislature's institutional formation. The first one renders to gather ideological interests on the floor while the latter one grants technical expertise to deliberations. There were a small number of legislative commissions for each of its two houses but a broad set of joint standing committees in the Supreme Soviet. Quoting Ostrow, Shevchenko argued that the new Supreme Soviet with its committee-based formation was case in a point. Those committees played a vital role in the preparation and analysis of laws for approval by the assembly. The Supreme Soviet elected a Presidium and so doing enabled joint work between committees and organized legal and technical assistance to them. The chairman of the Supreme Soviet had strong procedural rights and patronage powers while deputy groups and factions have remained immature. As Haspel, Remington, and Andrews stated,

¹⁴⁴ Haspel, Moshe. "Committees in the Russian State Duma: Continuity and Change in Comparative Perspective." The New Roles of Parliamentary Committees. Eds. Lawrence D. Longley and Roger H. Davidson. London: Frank Cass, 1998. pp. 190-192.

inefficient political parties gave way for legislative dominance and executive dependence.¹⁴⁵

And what about the legislative oversight of the executive? A parliament, needless to say, can effectively monitor the execution of laws only if it owns the instruments to get information directly from government agencies. It was the deputy's *zapros* that was envisaged to enable parliament to oversee the bureaucracy. The *zapros*, namely oral or written question, which was posed by one or more deputies to an executive agency, had to be replied within a month by the official to whom it was directed. If a violation of the law was at stake, it had to be responded three days. In the face of such a situation, the law also gave deputies the right to carry out inspections of government departments and ask for urgent action by law enforcement organs. Within a short period of one year, the period between the middle of 1989 and the middle of the following year, 8200 *zaprosy* were posed to executive agencies, by so doing deputies demonstrated that their aims were beyond getting merely information on government affairs, but also attaching great importance on drawbacks within their jurisdiction.¹⁴⁶ In spite of everything, the excessive usage of this instrument did not always indicate its efficiency since its success might differ according to the interrogator alongside the subject of the *zapros*. Though, it is worthy of notice that *zaprosy* had been in use for some years even before the Gorbachev's democratization campaign.¹⁴⁷

Eventually, Russian Congress of People's Deputies, the newly elected legislative body of the Russian Soviet Federative Socialist Republic (RSFSR), approved a statement claiming Russian sovereignty with the USSR on June 12, 1990. Russia established a presidency, put an end to the monopoly of the Communist Party and newly designed its legislature.

¹⁴⁵ Shevchenko, Iulia. "Transition to Independence." The Central Government of Russia: From Gorbachev to Putin. Aldershot: Ashgate Publishing Limited, 2004. pp. 42-43.

¹⁴⁶ Huskey, Eugene. "Executive-Legislative Relations." p. 96.

¹⁴⁷ Ibid. p. 104.

By and large, it can be argued that Russians are historically accustomed to two forms of government as the tsarist system taking shape around the leader while the Soviet system formally prioritized the council that was at the disposal of the General Secretary. Both of the systems were incontrovertibly centralized while in neither of them decisions made in an overt arena. Even if decisions made in periodic meetings of the Supreme Soviet, as the primary governmental legislature, they were perpetually unanimous. Furthermore, Russian people thought that edicts were come out of the Tsar in the tsarist system and from the Politburo which was headed by the general secretary in the Soviet system. In the aftermath of tumultuous years, post-Soviet parliaments seeking for political and economic stability redirected the hopes of many towards the presidential rule by the approval of the Russian Constitution in 1993 elections.¹⁴⁸

The Russian election in 1993 introduced a bicameral parliamentary structure. In fact, the Supreme Soviet structures in the past had been ostensibly bicameral, yet through the Presidium had exerted control over parliamentary agenda and voting nullified substantive separation of voting patterns in the two chambers.¹⁴⁹

In today's Russia, given the Russian constitutional arrangements, the country has adopted a semi-presidential, rather than a presidential system. From the point of formal legalism, there are some important indicators of this aforementioned system. First of all, the Russian people directly elect the president, and there is a two-headed form of government which is composed of the president and prime minister who heads the government. And also, the president is furnished with far-reaching authority. However, the government is accountable to the lower chamber of the parliament, which can be dismissed by the president in cases rigorously laid down by the constitution. In fact, Russia has long a way to go in ensuring accountability in practice and returning a more balanced model by creating an effective system over

¹⁴⁸ Alexander, James. Political Culture in Post-Communist Russia. London: Macmillan Press, 2000. pp. 192-193.

¹⁴⁹ Smith, Steven S. and Thomas F. Remington. The Politics of Institutional Choice: The Formation of the Russian State Duma. Princeton & Oxford: Princeton University Press, 2001. p. 6.

the president and executive by the parliament and courts. And as the last indicator, deputies of the State Duma cannot hold at the same time governmental posts.¹⁵⁰

3.2. Constitutional Bodies under the 1993 Constitution

In determining the nature of the political regimes in the constitutions, the points to be considered are how the forces using the state power are shaped and interrelations among these powers.¹⁵¹ This chapter, for the very reason, will trace the constitutional determinants in an attempt to find out how the forces using the state power under their jurisdictions. Then, the following chapter will examine the interrelations dynamics of these powers.

The Russian Constitution of 1993 was born out of the collapse of the Soviet political system and the vigorous conflict between President Yeltsin as the executive and the Congress of People's Deputies as the legislative. On 12 December 1993, it was ratified by a popular referendum. Thus, the Constitution annulled the 1977 Constitution and commenced the Second Post-Soviet Republic.¹⁵²

Protsyk classifies Russia as a country which did not go through constitutional modifications altering constitutional system type. For that reason, he places the country in the *stable regimes* concerning the constitutional regime change.¹⁵³ Indeed, there is no considerable constitutional amendment except the change of presidency's term of office.¹⁵⁴

¹⁵⁰ Zaznaev, Oleg. "The Presidentialization of a Semi-Presidential Regime: The Case of Russia." Politics and the Ruling Group in Putin's Russia. Ed. Stephen White. New York: Palgrave Macmillan. 2008. pp. 27-40.

¹⁵¹ Aleskerov, Alesker, *Eski Sosyalist Ülkelerde Siyasi Rejim Değişmeleri* Ankara Üniversitesi SBE, Ankara 2007 (Yayımlanmamış Doktora Tezi.) p. 300.

¹⁵² Smith, Gordon B. "Introduction: The Promise of the Russian Constitution." Russia and Its Constitution Promise and Political Reality. Eds. Gordon B. Smith and Robert Sharlet. Leiden and Boston: Maritus Nijhoff Publishers, 2008. p. xxiii; Sharlet, Robert. "The New Russian Constitution and Its Political Impact." *Problems of Post-Communism*. vol. 42. no. 1, 1995. p. 3.

¹⁵³ Protsyk, Oleh. "Semi-Presidentialism under Post-Communism." Semi-Presidentialism and Democracy. Eds. Robert Elgie, Sophia Moestrup and Yu-Shan Wu. New York: Palgrave Macmillan, 2011. pp. 107-116.

¹⁵⁴ Erdem, Kasım. "Yarı-Başkanlık ya da Süper Başkanlık: Rusya Federasyonu Örneği." p.185.

In the previous chapter, at the outset, I analyzed the doctrine of the separation of powers as the primary source of all regime types. To sum up, state power is regarded as the sum of different legal, executive and, judicial functions, carried out by state departments independent from each other. The real meaning of this theory is to keep power in check.¹⁵⁵

Alongside forming the basis of the state systems of democratically oriented countries, almost all states regarded the doctrine as a fundamental cornerstone of their constitutions.¹⁵⁶ In the same vein, according to Remington, “*Separation of powers is considered to be a cornerstone of the Russian Constitution of 1993*”¹⁵⁷ The Constitution adopts the separation of powers doctrine, granting vital powers to the president while downgrading the restructured parliament to a categorically inferior status. Also, the Constitution resolves the contentious division of powers matter by embracing the central government and unitarist system.¹⁵⁸ The new constitutional structure replaced the complicated division of powers of the First Russian Republic. It is surely beyond doubt that the Constitution hopes to avoid the previous conflicts by centralizing the status of the presidency at the peak of the system.¹⁵⁹ Indeed, Article 10 of the Constitution proposes the principle of separation of powers. Accordingly, the state power shall be exercised based on its division into three powers: legislative, executive, and judicial authorities. Also, the independent legislative, executive, and judicial bodies separately use these authorities. As for Postinikov, the Constitution determines the limits of the three powers while preventing the power to accumulate only on the one hand. He states that the

¹⁵⁵ Khasbulatov, Ruslan. The Struggle for Russia: Power & Change in the Democratic Revolution. London and New York: Routledge, 1993. p. 215.

¹⁵⁶ Ibid. p. 215.

¹⁵⁷ “Is There A Separation of Powers in Russia.” Presentation by Thomas Remington. <https://carnegieendowment.org/2001/01/09/is-there-separation-of-powers-in-russia-event-250>. (Date of Access 15.05.2019).

¹⁵⁸ Sharlet, “The New Russian Constitution and Its Political Impact.” pp. 4-5.

¹⁵⁹ Moser, Robert G. “Executive-Legislative Relations in Russia, 1991-1999.” Russian Politics: Challenges of Democratization. Eds. Zoltan Barany and Robert G. Moser. Cambridge: Cambridge University Press, 2001. p. 64.

Constitution calls for a check and balance mechanism in the relationships among the constitutional bodies.¹⁶⁰

Alongside Article 10, Part 1 of Article 11 defines these authorities as the President, the Federal Assembly, the Government, and the courts by which the state power is exercised. From now on, I will scrutinize each of these constitutional powers separately except for the judicial body since the judicial power is not of the determinants of semi-presidential system as mentioned before.

3.2.1. The President

The origin of the presidency in Russia stemmed from the USSR presidency that was adopted in March 1990. Although some proposals for a presidency can be dated back to the Stalin era, only Gorbachev materialized the idea of creating a USSR presidency in the Perestroika period. The aim here was to fill the power vacuum that was occurred due in part to the reorganization of the CPSU apparatus. By doing so, the USSR presidency was expected to be a successor to the CPSU that had been the nucleus of power.¹⁶¹

In retrospect, the Soviet political system, based on the Marxist ideology, adopted the collective leadership by giving the leadership of cumbersome bodies to another collective body-the Presidium.¹⁶² In that sense, the creation of the presidency indicates the transposition of governance to the one person which can direct all other institutions under slightly more democratic manner.¹⁶³

¹⁶⁰ Postnikov, A. E. "Ctat'ya 10 ", Kommentary K Konstitutsii Rossiyskoy Federatsii, Ed. by. A.

L. Okun'kov at al., Yurist', Moskva, 2002, p. 88, quoted in Natig, Abdullayev. *Demokratikleşme Sorunsalı Çerçevesinde Rusya'da Hükümet Şekli Üzerine*. p. 104.

¹⁶¹ Ogushi, Atsushi. "From the CC CPSU to Russian Presidency: The Development of Semi-Presidentialism in Russia". http://src-h.slav.hokudai.ac.jp/coe21/publish/no21_ses/01ogushi.pdf. (Date of Access: 16.03.2019)

¹⁶² Abdullayev, Natig, *Demokratikleşme Sorunsalı Çerçevesinde Rusya'da Hükümet Şekli Üzerine*. p. 25.

¹⁶³ Roche, François Frison. "Semi-Presidentialism in a Post-Communist Context." p. 57.

Meanwhile, at the end of 1990, Gorbachev strengthened the new presidency. Ensuing changes vested in the president more direct leadership of government ministers even if the original presidential fiat was to control the executive through the premier. Along with the transformation of the Council of Ministers into a Cabinet of Ministers, the premier lost his status, and he became directly subordinate to the president. Besides, Gorbachev adopted a series of institutional channels to cement the presidential authority. In organizing the executive, he also began to disconnect the government from the parliament, hereby shifting its formal and de facto accountability from the legislative to the supreme political leader. In the same vein, the practice of proposition of candidates to the parliament ended, and by late 1990, the president formally appointed ministerial candidates by a decree. These changes did much to destroy parliamentary power. As of the year of 1990, he began to ignore the legislative process, and by utilizing the economic challenges, he managed to convince the parliament to grant him extraordinary power for 500 days to issue directives on financial difficulties. Under these circumstances, the parliament stayed silent and condoned the restraining of the presidential power amid a deepening crisis notwithstanding the parliament had the right to nullify the presidential decrees.¹⁶⁴

The present-day Constitution of Russia places the president to a higher status compared to the legislature, the executive, and the judiciary. It also lacks an effective system of checks and balances on the role of the president.¹⁶⁵

What brings about the strength of presidents in semi-presidential regimes? The direct election of president does not mean that s/he can enjoy more authority and power than those of indirectly elected ones. To be more precise, the authority or strength of president cannot be accurately accounted for by their direct elections. That's why, even if they want to do so, presidents may not control the government because of lack of power. Therefore, some think that the specificity of semi-presidential governments is closely related to the power of presidents. In that sense,

¹⁶⁴ Huskey, Eugene. "Executive-Legislative Relations". pp. 94-95.

¹⁶⁵ Riccardo, Murgia. "The Kremlin and the Russian Superpresidentialism." https://www.academia.edu/11828276/The_Kremlin_and_the_Russian_Superpresidentialism

just as Duverger stated, the difference between the semi-presidential regime with weak presidencies and parliamentary regimes would become indistinct.¹⁶⁶

Russian style of presidency has all deficiencies of Linz's archetype of the destructive presidency. Namely, the concentration of individual power in favor of the president and its negative impact on democratic consolidation, and evolving political competition into the zero-sum game are inherent problems of it. For instance, the presidential election system itself prevents the representation of segments of society effectively and results in fragmentation within polities rather than healing them. It is one of the elements that are detrimental to democratization.¹⁶⁷

Now, it is time to revisit Chang's Table on the "Hypothesis of Executive Relationships"¹⁶⁸ as mentioned in the previous chapter. Chang seeks to clarify the case studies of competition and cooperation within the executive power. In Russia, in the aftermath of the 2008 presidential election, the changes pave the way for the emergence of a "tandem" in that president and prime minister shared executive authority between them.¹⁶⁹ In the classification of Chang, the president and the premier are members of the same political party, and the presidents enjoyed a greater authority. Also, the prime minister may be accountable to the president. In this type of mode of operation, competition between the president and the prime minister does not reach intra-party governance; instead, it is just a strategic consideration.¹⁷⁰ At this point, one must pay attention to the views of Vladimir Pligin, the Chair of the State

¹⁶⁶ Berton, Raul Magni. "Reassessing Duvergerian Semi-Presidentialism: An Electoral Perspective." *Comparative European Politics*. vol. 11, no. 2, 2013. p. 224; Schleiter, Petra&Edward Morgan-Jones. "Party Government in Europe? Parliamentary and Semi- Presidential Democracies Compared." *European Journal of Political Research*. vol. 48, 2009. pp. 665-693.

¹⁶⁷ Robinson, Neil. "The Presidency: the Politics of Institutional Chaos." Institutions and Political Change in Russia. Ed. Neil Robinson. New York: Palgrave Macmillan, 2000. pp. 11-13.

¹⁶⁸ Chang, Chun-hao. "The Competition/Cooperation Relationship in Executive Power Operating of Semi-Presidentialism." p. 108; *See also* Page 18 of this study.

¹⁶⁹ White, Stephen. Understanding Russian Politics. Cambridge: Cambridge University Press, 2011. p. 110.

¹⁷⁰ Chang, Chun-hao. "The Competition/Cooperation Relationship in Executive Power Operating of Semi-Presidentialism." pp. 108-110.

Duma's Committee on Constitutional Legislation. Russia had already become a semi-presidential regime because the prime minister headed a party having a majority in the parliament although the prime minister did not necessarily owe his position to the composition of the legislature.¹⁷¹ On the other hand, White conspicuously gets back to the Russian political reality in that Russia had never before been ruled by two tsars except in very exceptional circumstances. At the beginning of the Medvedev-Putin leadership, the prime minister, instead of the president, was the main actor. But this configuration is not sufficient to label the system as a kind of parliamentary system in which the president plays a more ceremonial role while the government underpins the political authority.¹⁷²

The core point here is that Putin and Medvedev, throughout the interlude, did not think over the redistribution of power and namely, no changes were adopted in the competence of either. Instead, they thought that any amendments on the Constitution might bring about catastrophic results for Russia. Thus, they have had corroborated the supremacy of the sole and strong presidential rule in the Russian Federation.¹⁷³

Henceforth, I will discuss the presidential power from what is formally written in the constitution. The articles between 80 and 93 devise the rights and obligations of the President of the Russian Federation. By Article 80, the President, as the head of the state, shall be the guarantor of the Constitution, and human and civil rights and freedom. Furthermore, s/he shall take precautions to ensure the sovereignty of the state, its independence and integrity as well. The President is also responsible for ensuring coordinated functioning and interaction of governmental bodies.¹⁷⁴

¹⁷¹ Vremya Novostei. 30 April 2008. p. 1, quoted in White, Stephen. Understanding Russian Politics. p. 110.

¹⁷² White, Stephen. Understanding Russian Politics. p. 110.

¹⁷³ Ibid.

¹⁷⁴ Part 1 and 2 of Article 80 of the Constitution of the Russian Federation.

The President is elected for a six-year term by a popular vote based on universal, equal, direct suffrage by secret ballot.¹⁷⁵ As for the eligibility to be elected, any citizen who is older than 35 years of age, has resided in the country permanently at least ten years can become the President. Under the Constitution, the President is allowed to hold office for a maximum of two consecutive terms.¹⁷⁶

The President has immunity¹⁷⁷ and only based on charges of high treason or of another grave crime, the President may be impeached before the Parliament. The majority of not less than one-third of deputies of the State Duma may initiate the impeachment process by a motion. To make such an accusation, one must get an approval of the Supreme Court of the Russian Federation on the existence of the crimes. In the same manner, the Constitutional Court of the Russian Federation, by a resolution, may confirm whether the established procedure for bringing charges has been followed. Lastly, the State Duma and the Council of Federation, by two-thirds of votes of the total number of members of each chamber, must decide on impeachment.¹⁷⁸

The President may dissolve the State Duma in three cases enshrined in the Constitution. The first event occurs on the rejection of the candidates by the State Duma for the post of Chairman of the Government three times.¹⁷⁹ The other ones are

¹⁷⁵ Russian presidential term extended from four years to six in 2008.

¹⁷⁶ Article 3 of the Federal Law No. 19-FZ of 10 January 2003 “On the Election of the President of the Russian Federation.” Central Election Commission of the Russian Federation at <http://www.cikrf.ru/eng/law/federal-laws/> (Date of Access 25.05.2019).

¹⁷⁷ Article 91 of the Constitution of the Russian Federation.

¹⁷⁸ Article 93 of the Constitution of the Russian Federation; Mikhail Piskotin, a constitutional lawyer, suggest an amendment in the 1993 Constitution to make the impeachment process more effective. He states that the president should present a report on his term over the last year. The presentation must be beyond a mere presentation to the two houses for their approval, instead must seem like a discussion. Deputies should have the right to interrogate any member of the government and vote of no confidence in individual ministers as well as in the government as a whole. By doing so, the dissolution of the parliament should be less easy by the President and the initiation of the impeachment process should be easier for the State Duma. See White, Stephen. Understanding Russian Politics. p.109.

¹⁷⁹ Article 111 of the Constitution of the Russian Federation; Fish thinks that the Russian Federation owes to its semi-presidential by virtue of a single provision of the Constitution: the right of the State Duma to reject the president’s choice for president. The legislature must reject the candidate three

closely related to the vote of confidence and vote of no confidence. The State Duma, by a majority of votes of the total number of its deputies, may express no-confidence to the Government. In such a case, the President has two choices: to declare the resignation of the Government or to revoke the decision of the State Duma. If the State Duma expresses no confidence in the Government again within three months and the President opts for the former choice, the President this time must declare the resignation of the Government or dissolve the State Duma.¹⁸⁰ Besides, if the Prime Minister may raise before the Lower House the issue of confidence and the Lower House does not grant a vote of confidence, the President adopts a decision on the resignation of the Government within seven days or dissolve the State Duma.¹⁸¹

Now, it is time to revisit the regime discussions in Russia. In light of all discussions on the sub-types of the semi-presidentialism by Shugart and Carey in the previous chapter, we can call the Russian political system “presidential-parliamentary.” There is a duality in the executive power as the president and the prime minister. The President is popularly elected, and the state has a strong presidential figure. As for the prime minister, the President appoints the prime minister and other cabinet ministers, yet the cabinet must also have the confidence of the State Duma to govern.¹⁸²

It is crucial to state that the President may only dissolve the State Duma in the cases envisaged by Article 111 and 117 of the Constitution.¹⁸³ S/he may not dissolve the Council of Federation. S/he also may not dissolve the Lower House based on the events stated in Article 117 during the year following the election of the State

times at which point the president automatically dissolve the parliament and calls an election. For that reason, the State Duma has never rejected a candidate for premiership even if there were arduous relations between the president and the parliament. Fish, Steven M. Democracy Derailed in Russia: The Failure of Open Politics. New York: Cambridge University Press, 2005. p. 203.

¹⁸⁰ Article 117 of the Constitution of the Russian Federation.

¹⁸¹ Article 117 of the Constitution of the Russian Federation.

¹⁸² Remington, Thomas F. Politics in Russia. p. 60.

¹⁸³ Article 109 of the Constitution of the Russian Federation.

Duma.¹⁸⁴ In addition to that until the Council of Federation adopts a decision on the issue of impeachment, the President may not dissolve the State Duma. And lastly, while a state of emergency or martial law is in effect on the whole territory or during the last six months of the presidential tenure, dissolution may not be allowed.¹⁸⁵

The Constitution grants important powers to the President. It enumerates the rights and obligations of the President. Firstly, according to Article 83, the President appoints the premier by obtaining the consent of the State Duma. S/he has right to chair meetings of the Government. Furthermore, the President appoints the deputy chairmen of the Government among the candidates proposed by the Chairman of the Government, namely the prime minister. There is no authority of the Parliament in the processes of appointments and dismissals of them. The President may also decide on the resignation of the Government.¹⁸⁶

As the legislative authorities of the President, submission of draft laws, signing, and promulgation of federal laws are important ones.¹⁸⁷ On the other hand, s/he can reject a federal law within fourteen days of receiving it. If the law rejected by the President is readopted by a majority more than two-thirds of both chambers of the Parliament, the President must sign and promulgate the law within seven days.¹⁸⁸

When it comes to the presidential authorities on the judicial power, determining the candidates for the posts of judges of the Constitutional Court, the Supreme Court, the Prosecutor General, and its deputies and presenting all of them to the Council of Federation are amongst other authorities. In addition to that, the President appoints judges of other federal courts.¹⁸⁹

¹⁸⁴ Part 3 of Article 109 of the Constitution of the Russian Federation.

¹⁸⁵ Article 109 of the Constitution of the Russian Federation.

¹⁸⁶ Article 117 of the Constitution of the Russian Federation; Erdem, Kasım. “Yarı-Başkanlık ya da Süper Başkanlık: Rusya Federasyonu Örneği.” p. 195.

¹⁸⁷ Article 84 of the Constitution of the Russian Federation.

¹⁸⁸ Article 107 of the Constitution of the Russian Federation.

¹⁸⁹ Article 83 of the Constitution of the Russian Federation.

3.2.2. The Federal Assembly

Unlike the old and unreformed Supreme Soviet purporting rubber-stamped legislation at the disposal of the executive and convening for fewer than eight days, a bicameral Supreme Soviet which would be the standing legislature meeting for some eight months of the year.¹⁹⁰ Having a reformed parliament in this sense means that the parliament can carry out its responsibilities on a daily basis and in the constitution and bargaining power, there are more opportunities to establish coalitions, develop relations among political parties compared to its counterpart convening infrequently. According to Troxel, “The more frequently a legislature meets, the more power it is given to set the agenda, the more powerful and autonomous the legislature will be from the executive.”¹⁹¹ So indeed, the legislative power in the first place must be continuous to claim a separate and competent right.

New parliamentary arrangements were introduced which addressed the institutional flaws of the previous legislative system in the aftermath of the October 1993.¹⁹² In this permanent basis, by a presidential decree in September 1993, the Federal Assembly replaced the two legislative bodies as the Supreme Soviet and the Congress of People’s Deputies. Then, in 1993, the members of the Federal Assembly, who were called as deputies in the previous years, were elected in December of the same year, when the 1993 Constitution was adopted as well.¹⁹³

The Federal Assembly, which is composed of two chambers as the Council of Federation and the State Duma,¹⁹⁴ is the representative and legislative body of the

¹⁹⁰ Brown, Archie. The Gorbachev Factor. Oxford:Oxford University Press, 1996. pp. 179-180.

¹⁹¹ Troxel, Tiffany A. Parliamentary Power in Russia, 1994-2001: President vs. Parliament. Oxford:Palgrave, 2003. p. 73.

¹⁹² Chaisty, Paul. Legislative Politics and Economic Power in Russia. p. 64.

¹⁹³ Remington, Thomas F. and Steven S. Smith. “The Early Legislative Process in the Russian Federal Assembly.” p. 161.

¹⁹⁴ Article 95 of the Constitution of the Russian Federation.

Russian Federation.¹⁹⁵ The wording of this provision shows that the new Constitution vacated the understanding of the unity of power embedded in the Soviet period.¹⁹⁶

As a general rule, both of the chambers hold separate sessions. The fact remains that they may hold joint sessions to hear messages and speeches of the President of the Russian Federation, the President of the Constitutional Court, and leaders of foreign states. Again, as a rule, sessions are open to the public. But, the State Duma has the right to hold closed-door sessions in the cases envisaged by the procedural regulations of the chamber.¹⁹⁷

Regarding the regulation of legislative bodies in constitutions, whether parliament should be unicameral or bicameral is the most vital institutional issue. These assemblies which are generally known as “upper” and “lower” house of the parliament may be called by different names in different regimes. Indeed, in the legislative process, both of the chambers seek to check, constrain, and control each other by adopting different but complementary roles.¹⁹⁸ In this regard, the Federal Assembly envisaged the two chambers with a different number of seats, different means of election, and without a common leadership or executive committee. In fact, the earlier parliamentary models had been nominally bicameral in the Soviet structures in the past. But, they lacked any reasonable separation of voting patterns in the two houses due to the high centralization of control over the parliamentary agenda and voting exercised through the Presidium.¹⁹⁹

While the Constitution reserves the articles between 94-109 for the Federal Assembly, it does not specify the legislative organization and procedure of the two chambers of the Parliament. That is to say that the Constitution does not determine

¹⁹⁵ Article 94 of the Constitution of the Russian Federation.

¹⁹⁶ Butler, William E. *Russian Law*. Oxford: Oxford University Press, 1999. p. 289, quoted in İlker Gökhan Şen. *Rusya Federasyonu Siyasal Sistemi*. p. 88.

¹⁹⁷ Article 95 of the Constitution of the Russian Federation.

¹⁹⁸ Gönenç, Levent. *Prospect for Constitutionalism in Post-Communist Countries*. p. 340.

¹⁹⁹ Smith, Steven S. and Thomas F. Remington. *The Politics of Institutional Choice: The Formation of the Russian State Duma*. p. 6.

either the number of deputy chairmen or method of selecting chairmen and deputy chairmen while it provides for chairmen and deputy chairmen for the two chambers. Instead, it contents itself with authorizing the two chambers to establish committees and commissions, which may run hearings. Article 101 states that each of them may form committees and commissions and may hold parliamentary hearings on issues under their jurisdiction. Moreover, the same article purported that each of the houses may adopt its procedural regulations.²⁰⁰

3.2.2.1. The State Duma

Henceforth, I will emphasize some important determinants, respectively- electoral issues, formation, and institutional dynamics, especially the Council of the State Duma, the jurisdiction of the State Duma, factions and deputy groups, standing committees, and supervisory power of the State Duma.

I seek an answer whether the Russian Federal Assembly is able to counterweight as compared to presidential authority or not. In answering this question and evaluating the status of the parliament in the Russian type of semi-presidential system, the determinants mentioned above play a crucial role to be a well-functioning parliamentary chamber.

Electoral Issues: The chamber consists of 450 deputies who are elected for a five-year term²⁰¹.

To be elected deputy of the State Duma, a citizen of the Russian Federation must be over 21 years of age and must be eligible to participate in elections.²⁰²

²⁰⁰ Remington, Thomas F. and Steven S. Smith. "The Early Legislative Process in the Russian Federal Assembly." pp. 170-171.

²⁰¹ From 2008 Constitutional amendments increased the State Duma's term from four to five years. "Russian Federation Elections to the State Duma, 4 December 2011." OSCE/ODIHR Election Observation Mission Final Report. Warsaw, 12.1.2012. at <https://www.osce.org/odihr/86959?download=true> (Date of Access:25.05.2019). p. 4.

²⁰² Articles between 95-97 of the Constitution of the Russian Federation; General Provisions (Article 1) of the Regulations of the State Duma.

Formerly, deputies of the State Duma were elected in the federal electoral district in proportion to the number of votes cast for the federal lists of candidates for the State Duma.²⁰³ In line with the Federal Law in question, the political parties had to receive at least 7 percent of votes across the country to be represented in the State Duma. Besides, independent candidates and the electoral blocs are not allowed to participate in elections. But, then the new legal arrangements in 2014 set a range of important amendments on the election system.²⁰⁴ In fact, Russia had used a new proportional-representation electoral system in the 2007 election. By doing so, it replaced the previous mixed-member system in place since December 1993. In the previous mixed-member electoral system, a total of 225 of these deputies were elected in a nationwide, closed-list proportional representation system with a 5 percent threshold while the rest of the 225 deputies were elected individually in the single-member district using a plurality rule. However, in the wake of the amendment in 2007, the Duma for the first time operated without deputies elected in a single-member district election. While before the amendment, Russia had used a mixed-member electoral system to elect the 450 members of the State Duma, in this way it encouraged the representation of local and regional interest in the federal level legislature.²⁰⁵ In sum, it seems that Russia put an end to the short-lived electoral system between 2007 and 2014 and returned back the old system.

Accordingly, in 2014 the law introduced a mixed election system of the State Duma with 225 deputies elected on party lists and the remaining 225 deputies elected in single-seat constituents. Also, the election threshold for parties for the State Duma decreased from 7 percent to 5. However, the law leaves in force the ban on the

²⁰³ Federal Law No.51-FZ of 18 May 2005 “On the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation” Central Election Commission of the Russian Federation at <http://www.cikrf.ru/eng/law/federal-laws/> (Date of Access:25.05.2019).

²⁰⁴ “Russian Federation Elections to the State Duma, 4 December 2011.” OSCE/ODIHR Election Observation Mission Final Report. p. 4.

²⁰⁵ Thames, Frank C. “The Effect of Governor Support on Legislative Behaviour in the Russian Duma.” *Europe-Asia Studies*. vol. 62. no. 1, January 2010. pp. 125-129.

election blocs.²⁰⁶ The political parties which have the support of 200.000 signatures of votes or the ones which had gained no less than three percent of the vote in the previous elections in the State Duma or the ones which have at least one representative in the regional parliaments can take part in the election. The new arrangement also allows for the inclusion of non-partisan candidates in a party list on the condition that they do not exceed the 50 percent of all candidates on the list. But in single-seat constituencies, self-nominees have to get support at no less than three percent of voters registered in a constituency and collect no less than 3,000 signatures if a constituency numbers less than 100,000 voters.²⁰⁷

The 1993 Constitution stipulated a hybrid parliamentary-presidential system and a hybrid proportional electoral system as well. Up to that time, although there were some mechanisms such as the constitutional provision for a confirmation vote on the president's nominee for the prime minister and for a vote of no-confidence, the State Duma has not put leverage on the government. However, the mixed electoral system seems like to have an impact on the nature of parliamentary parties. The framers of the 1993 Constitution desired to structure and channel mass political participation through the electoral law and formation of national political parties.²⁰⁸

It is worthy of note that the 1993 Constitution is a hybrid system in many aspects. It gathers presidential with parliamentary forms of executive power as in other semi-presidential systems. As Shugart and Carey stated,²⁰⁹ Russia has the feature of "president-parliamentary" system. For that reason, this type makes the Russian case vulnerable to stalemate and breakdown due to the fact that the

²⁰⁶ "Putin Sign Law on Mixed Election System of Lower House of Parliament." *TASS Russian News Agency*, 24.2.2014. <http://tass.com/russia/720657>. (Date of Access:25.05.2019).

²⁰⁷ Ibid; Erdem, Kasım. "Yarı-Başkanlık ya da Süper Başkanlık: Rusya Federasyonu Örneği." Karşılaştırmalı Hükümet Sistemleri, Yarı-Başkanlık Sistemi: Fransa, Polonya ve Rusya Örnekleri. Ankara: TBMM Basımevi, 2017. pp. 199-200.

²⁰⁸ Haspel Moshe, Thomas F. Remington and Steven S. Smith. "Electoral Institutions and Party Cohesion in the Russian Duma." *The Journal of Politics*. vol.60. no.2, May 1999. p. 420.

²⁰⁹ Shugart, Søberg Matthew and John M. Carey. Presidents and Assemblies: Constitutional Design and Electoral Dynamics. Cambridge: Cambridge University Press, 1992.

government must be accountable to the president and the parliament as well. It is also a mixed system in its electoral system introduced by President Yeltsin in 1993, the law passed by the Duma in 1995 provides for a mixed plurality-proportional method of electing deputies to the State Duma.²¹⁰ The last amendment on the election law in 2014 as mentioned above demonstrated that Russia favored a more mixed electoral system for the State Duma.

Formation and Institutional Dynamics: In the first years of the State Duma, there was a need for establishing a steering body to conduct the internal affairs of the parliament: The Council of the Duma. The Council is an important structure in the lower chamber. But, the leaders of the factions and deputies, rather than chairmen of the committees have the right to be a member of the Council of the State Duma. This attitude is closely related to the experiences in the Presidium of the Supreme Soviet furnished with excessive authority.²¹¹ Indeed, the Presidium, the predecessor of the Council of the State Duma, had consisted of committee chairs with broad agenda-setting powers and control over the administrative apparatus of the parliament. For that reason, the commission charged with preparing the rules and legislative agenda of the new parliament designed a horizontal structure instead of a vertical one. Namely, it favored a structure based on the agreements among the factions rather than a hierarchical chain of command dominated by the chairman, the Presidium, and the committees.²¹²

²¹⁰ Smith, Steven S. and Thomas F. Remington. The Politics of Institutional Choice: The Formation of the Russian State Duma. p. 7.

²¹¹ Haspel, Moshe. "Committees in the Russian State Duma: Continuity and Change in Comparative Perspective." p. 189; As discussed in extenso at the outset of the chapter, the Presidium was responsible for preparing the agenda of the Supreme Soviet. Since the communist-era Supreme Soviet was hardly ever in session, from the 1930s to the 1980s, the Presidium had become a small parliament with the help of the Communist Party Central Committee. The Stalinist Constitutional framework, which only underwent minor amendments until the late 1980s, granted the Presidium the status of a collective head of state. Smith, Steven S. and Thomas F. Remington. The Politics of Institutional Choice: The Formation of the Russian State Duma. pp. 54-55.

²¹² Remington, Thomas F. And Steven S. Smith. "The Development of Parliamentary Parties in Russia." *Legislative Studies Quarterly*. vol. 20. no. 4, November 1995. p. 469.

For that reason, the Council consists of the Chairman of the State Duma, the first deputy chairmen of the State Duma, the deputy chairmen of the State Duma, and the leaders of the factions.²¹³

Its formation, rights, and duties are envisaged in the Rules of Procedure of the Duma (регламент). As a steering committee, it has the right to propose the daily and long-term agendas to the chamber. Also, it assigns legislative issues to particular committees, to schedule the scrutiny of questions on the floor, to determine if and when bills can proceed to the reading stage, hold extraordinary sessions on the request of deputies or the executive.²¹⁴ In fact, the steering body has inherited most of the duties which the Presidium once carried out. For example, agenda setting for the chamber, assignment of all bills to committees is of those functions.²¹⁵

The Council of the Duma was a non-majoritarian institution that represents party factions on an equal basis, not on a proportional basis. In this point, Remington and Smith need to compare its French counterpart named as Bureau of the French National Assembly with the Council of the Duma. The Bureau which in a similarly mixed parliamentary-presidential constitutional design, after all, operates under a clearly majoritarian rule. Nevertheless, its Russian counterpart enables small party factions to have an equal say in governing the State Duma. Namely, they embraced more egalitarian and consensual formations for the Council.²¹⁶ However, the rules and structure of the chamber have remarkably altered when the United Russia faction took control of the State Duma in 2004. Up to that time, the Council used to convene the leaders of each party faction or deputy group regardless of their sizes. Coupled

²¹³ Chapter 2 (Article 13-15) of the Regulations of the State Duma.

²¹⁴ Chapter 2 (Article 13-15) of the Regulations of the State Duma; Chaisty, Paul. Legislative Politics and Economic Power in Russia. p. 71.

²¹⁵ Remington, Thomas F. The Russian Parliament: Institutional Evolution in a Transitional Regime, 1989-1999. New Haven& London: Yale University Press, 2001. p. 198.

²¹⁶ Remington, Thomas F. and Steven S. Smith. "Theories of Legislative Institutions and the Organization of the Russian Duma." *American Journal of Political Science*. vol. 42. no. 2, April 1998. pp. 546, 549.

with the dominance of the United Russia faction, the Council of the State Duma evolved a more majoritarian structure instead of being an equalitarian body.²¹⁷

As a steering body for the State Duma, the Council is highly important in that it can craft political bargains on legislation that will win a majority on the floor and yet still have a reasonable chance of being signed into law.²¹⁸

The jurisdiction of the State Duma: The Constitution draws up the duties and authorities of the State Duma as follow²¹⁹:

Giving consent to the appointment of the Chairman of the Government by the President;

The President submits the proposal of the candidate to the State Duma. During the week after the submission of the nomination, the State Duma shall consider the candidate. If the State Duma rejects the candidates three times for the post of the prime ministry, the President shall dissolve the State Duma and appoint new elections.

Deciding the issue of confidence in the Government;

By a majority of votes of the total number of the deputies of the State Duma, it may express no-confidence in the Government. Once the Duma expresses no-confidence to the Government, the President may declare the resignation of the Government or to revoke the decision of the State Duma. If the State Duma again expresses no-confidence to the Government within three months, the President announces the resignation of the Government or dissolves the State Duma.

Hearing annual reports from the Government on the results of its works, including on issues raised by the State Duma itself;

The Prime Minister delivers a speech in the State Duma. The Council of the Duma presents a list of questions from the parliamentary factions to be replied by the Prime Minister. During the speech, s/he tries to answer these questions. The annual

²¹⁷ Remington, Thomas F. Politics in Russia, p. 69.

²¹⁸ Remington, Thomas F. The Russian Parliament: Institutional Evolution in a Transitional Regime, 1989-1999, p. 198.

²¹⁹ Article 103 of the Constitution of the Russian Federation.

government report handles what sort of progress the government is making on various projects. After the presentation, the parliamentary groups can pose questions.²²⁰

Appointment and dismissals of the Chairman of the Central Bank;

The President proposes the candidate for the Head of the Central Bank to the State Duma. Prior to the hearings in the Chamber, the members of the Committee on Budget and Taxes discuss the candidature. When more than 50 percent of the State Duma deputies agree with the candidature, the candidate is elected. If the State Duma does not converge on the candidate, the President proposes the candidate within the next two week. It is important that one candidate cannot be proposed more than twice. In the case of the President introduces such proposal to the State Duma, the State Duma has the right to put an end to the position of the Head of the Central Bank. The decision is made by the majority of voice of the deputies.²²¹

Appointment and dismissals of the Chairman and half of the auditors of the Accounting Chamber;

In an attempt to control the fulfillment of the federal budget, the composition and the order of the activities of which are determined by federal law, the State Duma establishes the Accounts Chamber. The State Duma, on the proposal of the President, appoints and removes the Chairman of the Accounts Chamber from office.

²²⁰ “Medvedev Will Present To The State Duma A Report On The Work Of The Cabinet for 2016.” *Russia News Today*. 19.04.2017 at <https://chelorg.com/2017/04/19/medvedev-will-present-to-the-state-duma-a-report-on-the-work-of-the-cabinet-for-2016/>, <http://government.ru/en/news/27338/>; In 2011, Putin, as the Prime Minister, delivered a speech in the State Duma with reference to the government report in 2010. Prior to the speech, Dmitry Peskov, Putin’s press secretary, had stated that only the United Russia Party would submit their questions to the Prime Minister, who was also chairman of the party before the session. The other parties would pose their questions directly to the Prime Minister during the session. Under the circumstances, *Nezavisimaya Gazete* asked the Chairman of the Duma Regulation and Organization Committee whether he thought the procedure of the session is appropriate since all questions are known in advance. The Chairman underlined that the organization of the session was a “collective decision of the parliament”. Also he stated that they wanted the prime minister to ask their question and give him adequate time to prepare. They did not aim at leaving him in the lurch. “Parliament Prepares to Grill Putin on Government Work.” *RT Question More*. 07.04.2011. at <https://www.rt.com/russia/duma-putin-annual-report/> (Date of Access: 01.06.2019.)

²²¹ Kremyanskaya, Elena A., Tamara O. Kuznetsova, and Inna A. Rakitskaya. *Russian Constitutional Law*. p. 130.

The term of office of the Chairman, the Deputy Chairman and auditors is limited to 6 years. The State Duma, on the advice of the President, appoints and releases the one-half of the auditors from their duties.²²²

Appointment and dismissals of the Commissioner for Human Rights, who acts according to the federal constitutional law;

The Federal Law “On the Commissioner for Human Rights of the Russian Federation” lays down the overall activity of the Commissioner for Human Rights. To ensure the state guarantee on the rights and freedoms, it was established as the official state body in 1997. The President, The Federation Council, deputies of the State Duma and their committees determine a candidate for the post not later than one month prior to the expiration of the authorities of the previous Commissioner. The term of office is five years. The State Duma also has the right to terminate the position of the Commissioner.²²³

Proclamation of amnesty;

The State Duma reserves the right to proclaim of amnesty on all sorts of crimes.²²⁴ The State Duma may adopt the Amnesty Act in the form of the Resolution on Amnesty.²²⁵

Advancing of charges against the President for his impeachment;

The Constitution states two main reasons for the dismissal of the President: High treason and grave crime. The motion for accusing the President should contain the defined characteristics of the crime and a clear explanation of the President’s role in the performance of this crime.²²⁶ The motion to bring an accusation against the

²²² Ibid. p. 130.

²²³ Ibid. pp. 130-131.

²²⁴ Huskey, Eugene. *Presidential Power in Russia*. New York: M.E.Sharpe, Inc, 1999. p. 169

²²⁵ Kremyanskaya, Elena A., Tamara O. Kuznetsova, and Inna A. Rakitskaya. *Russian Constitutional Law*. New Castle upon Tyne: Cambridge Scholars Publishing, 2014. p. 131, quoted in İlker Gökhan, Şen. *Rusya Federasyonu Siyasal Sistemi*. p. 110.

²²⁶ Kremyanskaya, Elena A., Tamara O. Kuznetsova, and Inna A. Rakitskaya. *Russian Constitutional Law*. p. 131.

President may be made on the initiatives of at least one-third of the total number of deputies of the State Duma.²²⁷ An absolute majority of the total number of deputies must vote for the motion to start impeachment proceedings.²²⁸ Afterward, the State Duma sends the motion to the special commission, based on the proportional representation of the factions, formed by the State Duma.²²⁹ The Commission checks the validity of the accusation compliance with the quorum required for bringing an accusation, the correctness of the counting of votes as well as compliance with other procedural rules.²³⁰ The temporary commission scrutinizes all the relevant documentation and ends up its report in the form of a Conclusion. The Commission should support the report by the majority. When not less than two-thirds of the votes of the Chamber members approve the accusation, the role of the State Duma comes to an end.²³¹

Although the Constitution stipulated that the President may be charged with only high treason and grave crime, The State Duma has appealed to the impeachment against the President based on irrelevant reasons. For instance, some deputies of the Communist Party and Liberal Democrat Party suggested that it was possible to initiate the impeachment proceedings against President Yeltsin due to his parlous state of health in 1997. They pointed out Article 92 of the Constitution. However, officials of the Department of Legal Affairs of the State Duma expressed that “persistent inability for health reasons to carry out the powers invested in him/her” was among the causes of cession to exercise presidential powers before the end of his/her term. But, under such a case, the State Duma could not apply the

²²⁷ Chapter 22 (Article 176) of the Regulations of the State Duma.

²²⁸ <http://www.friends-partners.org/friends/news/omri/1995/06/950626II.html>;

Abdullayev, Natig, *Demokratikleşme Sorunları Çerçevesinde Rusya'da Hükümet Şekli Üzerine*. p. 144.

²²⁹ Chapter 22 (Article 176) of the Regulations of the State Duma.

²³⁰ Chapter 22 (Article 178) of the Regulations of the State Duma.

²³¹ Kremyanskaya, Elena A., Tamara O. Kuznetsova, and Inna A. Rakitskaya. Russian Constitutional Law. p. 131.

impeachment procedure. However, the deputies who favored the impeachment proceedings here still insisted on their opinions. At the end of all discussions, impeachment initiative was defeated in the voting.²³²

To give another example, Chernomyrdin case is worth mentioning about the impeachment practices in Russia. The State Duma intimidated President Yeltsin with initiating impeachment procedure in the case of Chernomyrdin's nomination as a candidate for three times. Considered in this way, it makes sense how the Russian Russian type semi-presidential regime and the separation of powers which favors the supremacy of the president affect the executive-legislative powers. In the present case, the State Duma distorted the impeachment mechanism to cope with the President. Also, as mentioned before the distinctive feature of the semi-presidential regime is to give consent to the candidate of the prime minister. Faced with the threat of being dismissed by the president, the State Duma played its impeachment authority as a trump card. In the present case, the Parliament did not resort to impeachment against the President; even so, Duma approved the other candidate for the prime minister.²³³

Factions and Deputy Groups: Unlike in the Council of the Federation, the term "faction" is apparently used in the rules proposed for the State Duma. In other words, the law-makers adopted the principles of a faction-dominated, instead of the party-dominated lower chamber.²³⁴ In fact, the transitional Supreme Soviet and the Congress, having deputies without formal party attachments, used this term. In addition to that, the transitional parliament adopted rules which enable its members to create factions and gave them certain parliamentary privileges. The parties that won seats on the proportional ballot took a faction status automatically, yet other groups of deputies could register as factions on the condition that they met minimum

²³² Şen, İlker Gökhan. Rusya Federasyonu Siyasal Sistemi. pp. 122-123.

²³³ Ibid. pp. 122-123.

²³⁴ Remington, Thomas F. And Steven S. Smith. "The Early Legislative Process in the Russian Federal Assembly." p. 171.

size requirements. By doing so, even if most factions are party based, one cannot argue that parties and factions are tantamount to each other.²³⁵

The Deputies' faction, which is the organized community of the deputies, belonging to the one party is one of the structural elements of the State. Factions aim at adopting a unified party policy and thereafter implement it in the law-making process and realizing other deputies' functions — all deputies' factions act based on strict party discipline.²³⁶

Party factions are critically important in the State Duma. As for the definition of the faction, it is the *union of State Duma deputies elected as part of a federal list of candidates, which has been approved for the distribution of deputy mandates in the State Duma, and State Duma deputies elected in single-mandate electoral districts. The fraction includes all State Duma deputies nominated by a political party as candidates on the federal list of candidates, and all State Duma deputies nominated by this political party as candidates in single-mandate constituencies.*²³⁷

Deputies who do not identify themselves with any party can create a deputy group providing that they met the minimum size requirement of 35 deputies. Both of the leaders of electoral parties and deputy groups have jurisdiction to get a membership on the Council of the State Duma, office space, secretarial assistance, access to committee assignments, and recognition on the floor. Both the parliamentary branches of electoral parties and the deputy groups are usually called *fraktsii*, or factions in the literature.²³⁸

Now, in the seventh convocation, there are four parliamentary factions in the State Duma as the Faction of the All-Russian Political Party “United Russia” (with

²³⁵ Remington, Thomas F. And Steven S. Smith. “The Development of Parliamentary Parties in Russia.” *Legislative Studies Quarterly*. vol. 20. no. 4, November 1995. p. 469.

²³⁶ Kremyanskaya, Elena A., Tamara O. Kuznetsova, and Inna A. Rakitskaya. Russian Constitutional Law. p. 121.

²³⁷ Chapter 3 (Article 16) of the Regulations of the State Duma.

²³⁸ Bagashka, Tanya. “Invisible Politics: Institutional Incentives and Legislative Alignments in the Russian Duma: 1996-99.” *Legislative Studies Quarterly*. vol. 33. no. 3, August 2008. p. 419.

339 seats), the Faction of the Political Party “Communist Party of the Russian Federation” (with 43 seats), the Faction of the Political Party LDPR- Liberal Democratic Party of Russia (with 39 seats), and Faction of the Political Party Just Russia (with 23 seats).²³⁹

As for the deputies who are not part of the factions, they have the same rights and duties as factional deputies enjoy. The exception is the order of speaking at plenary sessions. They may speak for a maximum five minutes about political, financial and other issues once every two months upon their requests.²⁴⁰

Standing Committees in the State Duma: The institutional structure of the State Duma is complicated. The Chamber uses its lawmaking power within the framework of a president-parliamentary system, which relatively clarifies the strange cohabitation of the party-oriented parliamentary rules with the system of sophisticated committees.²⁴¹

Committee system was not a new phenomenon for the deputies of the Duma when they convened in January 1994. A system of standing committees was a core organizational feature of the supreme soviets during the communist and transition periods. Furthermore, the Supreme Soviet, which was formed by Gorbachev in 1989, had 14 joint committees, and each chamber had four commissions, differing according to the chamber’s nominal representation. Likewise, the Russian Republic’s Supreme Soviet in the 1990-1993 period followed a similar path, with four legislative commissions in each chamber, alongside 20 joint committees of the Supreme Soviet.²⁴²

One of the first things that the State Duma did was to form a standing committee system. Both of the chambers can establish committees and

²³⁹ <http://duma.gov.ru/duma/factions/> (Date of Access: 03.06.2019.)

²⁴⁰ <http://duma.gov.ru/duma/factions/> (Date of Access: 03.06.2019.)

²⁴¹ Shevchenko, Iulia and Grigorii V. Golosov. “Legislative Activism of Russian State Duma Deputies, 1996-1999.” pp. 252-253.

²⁴² Smith, Steven S. and Thomas F. Remington. The Politics of Institutional Choice: The Formation of the Russian State Duma. pp. 72-73.

commissions.²⁴³ As each of the chambers can decide on its own procedural rules and solve issues of procedure for its work, the Duma can determine at will the numbers, assignment methods of the members, and internal power of the committees. The political parties in the Duma play a pivotal role in determining these factors. Moreover, political parties have desired to increase party control over the committee system as they have gained strength in the Duma.²⁴⁴

To ensure a certain amount of legislative autonomy, having an active and specialist standing committee system is surely vital. Indeed, sophisticated and specialized committees have the means to gather information, generating policy expertise and reach decisions without any intervention of other institutions.²⁴⁵

As a rule, the State Duma forms committees based on the principle of proportional representation of factions. The State Duma determines the size of each committee, and there must be at least 12 and not more than 35 deputies in a given committee.²⁴⁶ State Duma, by a majority of votes of the total number of deputies, elect the chairmen, their first deputies on the proposal of the factions. Voting can take place on a single list of candidates. The decision on the election is made out by the decision of the Chamber.²⁴⁷

The 1993 Constitution ranks the State Duma among those having the right to initiate legislation. According to Article 104 of the Constitution, the deputies of the State Duma, alongside the other political actors mentioned, can submit a proposal. In an attempt to carry out its legislative function, the Duma has developed a system of

²⁴³ Article 101 of the Constitution of the Russian Federation.

²⁴⁴ Haspel, Moshe. "Committees in the Russian State Duma: Continuity and Change in Comparative Perspective." p. 192.

²⁴⁵ Arter, David. "Introduction: Comparing the Legislative Performance of Legislatures." *The Journal of Legislative Studies*. vol. 12. no. 3-4, September-December 2006. p. 248.

²⁴⁶ Chapter 4 (Article 21) of the Regulations of the State Duma.

²⁴⁷ Chapter 4 (Article 22) of the Regulations of the State Duma.

strong and sophisticated committees having both the legislative and organizational functions.²⁴⁸

As for the functions of the committees, to prepare legislation for the plenary session, to organize parliamentary hearings held by the State Duma, to conduct oversight on the realization of legislation, to provide conclusion and proposal on the relevant sections of the federal budget are main ones that deserve mention.²⁴⁹

Before submitting the legislation to the floor of the Duma for a first reading, as the substructures, standing committees deliberate and consider it. Amendments are first made in the committees and then included in the second reading of a bill. Thus, committees play an important role in the first phases of the policy process. In addition to that committee members hold the power to decide whether a bill will occupy the agenda of the parliamentary session. Considered in this way, when the deputies hope to gain something by postponing debates, the committee system grants them to defer debates on legislation they disagree.²⁵⁰

In March 2017, the State Duma unanimously made amendments on the regulation which was generated by a working group on December 2016. Accordingly, the amendments bring about regular reporting on the work of specialized committees, which must be sent to the Duma Council, and changes in the procedure for making amendments to the civil code and the code on administrative violations. By so doing, each change or addition would be submitted as a separate bill. It also precludes the bills from remaining idle in the State Duma Archive. Moreover, the State Duma grants the specialized State Duma committees to give the bills back to their initiators if they do not fulfill the conditions stipulated in Article

²⁴⁸ Shevchenko, Iulia and Grigorii V. Golosov. "Legislative Activism of Russian State Duma Deputies, 1996-1999." *Europe-Asia Studies*. vol. 53. no. 2, March 2001. p. 241.

²⁴⁹ Haspel, Moshe. "Committees in the Russian State Duma: Continuity and Change in Comparative Perspective." p. 196.

²⁵⁰ Troxel, Tiffany A. Parliamentary Power in Russia, 1994-2001: President vs. Parliament. p. 59.

104 of the Constitution. The committees should submit the controversial bills for discussion to the Duma Council if they do not exhibit a particular attitude.²⁵¹

In sum, the State Duma parties are supposed to scrutinize the legislative initiatives of their deputies beforehand. Likewise, before the submission of all bills to the State Duma, legislative assemblies of the regions are supposed to put in their regulations a norm on preliminary submission procedure to the Council of Legislators.²⁵² By and large, it means the subversion of the customary practice of passing bills without observing pauses between readings and holding a detailed debate, and the practice of public parliamentary hearings was launched.²⁵³

Supervisory Power of the State Duma: Although the political control over the bureaucracy is an ancient concept in that the Soviet state created several structures to oversee the state bureaucracy's compliance with policy-maker's aims.²⁵⁴ As a parliamentary oversight (*kontrol*), the Russian terms of *kontrol* is not an old concept in Russia. Its origins only date back to the late Soviet era.²⁵⁵

In reality, the State Duma has no control over the executive. In such a case, the executive performs its tasks without any constraint. Moreover, the State Duma is solely a law-making body and has neither power nor the influence to supervise the implementation of the laws passed by the parliament.²⁵⁶

²⁵¹ Kynev, Alexander V. "State Duma of the Russian Federation of the 7th Convocation: Between "Sleeping Potential" and Party Discipline." *Russian Politics and Law*. vol. 55. no. 3, 2017. pp. 236-237.

²⁵² An advisory body formed under the Federation Council, which includes speakers of all regional parliaments.

²⁵³ Kynev, Alexander V. "State Duma of the Russian Federation of the 7th Convocation: Between "Sleeping Potential" and Party Discipline." *Russian Politics and Law*. vol. 55. no. 3, 2017. pp. 236-237.

²⁵⁴ Remington, Thomas F. "Separation of Powers and Legislative Oversight in Russia." Legislative Oversight and Budgeting: A World Perspective. Eds. Rick Staphenurst, Riccardo Pelizzo, David M. Olson, and Lisa von Trapp. Washington, DC: The World Bank, 2008. p. 174.

²⁵⁵ Whitmore, Sarah. "Parliamentary Oversight in Putin's Neo-patrimonial State: Watchdogs or "s?" *Europe-Asia Studies*. vol. 62. no. 6, August 2010. p. 1007.

²⁵⁶ Yadav, Ankur. "History of Parliamentarism in Russia." *International Research Journal of Management Sociology & Humanity (IRJMSH)*. vol. 7. issue. 4, 2016. p. 23.

Although both of the chambers can create committees and commissions, hold parliamentary hearings on issues under their jurisdictions, parliamentary oversight activities relatively take place in the State Duma.²⁵⁷ There are some mechanisms such as parliamentary hearings, interpellations, investigations, and “government hour” when the government ministers submit reports before the State Duma and reply to questions even if the 1993 Constitution does not denote any direct reference to a right of legislative oversight over the executive.²⁵⁸

The State Duma adopted a number of oversight mechanisms in the forms of law and internal regulations throughout the 1990s. Furthermore, the degree of regulations increases thanks to the amendments made to these formal rules. Also, these amendments boosted the mechanisms from individual deputies and committees to the Council of Duma or higher at once. Increasing regulation on the legislative oversight appeared in the forms of four areas: the Government Hour, hearings, the anti-corruption commission, and parliamentary investigation.²⁵⁹

Firstly, the Government Hour was the weekly mechanism for questioning members of the government.²⁶⁰ During the Government Hour, the Federal Assembly can invite, although not to require, ministers to reply questions before the State Duma. In this sense, Duma committees hold approximately 100 hearings each year. This procedure gives committee chairs and members the chance to make visible the burning issues, put pressure on the executive branch, and attract press attention to the legislative agenda.²⁶¹ However, the parliamentary standing orders were amended to increase the session’s duration to two and a half hours each week and to envisage advance planning in order to the matters in question and the officials to be called

²⁵⁷ Şen, İlker Gökhan. *Rusya Federasyonu Siyasal Sistemi*. p. 117.

²⁵⁸ Remington, Thomas F. “Separation of Powers and Legislative Oversight in Russia.” p. 173.

²⁵⁹ Whitmore, Sarah. “Parliamentary Oversight in Putin’s Neo-patrimonial State: Watchdogs or Show-dogs?” p. 1009.

²⁶⁰ Ibid.

²⁶¹ Remington, Thomas F. “Separation of Powers and Legislative Oversight in Russia.” pp. 173-174.

would be predetermined for the entire session. Thus, this change decreased the capacity of the Duma to make a stride for the burning issues of the day.²⁶²

In the same vein, the regulation (132- IV, 20 February 2004) vitiated the efficiency of the hearings. While any issue agreed by the committee could be subject of the hearings until 2004, the resolution mentioned placed a restriction on the topics. Moreover, the same resolution restricted the committees' autonomy to hold hearings. Also, it laid down the consent of the Council of the Duma as a condition to hold hearings. In this way, the amendment increased the control of the Council of the Duma, namely the United Russia leadership, over the operation of committees.²⁶³

As for the anti-corruption commission as an oversight mechanism, one can say that they were very active in conducting investigations and generating reports into corruption, especially in the 3rd (2000-2003) convocation. The fact of the matter was that Putin supported the commission in order to sack two ministries. In general terms, there was no robust legal basis of the constitutional right to form investigation committees and commissions until 2005. The 2005 law on parliamentary investigation for the first time vested the right to carry out investigations in the Federal Assembly. It also brought about a requirement of a high procedural threshold to initiate the investigation process. Both of the chambers can only and jointly conduct the investigation. To initiate an investigation, both of the chambers needed to approve it by a majority vote. Also, in the case of opening an investigation by the law-enforcement agencies on a given issue, the Federal Assembly would terminate the process.²⁶⁴

Members of the Federal Assembly can pose interpellations (*zaprośy*) to the government in an attempt to contact government officials directly during question hour. Like other legislative powers, the members resort to these powers for corrupt purposes. In some cases, the State Duma considers interpellations to prove its role as

²⁶² Whitmore, Sarah. "Parliamentary Oversight in Putin's Neo-patrimonial State: Watchdogs or Show-dogs?" p. 1009.

²⁶³ Ibid.

²⁶⁴ Ibid.

the advocate of public interest. For instance, the Chamber unanimously passed a motion warranting for interpellation to Procurator- General Ustinov, demanding that he examined into press reports of corruption in the Interior Ministry. Here, Remington states that the visible contribution of these powers is a remarkable increase in the flow of information from the executive to the legislative power and greater pressure on the executive power to combat the corruption and inefficiency than existed in the Soviet era.²⁶⁵

Considered in these ways, we can argue that parliamentary oversight mechanisms are not sufficient to check abuses in the executive or hold the executive accountable to the legislative. They are efficient instruments as long as the executive is willing to act in response to parliamentary pressure.²⁶⁶

3.2.2.2. The Council of Federation

While the 1993 Constitution confers vital powers on the Council of Federation (hereinafter referred to as *the Council* under this title), it placed the Council a more reactionary status. In terms of legislative process, it has been more influential in blocking legislation instead of creating it.²⁶⁷

The Council works on a non-partisan principle. In other words, members of the Council can not form factions and partisan alliances.²⁶⁸ Thus, the lack of party affiliation enables the members to look after their personal and regional interests.²⁶⁹ For the very reason, Chaisty quoted from Mndoyants and Sakharov, said that the Council could earn a reputation for being an independent “third force” in Russian

²⁶⁵ Remington, Thomas F. “Separation of Powers and Legislative Oversight in Russia.” pp. 175.

²⁶⁶ Ibid.

²⁶⁷ Chaisty, Paul. Legislative Politics and Economic Power in Russia. p. 103.

²⁶⁸ Article 1 of the Federal Law No. 229-FZ of 3 December 2012 “On the Procedure for the Formation of the Federation Council of the Federal Assembly of the Russian Federation.” Federation Council of the Federal Assembly of the Russian Federation at http://council.gov.ru/en/structure/council/order_law/ (Date of Access 04.06.2019).

²⁶⁹ Clark, Terry D. “Voting Patterns in the Russian Council of the Federation.” *Journal of Communist Studies and Transition Politics*. vol. 11. no. 4, 1995. p. 381.

politics especially during its second convocation (1996-2000). The priority of regional interests in the Council, coupled with important constitutional veto power, put the Council a remarkable place in Russian legislative politics.²⁷⁰

Unlike the State Duma, members of the Council of Federation are not popularly elected. Instead, there are two representatives from each constituent entity of the Russian Federation: one from the legislative (representative) body of the state authorities and one from the executive body of the state authorities of the constituent entity of the Russian Federation.²⁷¹ Accordingly, there are 170 members in total, consisting of two members from each of the 85 constituents.²⁷² Due to its formation, one can consider the Chamber as an appendage of the “Soviet of Nationalities” in the Soviet legislatures.²⁷³

The formation of parliament has shown significant changes over time. The first members of the Council were elected by a direct popular vote in 1993.²⁷⁴ However, that time on, the Council has moved further away from the principle of direct election.²⁷⁵ The Federal Law in 1995 stipulated that the heads of the regional legislature and executive authority, ex officio were also representatives of a given constituent in the Council of the Federation.²⁷⁶ Considering that the Council of the Federation worked on a permanent basis, it was a disruptive provision in that members also had to carry out their duties in their constituents. Also, the Law stayed silent on the durations of the members in the Chamber.²⁷⁷ By the Law numbered FZ-

²⁷⁰ Chaisty, Paul. *Legislative Politics and Economic Power in Russia*. p. 105.

²⁷¹ Article 95 of the Constitution of the Russian Federation.

²⁷² Article 65 of the Constitution of the Russian Federation.

²⁷³ Şen, İlker Gökhan. *Rusya Federasyonu Siyasal Sistemi*. p. 89.

²⁷⁴ Remington, Thomas F. *Politics in Russia*. p. 70.

²⁷⁵ Chaisty, Paul. *Legislative Politics and Economic Power in Russia*. p. 104.

²⁷⁶ <http://council.gov.ru/en/structure/council/>

²⁷⁷ Abdullayev, Natig, *Demokratikleşme Sorunsalı Çerçevesinde Rusya'da Hükümet Şekli Üzerine*. p. 117

113 in 2000, the practice of granting automatically the status of membership to the heads of the constituent entity was over. In fact, the change in 2000 was a part of a package of reforms intended to strengthen the power of the central government vis-à-vis the constituent entities. Under the new procedure, even when the legislation directly went against the interests of the region, the Chamber members have consistently cast an affirmative vote for every bill proposed by the president and the government.²⁷⁸ According to the current Federal Law numbered 229-FZ “On the Composition of the Federal Council of the Federal Assembly of the Russian Federation” there are two different election procedures. Accordingly, the chairman of the regional legislative assembly, party faction represented in the assembly or a party group of deputies numbering at least one-fifth of the assembly members can nominate candidates. Then, the regional legislative assembly votes for one of the nominated candidates. As for the second type of delegate of the Upper House, the Governor of that constituent entity appoints the regional executive authority representative. The delegate is selected from among three people named by the candidates for office of Governor.²⁷⁹

As for the steering body of the Council, the Council of the Chamber, consisting of the Speaker, deputy speakers, and chairs of the Council’s committees and commissions, conducts the affairs of the Chamber.²⁸⁰ The Council created this body, similar to the Presidium of the Supreme Soviet, which determined the agenda and conducted the affairs of the Chamber in 1999. In the absence of political parties, the body serves the purpose of aggregating the preferences of deputies.²⁸¹

In comparison to the State Duma, it seems like the Council enjoys modest legislative powers.²⁸² In fact, the 1993 Constitution vests some reserved powers into

²⁷⁸ Remington, Thomas F. Politics in Russia. p. 71.

²⁷⁹ <http://www.loc.gov/law/foreign-news/article/russia-new-procedure-to-form-the-parliaments-upper-chamber/> (Date of Access: 05.06.2019)

²⁸⁰ Chapter 3 (Article 21-22) of the Rules of Procedure of the Federal Council.

²⁸¹ Chaisty, Paul. Legislative Politics and Economic Power in Russia. p. 110.

²⁸² Troxel, Tiffany A. Parliamentary Power in Russia, 1994-2001: President vs. Parliament. p. 75.

the Council by stipulating compulsory examination in several vital areas such as the federal budget, federal taxes and levies, financial, currency, credit and custom regulation and money emission; ratification and denunciation of international treaties, the status and protection of the State border and war and peace issues.²⁸³

As for the rights and duties of the Council of the Federation²⁸⁴:

- a) approval of border changes between constituent entities of the Federation;
- b) approval of the presidential edicts as to the martial law;
- c) approval of the presidential edicts as to the state of emergency;
- d) deciding on the use the Armed Forces outside the territory of Federation;
- e) declaration of elections of the President of the Russian Federation;
- f) impeachment of the President;
- g) appointment of judges of the Constitutional Court of the Russian Federation, of the Supreme Court of the Russian Federation.

3.2.2.3. Law-Making Process

The President, the Council of the Federation and its members, the deputies of the State Duma, the Government, and the representative bodies of the subjects of the Federation have the right to initiate legislation process. Also, the higher judicial bodies as the Constitution Court, the Supreme Court, and the Higher Arbitration Court can introduce draft laws within their sphere of activity. On the other hand, bills that relate to taxation, state loans, or whose adoption would bring about financial obligations on the federal budgets may only be submitted upon the approval of the Government.²⁸⁵

In the all stages in the Duma, the Council of the Duma directs the legislative process by assigning bills to committee, schedules them for each step of the process,

²⁸³ Article 106 of the Constitution of the Russian Federation; Remington, Thomas F. "Majorities without Mandates: The Russian Federation Council since 2000." *Europe-Asia Studies*. vol. 55. no 5, July 2003. p. 669.

²⁸⁴ Article 102 of the Constitution of the Russian Federation.

²⁸⁵ Article 104 of the Constitution of the Russian Federation.

and decides on the composition of the agreement commission and special commissions formed to resolve differences with the Council of the Federation and the President in case of a veto.²⁸⁶

Following the receipt of the draft law, the Chairman of the State Duma sends it to the relevant committee for the initial review. After initial review, the Council of the Duma appoints a committee or several committees responsible for working on the draft. Then, the committee begins working on the draft.²⁸⁷

To become a law, a bill passes through five distinct stages. At the outset, the State Duma must approve the draft legislation at three separate readings.²⁸⁸ The first reading aims at setting forth the main outlines of the draft legislation. It is just like a tendency survey for the bill. Also, if more than one version of piece of legislation is submitted, the Duma decides which is to be taken as the basis for proceedings in the first reading.²⁸⁹ Here, it is possible to state that the rule-makers of the Regulations of the State Duma restricted the discretion of the standing committees as in other issues of the legislation process. It is beyond the authority of the committee to suppress an alternative draft that it does not favor. It means that the committee must allow the floor to determine which to adopt.²⁹⁰

The Chair of the Duma committee introduced the draft law with the comments and the proposed amendments at the second reading. If there are no objections, these amendments are accepted, or otherwise put to the vote.²⁹¹ At the second reading, the Duma discusses the draft law in detail, namely article by article, with the possibility to propose any amendments. Then, the draft law is approved or

²⁸⁶ Remington, Thomas F. The Russian Parliament: Institutional Evolution in a Transitional Regime, 1989-1999. p. 199.

²⁸⁷ <http://duma.gov.ru/en/news/28319/>

²⁸⁸ White, Stephen. Understanding Russian Politics. p. 66.

²⁸⁹ Remington, Thomas F. The Russian Parliament: Institutional Evolution in a Transitional Regime, 1989-1999. pp. 199,202.

²⁹⁰ Ibid. p. 202.

²⁹¹ White, Stephen. Understanding Russian Politics. p. 66.

rejected. In the case of approval, it goes to a third reading at which a final decision is made. At this stage, any amendments or objections to the legislation cannot be considered.²⁹² Only editorial clarifications to the draft law are possible at the third reading.²⁹³ The State Duma must approve the draft by a majority of votes of the total number of the deputies.²⁹⁴ Within five days after the approval by the Duma, it is submitted to the Federation Council. The Upper Chamber may adopt or reject the draft legislation, but may not amend it.²⁹⁵ If over a half of the total number of the members has voted for it or if the Council does not consider it in fourteen days, federal law is considered to be approved by the Chamber.²⁹⁶ In the case of disagreement between the two chambers, they may form a conciliatory commission in order to circumvent the contradiction. In such a case, the law may send back to the Duma for further consideration. If two thirds of the total number of the deputies approve it, the Duma can override the objections of the Federation Council.²⁹⁷ Finally, a law that fulfills these procedures is submitted to the President for signing. The President has fourteen days to make the law public.²⁹⁸

In an attempt to ensure the participation of the constituent entities in the legislative process in areas of joint jurisdiction of the Federation and its constituent entities, the Federal Law numbered 95-FZ introduced some important changes in 2003. The Lower Chamber must send draft laws in this area to the subjects. In this point, the constituent entities can suggest proposals which must be considered by the relevant committee of the State Duma. In the case of one-third of the constituent entities make objections to the proposed draft law, the Lower Chamber must

²⁹² <http://duma.gov.ru/en/news/28319/>

²⁹³ Ibid.

²⁹⁴ Article 105 of the Constitution of the Russian Federation.

²⁹⁵ White, Stephen. Understanding Russian Politics. p. 66.

²⁹⁶ Article 105 of the Constitution of the Russian Federation.

²⁹⁷ Ibid.

²⁹⁸ Article 107 of the Constitution of the Russian Federation.

establish a conciliation commission to resolve the differences. But, the change introduced by the Law is not efficient since the governor of the constituent member has the right to veto objections by a subject's legislative body. Given the existing dominance of the United Russia in the Parliament, it can adopt only law which the President deems suitable and the governors abstain from approving objections to such laws.²⁹⁹

On 7 November 2016, the United Russia Party adopted a statute on the forming a Coordinating Council on the legislative activity in an attempt to decrease the quantity of "legislative trash." The Council aims at increasing the quality of draft laws submitted to the Duma. According to new rules, before putting forward a legislative initiative, party deputies must first send their proposals to the Chairman of the Coordinating Council. Then, the Council takes up its position on whether to support the initiative, send it on for elaboration, or not support it. Elucidating the point of this attitude, Andrei Isaev, the first deputy head of the party who then became the Chairman of the Coordinating Council, stated³⁰⁰

We cannot forbid deputies to put forward initiatives, bypassing councils . . . Councils are created to ensure that legislative initiatives are of high quality, so that a situation does not arise when they do not receive the necessary resolution of the government, and when many corrections arise. A deputy in any case has the right to put forward an initiative, even if it is not supported by the Council, but is there any point in putting forward an initiative that the party will not vote for?

To sum up briefly, the rule-makers of the Russian Constitution desire to have an elaborated legislative process by stipulating three reading stages. But, in practice, the predetermined and decisive meetings take place even before the draft legislation is submitted to the Duma. The leader of the United Russia Faction-and sometimes other faction leaders, committee chairs and- the federal administration huddle at

²⁹⁹ Maggs, Peter B., Olga Schwartz and William Burnham. Law and Legal System of the Russian Federation. Juris Publishing, Inc: New York, 2015. p. 273.

³⁰⁰ Kynev, Alexander V. "State Duma of the Russian Federation of the 7th Convocation: Between "Sleeping Potential" and Party Discipline. pp. 235-236.

“zero readings” meetings. If the executive power desires to do so, all three readings of a bill may take place on the same day. Thus, it becomes impossible to scrutinize the draft.³⁰¹

³⁰¹ White, Stephen. Understanding Russian Politics. p. 68.

Table 4: Information On The Subjects Of The Right Of Legislative Initiative On The Passage Of Bills And Laws³⁰²

Nu.	<i>Subject of the right of legislative initiative</i>	I	II	III	IV	V	VI	VII	VIII	IX	X	XI
1	President	111	86	18	0	2	4	0	0	0	6	6
2	Council of the Federation	2	1	0	0	0	0	0	0	0	0	0
3	Federation Council Members	453	240	185	4	0	0	0	0	1	3	181
4	Deputies of the State Duma	1909	725	742	38	0	0	1	0	1	12	728
5	Government	825	596	275	3	0	0	0	0	1	11	263
6	Legis. (Repre.) bodies of the subjects	856	401	203	11	0	0	0	0	0	4	199
7	Constitutional Court	0	0	0	0	0	0	0	0	0	0	0
8	Supreme Court	11	5	20	5	0	0	0	0	0	2	18
9	Supreme Arbitration Court	1	0	0	0	0	0	0	0	0	0	0

I. Bills and laws, on which work is completed

(bills withdrawn initiator returned, removed from consideration or rejected by the State Duma, the law, signed by the President of the Russian Federation or removed from consideration after their rejection by the Federation Council or the President of the Russian Federation)

Including:

II. Bills introduced in the current convocation, work on which is completed

III. Bills and laws, work on which is not completed

Including:

³⁰² Legislative Support System at <https://sozd.duma.gov.ru/stat/spzigid>. (Date of Access 25.05.2019).

- IV. Bills submitted to the State Duma and not considered by the Council of the State Duma within 30 days from the date of the last meeting of the Council of the State Duma (without taking into account the working hours of deputies in the constituencies)
- V. Bills submitted to the State Duma of the first convocation (1994-1995), work on which is not completed
- VI. Bills submitted to the State Duma of the second convocation (1996-1999), work on which has not been completed
- VII. Bills submitted to the State Duma of the third convocation (2000-2003), work on which is not completed
- VIII. Bills submitted to the State Duma of the fourth convocation (2004-2007), work on which is not completed
- IX. Bills submitted to the State Duma of the fifth convocation (2008-2011), work on which is not completed
- X. Bills submitted to the State Duma of the sixth convocation (2011-2016), work on which is not completed
- XI. Bills submitted to the current State Duma, work on which is not completed

Note: The number of legislative acts for each subject of the right of legislative initiative includes also bills introduced together with other subjects of the right of legislative initiative.

3.2.3. The Government

The Government consists of the Chairman of the Government (the Prime Minister) and his/her Deputy Chairman and federal ministers.³⁰³ The President appoints the Prime Minister with the consent of the State Duma.³⁰⁴

It is the core point that presidents are not an agent of the parliament since the people directly elect them in semi-presidential systems. For that reason, they are the main actors in negotiations over government formation insofar as presidents can select, remove, or keep office members of the government formation. By so doing, both president and parliament are agents of the electorate, and they negotiate to gain influence over the government. More importantly, the government turns into an agent of president and parliament.³⁰⁵

Here, one must emphasize the semi-presidential experience of Russia by examining the formation of the government. Unlike in France, Russia's government is not formed from a party majority in the parliament in Russia's semi-presidential system. Instead, by paying regard to the balance between competing interests, the President appoints the government based on calculations about the relative power of several bureaucratic and personal factions. Thus, the weakness of institutional authority is balanced by the strength of the president. For instance, as president, Putin reaps the benefits of extensive informal powers such as gaining absolute control over the security bodies, the mass media, to a number of appointed consultative bodies. Furthermore, he does not deem necessary to abide by the formal structures of the Constitution.³⁰⁶

As for the authorities, the Government must prepare and submit to the State Duma a federal budget and the report on the implementation of the federal budget;

³⁰³ Article 110 of the Constitution of the Russian Federation.

³⁰⁴ Article 111 of the Constitution of the Russian Federation.

³⁰⁵ Gönenç, Levent. Prospect for Constitutionalism in Post-Communist Countries, p. 224.

³⁰⁶ Remington, Thomas F. Politics in Russia, pp. 62-63.

ensure the implementation of a single fiscal credit and monetary policy, manages the federal property, ensure the implementation of a single culture, science, education, health, social security and ecology; take measures to secure the defense of the country; implementation of the foreign policy; ensure the rule of law, human rights and freedom and public order; and carry out other powers vested in it by the Constitution, the federal laws and decrees of the President.³⁰⁷

The dual executive structure of semi-presidentialism brings about the risk of intra-executive conflicts between the president and the prime minister. But the nature and the extent of the cabinet's support in parliament, as well as the degree of presidential control over the cabinet, impinge upon the intra-executive relations in semi-presidential systems. As for Russia, given the inherent features of the president-parliamentary system, the frequency of intra-executive conflict has generally been quite low. The president holds sway over prime minister appointment and dismissal and cabinet's work as well. Under these circumstances, the president's dominance reduces the likelihood of cabinets challenging the president.³⁰⁸

In dual authority structures, presidents and prime ministers must determine their sphere of influences. For instance, in France, in the event of cohabitation, the President acts acutely within the own constitutional sphere by leaving the domestic political issues to the prime minister. As for Russia, the risk of cohabitation that is embedded in the semi-presidential system is out of question. The President decreases the accountability of the Prime Minister to the State Duma while s/he increases the responsibility of the Prime Minister to himself/herself. By doing so, the Prime Minister becomes a political actor at the disposal of the President. Considered in this way, it vitiates the dual authority structure in the semi-presidential system.³⁰⁹ Besides, in creating the government, the President doesn't have to consider the

³⁰⁷ Article 114 of the Constitution of the Russian Federation.

³⁰⁸ Ibid. p. 521.

³⁰⁹ Huskey, Eugene. Presidential Power in Russia. New York: M.E.Sharpe, Inc, 1999. p. 99, quoted in Şen, İlker Gökhan. Rusya Federasyonu Siyasal Sistemi. p. 165.

political tendencies in the Duma. Thus, s/he appoints the people who closely tied to his/her authority.³¹⁰

When it comes to constitutional arrangements, one can say that there is no robust power-sharing in Russia. In this sense, the President has the right to cancel the decisions and orders taken by the Government if they are inconsistent with the Constitution, federal laws and presidential decrees.³¹¹ Indeed, governmental orders had subjected to the control of the President even until 1998.³¹² Then, President Yeltsin terminated this practice in May 1998.³¹³

³¹⁰ Şen, İlker Gökhan. Rusya Federasyonu Siyasal Sistemi. pp. 165-166.

³¹¹ Article 115 of the Constitution of the Russian Federation.

³¹² Huskey, Eugene. Presidential Power in Russia. New York: M.E.Sharpe, Inc, 1999. p. 99, quoted in Şen, İlker Gökhan. Rusya Federasyonu Siyasal Sistemi. p. 166.

³¹³ Jensen, Donald N. "How Russia is Ruled-1998." http://demokratizatsiya.pub/archives/07-3_jensen.pdf. (Date of Access: 06.06.2019)

CHAPTER 4

THE RELATIONSHIP AMONG THE CONSTITUTIONAL BODIES

4.1. The President and the Federal Assembly

In a state, the constitutional system devises the main power relations between the branches of power, including the legislative-executive relationships.³¹⁴ Even so, considering only legal arrangements would be incomplete in explaining the determinants of the legislative-executive relationships as a whole. For that reason, I will scrutinize both of the written rules and their operations in practice in this chapter.

In the aftermath of the Soviet rule, one cannot label the executive-legislative relations in Russia as steadily belligerent or solely amicable with the institutional dynamics. Here, Moser underlines three major points in defining the executive-legislative relations for the Yeltsin era and the early years of Putin's period. Firstly, the vagueness and the tug of war over the legal jurisdictions of the executive and legislative powers caused a constitutional crisis and systematic breakdown. In other words, it was not a matter of the distribution of power. The constitutional crisis between President Yeltsin and the State Duma is case in point here. The ideological fragmentation between them had triggered such a constitutional crisis in that period. Russia in return adopted more clearly delineated constitutional arrangements for the Second Russian Republic so as not to suffer from the crisis again. Moser shows the evidence of the constitutional robustness of the 1993 Constitution compared to the period before in that President Yeltsin and the State Duma settled over five different

³¹⁴ Hafner, Danika Fink. "Interest Representation and Post-Communist Parliaments over Two Decades." *The Journal of Legislative Studies*. vol. 17. no. 2, 2011. p. 217.

prime ministers since the introduction of the new constitution without resorting to the dismissal of parliament and the announcement of new elections.³¹⁵

Secondly, the executive-legislative relations were neither pure compromise nor confrontation. For instance, the irreclaimable opposition did not object to the Yeltsin's policies at the budget process and the composition of governments. Likewise, Yeltsin did not always adopt a hostile political discourse against the majority of the parliament. Instead, Yeltsin received the support of the nebulous centrist coalition of pro-government factions, certain opposition factions such as the Agrarians and LDPR, and single-member district deputies. Moser states: "*This coalition has been passed more on pork barrel politics than on ideology.*"³¹⁶

Last but not least, Yeltsin's marginalization in late 1998, without an amendment in the Constitution, indicated that there were exogenous constraints on his power. Otherwise, Yeltsin could have enjoyed broad authority like decree-making powers. Indeed, the introduction of a super-presidential system grants the executive with such colossal powers that Yeltsin can disregard the parliament completely.³¹⁷

An increase in executive power at the expense of parliamentary power is a frequent phenomenon in the post-communist countries. Holmes stated that the universal problem of the post-communism is the crisis of government generated by the derogation of state capacity. In the process of reconstruction of state capacity, a lack of respect for constitutional norms which is short of engaging social dynamics may have to be tolerated. In addition that presidents may play a vital role in ensuring democratic change and political peace if a parliament, just like in mostly post-communist states, falls short of representing people and parliamentary parties are weak or parliament has restricted oversight capacity over the government.³¹⁸

³¹⁵ Moser, Robert G. "Executive-Legislative Relations in Russia, 1991-1999." p. 75.

³¹⁶ Ibid.

³¹⁷ Ibid. pp. 75-76.

³¹⁸ Holmes, Stephen. "The Postcommunist Presidency." *East European Constitutional Review*. vol. 2/3. no. 4/1, 1994. p. 37.

For the sake of assuming presidential power, both Yeltsin and Putin consistently formed and repealed new structures on ad hoc basis at their disposals. For example, Putin formed the State Council consisting of the heads of regional governments in 2000. Considered in this way, the Council is similar to the Federation Council.³¹⁹ In a similar vein, Putin formed the Public Chamber in 2005. Both of them replicated some of the deliberative and representative functions of the assembly and hence dampen the parliament's role. Through the Public Chamber, the State tries to canalize a wide array of NGOs into federal politics. The truth of the matter is that it can expand the rights of those which are amenable to the presidential rule while it restricts the powers of some civil society organizations.³²⁰ Also, they serve the purpose of having a counterweight to the constitutional authority like parliament. They desire to have a dominant president at the center of politics at the expense of other formal institutions.³²¹

As a critical feature of the semi-presidential constitution, the President enjoys an independent and popular mandate as s/he can survive without the parliament's support. For that reason, the President is more likely to draw on constitutional powers such as veto, decree, and emergency powers. In the case of absence of limitations on powers, the President may follow their policies without considering the legislature and the government, as well.³²² By virtue of the constitutional privileges and the actual power of the President, it results in a weakened parliament. Having such an impotent parliamentary power which lacks the adequate balancing mechanisms brings into question of *delegative democracy* for the Russian case.³²³ Although a delegative democracy can satisfy the basic conditions of democracy, it

³¹⁹ Remington, Thomas F. Politics in Russia, p. 63.

³²⁰ Ibid. pp. 170-171.

³²¹ Ibid. pp. 63-64.

³²² Skach, Cindy. "The "Newest" Separation of Powers: Semipresidentialism." *International Journal of Constitutional Law*. vol. 5. no. 1, January 2007. p. 97.

³²³ O'Donnell, Guillermo. "Horizontal Accountability in New Democracies." *Journal of Democracy*. vol. 9. no. 3, 1998. pp. 112-126.

would fall short of reaching a representative democracy. In Russia, the popularly-elected President uses his democratic legitimacy to justify authority.³²⁴ In other words, this type of democracies based on the promise that whoever wins the presidential elections can thereby entitle to command as s/he deems suitable, restrained solely by the actual power relations and by a constitutionally limited term of office.³²⁵ According to O'Donnell, the term of *delegative democracy* is not unfamiliar to the democratic tradition. In fact, it is more democratic, yet less liberal, than representative democracy.³²⁶

In delegative democracies, the winning president does not regard himself as part of equal actors of legislative-executive relations. Rather, he places himself above both political parties and organized interests.³²⁷ The presidential candidates do not need to identify with a political party or with an ideology.³²⁸ Having no political party affiliations, Yeltsin and Putin had managed to rule by merging the status of the presidency and executive power. One must bear in mind that this situation results from the fusing of two different legitimate statuses as the presidency and the executive power. In such a case, the President may preponderate over the legislative and judicial powers on the grounds of having additional legitimacy. Indeed, the 1993 Constitution grants such important powers to the President that stretches the bounds of his constitutional authority on the strength of additional legitimacy. In this sense, for instance, Part 2 of Article 80 and Article 85 of the Constitution must be assessed within the context of the points mentioned. While the former article stipulates that

³²⁴ Kubicek, Paul. "Delegative Democracy in Russia and Ukraine." *Communist and Post-Communist Studies*. vol. 27. no. 4, 1994. pp 423- 424.

³²⁵ O'Donnell, Guillermo. "Delegative Democracy." *Journal of Democracy*. vol. 5. no. 1, January 1994. p. 59.

³²⁶ O'Donnell, Guillermo. "Delegative Democracy?" Kellogg Institute. p. 6.

³²⁷ O'Donnell, Guillermo. "Delegative Democracy." *Journal of Democracy*. vol. 5. no. 1, January 1994. p. 60.

³²⁸ Linz, Juan J. "Presidential or Parliamentary Democracy: Does It Make A Difference?" The Failure of Presidential Democracy. Eds. Juan J. Linz and Arturo Valenzuela. Baltimore and London: The John Hopkins University Press, 1994. pp. 10-11.

the President shall be the guarantor of the Constitution of the Russian Federation, of the rights and freedoms of man and citizen, the latter one proposes that the President may use conciliatory procedures to solve disputes between the state bodies.³²⁹ Under these circumstances, Yeltsin did not identify himself even with the major parties with which he had shared ideologies. Furthermore, such a president would identify himself as a cementing force amid typically divided views that might express themselves in an unsteady legislature. The president is more unlikely to recognize the judiciaries and legislatures, regarding them as impediments to his power.³³⁰

Besides, some considerable legislative powers on the President enable him to act both proactively and reactively in relation to existing legislation. The President can issue legislative decrees which are binding across the country. Thus, s/he can try to change the status quo proactively by introducing legislation. In addition to that, both of the chambers must vote with two-thirds majorities for a vetoed law to overturn. This reactive power of the President also places the President in a potentially dominant position.³³¹

From a different perspective, Ostrow puts the blame on the State Duma in that it is not a well-functioning parliamentary chamber. Suffered from the absence of links between parliamentary committees and political factions in the Duma's institutional design, Ostrow argues that these legislative institutions become conflict-prone entities instead of being conflict-regulators.³³² The lack of links between committees and factions render the legislature convulsed by a stalemate in its internal legislative activities.³³³ In the same vein, given the fragmented party system and

³²⁹ Şen, İlker Gökhan. *Rusya Federasyonu Siyasal Sistemi*. p. 149.

³³⁰ Rainone, Zebulon T. "Democracy Stalled: Evaluating the Russian Federation Today." *East European Quarterly*. vol. XXXII. no. 2, June 1998. pp. 276-277.

³³¹ Chaisty, Paul. "The Legislative Effects of Presidential Partisan Powers in Post-Communist Russia." *Government and Opposition*. vol. 43. no. 3, 2008. pp. 432-433.

³³² Ostrow, Joel M. "Procedural Breakdown and Deadlock in the Russian State Duma: The Problems of An Unlinked Dual-Channel Institutional Design." *Europe-Asia Studies*. vol. 50. no. 5, 1998. p. 794.

³³³ *Ibid.* p. 795.

absence of coordination between committee and parties of the Duma, Chaisty and Schleiter state that it remained incapable to handle effectively the burning issues of the day because of its inefficient internal organization, which needs immediate action.³³⁴

On the other hand, it would be unfair to call the legislative branch an inefficient body entirely. Ostrow argues that the State Duma has managed to have a say in legislative-executive relations. Although the Constitution vested in extensive powers to the President, the executive had still an interest in cooperating with the assembly to enact important legislation. Indeed, contrary to these views of those who thought that the Constitution downgrades the parliament to a trivial status, the State Duma could be a part of relations in real terms. Especially in the period of 1994-2001, the volume of important laws passed by the State Duma proved this assumption.³³⁵ In contrast to the common view, the legislative track record of the early Yeltsin presidency demonstrated that Yeltsin and the opposition-led parliament were not consistently in hostile attitudes towards each other and the President did not always resort to decree-making power. Notwithstanding that Yeltsin made extensively use of this power both before and after the 1993 Constitution,³³⁶ Yeltsin and deputies negotiated over a large number of important laws and enacted through the parliamentary procedures adopted in the 1993 Constitution. The presidential decree making power stayed in the background and encouraged deputies' incentive to negotiate with the President even when laws were enacted. This record shows us that inter-branch agreement on legislation was also a phenomenon more than intimidation in executive-legislative relations.³³⁷

³³⁴ Chaisty, Paul and Petra Schleiter. "Productive but Not Valued: The Russian State Duma, 1994-2001." *Europe-Asia Studies*. vol. 54. no. 5, (July 2002). p. 717.

³³⁵ Ibid.

³³⁶ Parrish, Scott. "Presidential Decree Authority in Russia, 1991-95." John M. Carey and Matthew Soberg Shugart. *Executive Decree Authority*. Cambridge: Cambridge University Press, 1998. pp. 62-103.

³³⁷ Remington, Thomas F., Olga Shvetsova, Steven S. Smith. "Decrees, Laws, and Presidential-Parliamentary Bargaining in Russia."

Now, I will briefly revisit briefly the regime discussions in Russia. Unlike the common premise as to the vulnerability of government which is associated with president-parliamentary systems when the political attitudes of the president and parliamentary diverge, Russia has followed a different path. The Duma's involvement in government formation, the government's dependence on parliamentary confidence in return, and restrictions on the presidential power to dissolve the Duma entail the mutual concessions and compromise. In other words, the conflict between the president and parliament never reached a point of parliament dissolution and results in a cooperative solution to disagreements- two results that the regime type approach would have difficulty accounting for.³³⁸

As for the formations and dismissal of the government, Yeltsin's aggressive resort to his powers against the opposition-led parliament resulted in harsh conflicts over those processes. In this sense, in line with the views Shugart and Carey, conflict and governmental instability is more likely to occur in the event of the attitudes of the President and parliament do not coincide. Despite all conflict-prone milieu, there were still cooperation and compromise over government change even during the Yeltsin's period.³³⁹

In examining the executive-legislative relations, Fish, in his study *Stronger Legislatures, Stronger Democracies*, considers the matter from a different angle. After delineating the hallmarks of all regime types as parliamentary, presidential, and semi-presidential constitutions and touching briefly on more differentiated categories as *premier-presidential* and *president-parliamentary* constitutions,³⁴⁰ he states that such categories cannot pinpoint where power actually resides. At this point, Fish

https://www.researchgate.net/publication/273762883_Decrees_Laws_and_Presidential-Parliamentary_Bargaining_in_Russia. 2002. p. 6. (Date of Access: 12.06.2019.)

³³⁸ Jones- Edward Morgan and Petra Schleiter. "Governmental Change in a President-Parliamentary Regime: The Case of Russia 1994-2003." *Post-Soviet Affairs*. vol. 20. no.2, 2004. p. 159

³³⁹ Ibid. p. 143.

³⁴⁰ Shugart, Søberg Matthew and John M. Carey. Presidents and Assemblies: Constitutional Design and Electoral Dynamics.

draws our attention to the term of vertical and horizontal accountability defined by O'Donnell³⁴¹. The latter type of accountability refers to the presence of state agencies which is willing to/able to take actions on the omissions by other governmental agencies.³⁴² Stronger legislatures function as a weightier check on presidents. Thus, it becomes a more solid guarantor of horizontal accountability than did weaker legislatures.³⁴³ In Russia, the weakness of the legislature has hindered horizontal accountability.³⁴⁴ As compared to the extensive powers of the executive, the State Duma has limited authority in the formation of the government, restricted oversight power, and meager resources.³⁴⁵ Yeltsin and Putin, as both of them are postcommunist presidents, took advantage of their uncontrolled power to restrain rights and fix elections. Putin outstripped Yeltsin, keeping hold of all broadcasting organizations and media across the country.³⁴⁶

In Russia, under different political actors, the political system worked in different ways remarkably. In the late 1990s, the constitution was consistent with a situation which the president suffered from lack of parliamentary majority and intimidated by a perpetual threat of impeachment. In contrast, the same constitution stayed silent with regard to the increasing power of Putin. Any amendment on the constitution was made when the president's de facto power increased. There is little to do with constitutional provisions. In a word, de facto changes first, pursued by written rules.³⁴⁷

³⁴¹ O'Donnell, Guillermo. "Horizontal Accountability in New Democracies." pp. 112-126.

³⁴² Ibid. p. 117.

³⁴³ Fish, Steven, M. "Stronger Legislatures, Stronger Democracies." p. 18.

³⁴⁴ Ibid. p. 15.

³⁴⁵ Ibid.

³⁴⁶ Ibid. p. 15.

³⁴⁷ Ananyev, Maxim. "Inside the Kremlin: The Presidency and Executive Branch". The New Autocracy: Information, Politics, and Policy in Putin's Russia. Ed. Daniel Treisman. Washington, D.C: Brookings Institution Press, 2018. p. no numbering.

Because of the under-institutionalized nature of Russia's constitutional structure, persons still seem to be more vital than the offices they fill.³⁴⁸ From now onward, I will on the two major political actors in Russian politics- Yeltsin and Putin in this chapter.

4.1.1. The Yeltsin Era (1993-99)

Boris Yeltsin played a vital role in the initial years of the present Russian Federation as the successor of the USSR by commencing the de-Sovietization process between 1989-1991. In 1989-1991, the bureaucracy and the Parliament which Yeltsin inherited, suffered from a lack of organizational reconfiguration. The uncertainty and dissatisfaction by the multinational order paved the way for him being a popularly elected Chairman of the Russian Supreme Soviet in 1990 and President in the months preceding the coup attempt in 1991. But, he could not take a good turn by regularizing the revolutionary process which he had ushered himself.³⁴⁹

In fact, Yeltsin was capable in exploiting the semi-competitive electoral democracy, especially with the election of Congress of People's Deputies and its chosen Supreme Soviet in 1989. The problem was that the union bureaucracies remained as the core political bodies and hard-core Communists had shown clout a considerable extent in these semi-legislative bodies. Under these circumstances, Yeltsin found himself in the line of fire.³⁵⁰

Yeltsin also never formed a clear-cut organizational network among his followers. Due to lack of any party or formal ties among them, they would work together in an effort to have as many seats as possible in the governmental apparatus and parliament.³⁵¹

³⁴⁸ Clark, William A. "Boxing Russia: Executive-Legislative Powers and the Categorization of Russia's Regime Type." *Demokratizatsiya*. vol. 19, no. 1, Winter 2011. p. 18.

³⁴⁹ Byungki, Kim. "Russian Political System in Flux: A Presidential Perspective." *The Journal of East Asian Affairs*. vol. 10. no. 2, Summer/Fall 1996. pp. 262-288.

³⁵⁰ Ibid.

³⁵¹ Ibid.

Before elected as president, Yeltsin had held the office of Chairman of the Supreme Soviet. Concurrently, he was also the highest official in the state since the constitution enshrined the state power only in the legislature instead of divided between legislative and executive powers. Yet, once Yeltsin was elected as the president, he left his position as the Chairman of the Supreme Soviet. From that time on, Yeltsin could no longer hold sway over the Supreme Soviet directly. Khasbulatov, as the successor of Yeltsin, and the legislature were estranged from Yeltsin and his policies within the next two years.³⁵²

Boris Yeltsin, the President of the First Republic, asked for more power to tackle the deepening crisis after the failed August 1991 Coup. For that reason, he wanted the Congress to give him powers which were imperative for immediate action and convenient to carry out a radical reform program. Furthermore, he submitted a bill delegating him to issue with the force of law, even though they contravened the legislation in force. Also, in contrast to the constitutional provisions, he asked for authorization to create a government without the approval by the Supreme Soviet and the Congress. Yeltsin further put forward that the President had to firstly give consent to any economic legislation before submitting to the Congress and the Supreme Soviet. Moreover, he tried to exercise control over the regional governors. Within this context, the appointment of regional heads of governors and invalidation of the actions of them were among the powers which Yeltsin asked for.³⁵³ In an attempt to legitimize ruling by decree, Yeltsin relied on his popular support and disregarded the opposition in the parliament.³⁵⁴ However, having such powers did not bring about a strong partisan majority for him.³⁵⁵ The composition of the government, the pace of reform, and the constitutional changes remained as the

³⁵² Remington, Thomas F. Politics in Russia. pp. 56-57.

³⁵³ Parrish, Scott. "Presidential Decree Authority in Russia, 1991-95." p. 71.

³⁵⁴ Schleiter, Petra. "Mixed Constitutions and Political Instability." *Democratization*. vol. 10. no.1, 2003. p. 21.

³⁵⁵ Parrish, Scott. "Presidential Decree Authority in Russia, 1991-95." p. 73.

problematic issues between the President and the Parliament.³⁵⁶ Yeltsin did not respond to conflictual cases in the same manner. While Yeltsin gave consent to the parliament-initiated judicial review of decrees on merging of the interior and security ministries and banning of the Soviet and Russian communist parties, he proved uncompromising on the issue of industrial privatization.³⁵⁷

As the pace of Yeltsin's policies climbed in early 1992, the tension between the executive-legislative relations led to a serious stalemate. In the executive-legislative relations, the conflict over privatization³⁵⁸ was the core issue. For instance, in May 1993, Yeltsin issued a decree to speed up the process of voucher privatization which he commenced in August 1992. But, the Supreme Soviet voted to suspend the decree and applied to the Constitutional Court by referring its legality on the ground that the decree proposed a considerable extent of power in the hands of the State Property Committee, which was at the disposal of the President. In return, Yeltsin responded with a second decree having some provisions and even further accelerated the timetables for privatization. In response, the Parliament struck back by another suspension and the President issued a third decree on the same issue.³⁵⁹ By doing so, the executive-legislative relationships became "war of laws."³⁶⁰ Both of them vied for the power to pass legislation, thus the tension between them culminated in a breakdown of the democratic regime. At this point, as the First Russian Republic demonstrates, it is likely to create political conflicts and deadlock over the power to pass legislation when the Constitution furnishes to the president and parliament with almost equal powers.³⁶¹

³⁵⁶ Kubicek, Paul. "Delegative Democracy in Russia and Ukraine." p. 427.

³⁵⁷ Schleiter, Petra. "Mixed Constitutions and Political Instability." p. 16.

³⁵⁸ Dealing with more legislation as taxation, budget, and privatization, The State Duma deputies became the target of powerful organized interests and lobbying activities in the Yeltsin period.

³⁵⁹ Gualtieri, Dominic. Russia's New 'War of Laws' RFE/RL Research Report 2, 3, September 1993. pp. 12-13, quoted in Scott Parrish. "Presidential Decree Authority in Russia, 1991-95." p. 76.

³⁶⁰ Huskey, Eugene. "Executive-Legislative Relations". p. 91.

³⁶¹ Tsai, Jung-Hsiang. "Sub-Types of Semi-Presidentialism and Political Deadlock." p. 78.

After the failed August 1991 Coup, especially the 1991-1993 period itself laid the groundwork for democratic evolution in many respects for Russia. During the 1991-1993 period, elements of checks and balances were introduced into the political infrastructure for the first time in the Russian and Soviet history. Also, an independent Constitutional Court was formed. Decentralization of power was assured instead of centralization in the center. As an important accomplishment, the party-state system came to an end, even if it was not accompanied by the formation of new horizontal ties. The opposition was legally created and had the right to form factions in the parliament. Taken all together, Hahn stated that the 1991-1993 period heralded three ways to go: toward a consolidated democracy structure, toward a new authoritarianism, or toward some hybrid system of power.³⁶²

Indeed, Yeltsin desired to realize democratic ideals while the Soviets in general, and the parliament, in particular, resisted the reforms. Because there were active former communists and some right-wing nationalists in the parliament and in the majority of the local soviets. Furthermore, the newly elected deputies were not experienced and were not acquainted with the legislative practices. Also, the Congress of People's Deputies, as the highest chamber of the parliament, was not a consolidated political institution. Despite all the handicaps, the legislature more or less managed to carry out two vital functions. First, it could melt different social interests in the same pot and second, it became a counterbalance against the executive power.³⁶³

Due to the first function, the Soviets and the parliament, despite being a more conservative force than the executive especially in marketization and state interests, contributed more to the democracy compared to the executive through their role as a counterweight to the president and the government.³⁶⁴

³⁶² Shevtsova, Lilia. "Parliament and the Political Crisis in Russia, 1991-1993." Jeffrey W. Hahn. Democratization in Russia: The Development of Legislative Institutions. pp. 34-35.

³⁶³ Ibid. p. 35

³⁶⁴ Ibid. p. 36.

The year of 1993 witnessed an important episode in the Russian recent history. The confrontation between President Yeltsin and parliament undoubtedly came to a head when Yeltsin unconstitutionally ordered the Congress of People's Deputies to dissolve. Deputies who resisted dissolving adopted the impeachment³⁶⁵ against Yeltsin, and barricaded themselves within the parliament building. The conflict sparked large demonstrations in Moscow. And also, the followers of the parliament organized an attack on the national television center at Ostankino. Then, the supporters of Yeltsin in the military began to bombard the parliament building resulting in the surrender of the Congress. Yeltsin then decided to conduct a referendum for a new draft constitution, which underpinned the foundation of today's Russian state.³⁶⁶

In the Russian political system, the presidency of Boris Yeltsin takes an important place, especially since the adoption of the new Constitution in 1993 because his personality played a vital role in Russian politics. He was also busy with political struggle and restructuring the state institutions in the country.³⁶⁷

President Yeltsin ignored the system of separation of powers. He kept himself aloof from political parties and factions in the parliament. He acted without consulting any institutions and organizations such as the legislature, opposition, media, and public. In spite of everything, he was not able to dominate the State Duma as well as the Russian provinces.³⁶⁸

³⁶⁵ In the times of increasing tension between the legislative and executive branches, the former one sometimes resorted to the impeachment initiatives against the President. By doing so, the deputies considered the impeachment as a means to declare their dissatisfaction and as well as the political bargaining tool since the parliament which lacked effective parliamentary oversight instruments. However, none of the eight impeachment initiatives went through the Duma phase in the 1995-1999 period because the Constitutional provisions hinder the impeachment mechanism to proceed. Şen, İlker Gökhan. *Rusya Federasyonu Siyasal Sistemi*. pp. 118-124.

³⁶⁶ Harvey, Cole Joseph. *The Double Headed Eagle: Semi-Presidentialism and Democracy in France and Russia*. p. 44.

³⁶⁷ Robinson, Neil. "Introduction: Institutions and Political Change in Russia." *Institutions and Political Change in Russia*. Ed. Neil Robinson. New York: Palgrave Macmillan, 2000. p. 6.

³⁶⁸ Zaznaev, Oleg. "The Presidentialization of a Semi-Presidential Regime: The Case of Russia." p. 33.

The State Duma was at loggerheads with the President during Yeltsin's tenure.³⁶⁹ However, the Parliament sometimes managed to check the President during Yeltsin's period. Even if the independence of the Parliament has gradually decreased to the point that it is served in reality as a rubber stamp, Remington thinks that it preserves its central status in the political system due to some reasons. The first reason is that both political parties and politicians prioritized having a seat in the State Duma in order to lobby for their own interests and those of their constituents. Second, even though they actually knew that they had a limited influence area in legislation; deputies desired to take up their positions in daily issues. Furthermore, when the government itself is divided over an issue, interest groups work hard to shape the details of the legislation. Lastly, the President opted for following the parliamentary process to have a legal legitimate product instead of issuing a decree. For that reason s/he faces up to long legislative process in the Parliament.³⁷⁰

The tough relationship between the executive and legislative in Russia was the main obstacle to democratic consolidation in the first years of the Russian statehood. In the First Russian Republic, the power struggle and constitutional crisis between President Boris Yeltsin and the Congress of People's Deputies resulted in a disaster due to the decision of the use of force in the streets. After the crisis, President Yeltsin, unrestrained by the need for approval from the disbanded parliament or a constitutional assembly, designed a political system that granted most formal powers to the executive branch. In Yeltsin's tenure, the Russian state was divided between the "reformist" president and "antireformist" legislature. In 1995, opposition parties dominated the State Duma while the Communist Party of the Russian Federation (CPRF) appeared as the largest political party in the country and the center of the opposition, which commanded a working legislative majority. In spite of Yeltsin's weak popularity, he could have been reelected. But, contrary to the expectations of Yeltsin's side, the new parliamentary elections did not bring about a

³⁶⁹ Fish, Steven M. Democracy Derailed in Russia: The Failure of Open Politics. p. 203.

³⁷⁰ Remington, Thomas F. Politics in Russia. pp. 67-68.

more reform-minded legislature. Frankly, the tension in the executive-legislative relations, while waxed and waned depending on the domestic political milieu and leaders' strategic decisions, did not stop being a problem. Eventually, in order to calm the tension by merging powers in favor of the president, the vague division of powers of the First Russian Republic was superseded by the presidency at the top of the system.³⁷¹

To grasp the legislative-executive relations accurately in the Russian political system, it is useful to shed light on some of the historical determinants such as Soviets, also known as councils. Under the title of *The Russian Parliamentary Bodies in Retrospect and from 1991 Onwards* in this study, I alluded the slogan of Lenin "all power to the soviets." Lenin regarded the Soviets as the "new state apparatus" and the main institution of state power. Obviously, he thought that the Soviets were instruments for making revolution and those elected to these councils were not only servers in the government, but also workers of the industrial working class. By doing so, he justified the role of the Soviets on ideological grounds. Considering in this way, unlike the professional class of politicians in parliamentary systems, executive and legislative powers could not be insulated each other because those making decisions were at the same time responsible for conducting affairs.³⁷²

While some argue that the legislative influence is sapped by presidency dominance in Russia others think that the State Duma has a crucial role than.³⁷³ In

³⁷¹ Moser, Robert G. "Executive-Legislative Relations in Russia, 1991-1999." p. 64.

³⁷² Hahn, Jeffrey. "State Institutions in Transition." *Developments in Soviet&Post-Soviet Politics*. Eds. Stephen White, Alex Pravda and Zvi Gitelman. London: Macmillan,1992. p. 99.

³⁷³ For instance; Zaznaev and Chaisty are among those who believe that the relationship between the parliament and the president strengthened the executive dominance in the policy sphere. Also, according to them, the Russian presidency dominates the legislative body and the Russian system evolves towards pure presidentialism by strengthening the vertical power and the victories of the 2003 Duma elections and the 2004 presidential elections. Zaznaev, Oleg. "The Presidentialization of a Semi-Presidential Regime: The Case of Russia." p. 34; Chaisty, Paul. "Majority Control and Executive Dominance: Parliament-President Relations in Putin's Russia." Ed. Alex, Pravda. *Leading Russia: Putin in Perspective*. Oxford: Oxford University Press. p. 125; Harvey, Cole Joseph. *The Double Headed Eagle: Semi-Presidentialism and Democracy in France and Russia*. p. 119. On the contrary, Donaldson argues that the Russian parliament has become an important counterweight to its presidency and the Russian parliament would continue to have a say in the Russia's ongoing democratic process. Donaldson, Robert H. "Russia". p. 230.

the light of this argument, one might say that the 1995-1999 period marked the peak of the Duma being an independent counterweight to the executive body and as compared to earlier periods, the Third Duma, elected in 1999, had a less hostile attitude towards the presidential rule.³⁷⁴ In a similar vein, Robinson argues that in an effort to the reconstruction of the state apparatus, the presidency served as the intermediary of alliances within the government between institutions and economic interests. However, the existence of institutions with overlapping competencies also brought about institutional disarray and arbitrary rule. In such a case, the State Duma inspired confidence as a legislative body thanks to the factions within it and they have made a bid for an alternative to the presidency, despite the fact that it was not able to accurately check the legislative process and to have instruments to oversee the executive.³⁷⁵

The relations between the president and the parliament were arduous during the Yeltsin period and the inter-branch strife hit the top in the autumn of 1993 when he had abolished the 1990 parliament by a presidential decree paving the way for an armed conflict between supporters of the two sides. Eventually, a new constitution in conjunction with elections to a new parliament was adopted by a nationwide referendum on 12 December 1993. By doing so, the crisis between the legislative and executive branches was able to be appeased to surmountable level.³⁷⁶ Indeed, such a standoff and impasse is more likely to take place in presidential systems. At this juncture, the experience of the year of 1993 is a case in point. From 1993 onward, the victory of Yeltsin over the deputies marked the supremacy of executive power on legislative power.³⁷⁷

³⁷⁴ Hutcheson, Derek S. Political Parties in the Russian Region. New York: Routledge Curzon, 2003. p. 28.

³⁷⁵ Robinson, Neil. "Introduction: Institutions and Political Change in Russia." pp. 6-7.

³⁷⁶ Haspel, Moshe. "Committees in the Russian State Duma: Continuity and Change in Comparative Perspective." The New Roles of Parliamentary Committees. Eds. Lawrence D. Longley and Roger H. Davidson. London: Frank Cass, 1998. p. 188.

³⁷⁷ Ross, Cameron. Federalism and Democratisation in Russia. Manchester: Manchester University Press, 2002. p. 101, 123.

Lynch stated that the post-1993 Constitution heralded the supremacy of the president over the parliament even if certain checks and balances are formally included. And in an attempt to concretize his argument, he indicated that the two-thirds of the vote of both chambers of the parliament is required to override a presidential decision as compared to the previous simple majority requirement. Likewise, compared to the past, the authority on the appointment of the government, declaration of a state of emergency and budget are granted to the president in the new constitution.³⁷⁸

It is surely beyond doubt that the core point here is the power of executive decree by the president. Especially until far-reaching legislation is assured, presidential decrees had an important role in the constitutional implementation process after the adoption of the 1993 Constitution.³⁷⁹ In fact, this political instrument was turned into a backbone from an ordinary device of governance by 1995. As indirectly quoted from Gordon Smith, before the notorious affray with the parliament in fall 1993, Yeltsin issued an average of 12-13 decrees per month and this climbed to 65 in December 1995. There were 591 presidential decrees having the force of law unless overridden by a two-thirds vote of both chambers of the parliament in the first seven months of 1996. In those years, Yeltsin had resorted to the de facto rule by decree in defiance of authorities of the parliament.³⁸⁰ Until both of the chambers adopted the internal rules and procedures for approving legislation and were able to secure the simple majority required to pass bills, Yeltsin ruled by decree as of 1994. On 10 April 1994, the first law named as “On Financing Expenditures of the Federal Budget in the Second Quarter of 1994” was signed by the President. From that time on, it can be said that the number of laws gradually increased albeit at a diminishing pace in April to June of 1998 because of the harsh

³⁷⁸ Lynch, Allen C. How Russia is not Ruled: Reflections on Russian Political Development. Cambridge: Cambridge University Press, 2005. p. 141.

³⁷⁹ Smith, Gordon B. State Building in Russia. New York: M.E. Sharpe. 1999. p. 83.

³⁸⁰ Lynch, Allen C. How Russia is not Ruled: Reflections on Russian Political Development. Cambridge: Cambridge University Press, 2005. p. 142.

period of confrontation between the executive and legislature after Kiriyenko's appointment as the Prime Minister in April 1998. During Kiriyenko's Government, the President vetoed more bills than in any other period from 1994 to 1998. At the end of the day, in July 1998, the highest peak occurred because the two chambers, despite Yeltsin's several vetoes, overrode were able to override approximately 50 percent of them and by doing so Yeltsin was compelled to sign them.³⁸¹

In the years of 2000s, while the president has maintained its grip on power with initiatives and pushed the Federal Assembly into the background, as Remington stated, the parliament continued to play vital roles in the political system. First of all, parliamentarians desired to have a sit in the State Duma since they wanted to look after their own bureaucratic interests and those of their constituents. Secondly, despite the fact that parties had a little say in the legislation process, they had the chance to state their opinions on actual debates. Furthermore, civil society organizations competed hard to lobby for their interests especially when the government was divided over an issue. Due to these reasons, rather than promulgating his initiatives through decrees, Yeltsin preferred to submit bills to the parliament in an attempt to legitimize his efforts.³⁸²

It is worthwhile to note that the president and the government as executive figures initiated more legislation compared to the deputies of the State Duma in the autumn 2001 session. Based upon this example, Hutcheson argued: "*If the Duma has lost some of its limited independence under Putin, however, the corollary is that its behaviour is far more stable, and executive-legislature relations more "routinized", than has hitherto been the case.*"³⁸³

³⁸¹ Troxel, Tiffany A. Parliamentary Power in Russia, 1994-2001: President vs. Parliament. pp. 79-86.

³⁸² Remington, Thomas F. Politics in Russia. Boston: Pearson Longman. 2012. pp. 67-68.

³⁸³ Hutcheson, Derek S. Political Parties in the Russian Region. p.28.

Table 5: Source of Initiation for All Bills Passed by the Duma, 1994-1995 and 71996-1997 (in percent; N in parentheses*)³⁸⁴

Source of Initiation	1994-1995	1996-1997
President	19.0 (88)	10.4 (49)
Government	19.6 (91)	34.5 (163)
Duma Deputies	56.0 (260)	50.1 (237)
Courts	2.2 (10)	1.7 (8)
Federation Council	2.2 (10)	1.7 (8)
Regional Legislatures	1.1 (5)	1.7 (8)
Total	100.1 (464)	101.1 (473)

*The deputies and an institution cosponsored some legislation. In the Table, these ones are coded in the Duma Deputies category. While the numbers of such legislation are 25 (5.6%) in the 1994-1995 period, the numbers of those in the 1996-1997 period are also 25 but 5.3 %.

As can be seen in the Table 5 above, it was the Duma deputies who were the main initiators of legislation, followed by the initiatives of the government and the president. The crucial point here is that over three-quarters of the bills sponsored by the President were on the ratification of international treaties in 1994-1995. Likewise, 23 percent of those which the government introduced in the given period were treaties. The legislation on the foreign policy domain mostly consisted of treaties. It was an area corresponding for about one-quarter of the bills which passed through the Duma, yet for much less than that of the Duma's time. The legislation that the deputies introduced and passed by the Duma in the foreign policy domain were few in number.³⁸⁵

³⁸⁴ Remington, Thomas F., Steven S. Smith & Moshe Haspel. "Decrees, Laws, and Inter-Branch Relations in the Russian Federation." *Post-Soviet Affairs*. vol. 14. no. 4, 1998. p. 299.

³⁸⁵ Ibid. p. 298.

Remington and others state that the president and the government took the parliament into consideration altogether. Furthermore, the executive branch engaged the parliament over a range of issues. In the same vein, the president accepted a considerable number of Duma-passed legislation. Indeed, the President approved the three-fourths of the legislation submitted to him by the Duma in 1994-1995. As for the 1996-1997 period, the President signed only 63 percent of such legislation. In this point, Remington and others underline the fact that these figures in the latter period demonstrate the enduring conflict between the parliament and the president. But, it can be regarded as the proof of widespread inter-branch bargaining. The record proves that a considerable number of legislation is accepted eventually after an initial presidential veto.³⁸⁶

In the Russian legislature, while the State Duma plays its role as the main legislative body, the Federation Council, as the upper house, and also the President serves as gatekeepers on legislation passed by the State Duma. In 1994-1997, the Federation Council vetoed at least once, of the 232 out of the 897 (25.9%) laws the State Duma passed. Likewise, the President vetoed at least once 263 (29.3%) of them. Also, when considering only 697 non-treaties the State Duma passed, the Federation Council vetoed at least once 33 percent of all legislation while the President vetoed at least once 36.7 percent of it. As for the multiple vetoes, the Federation Council vetoed 30 bills more than once and the President used multiple vetoes for 23 times. By doing so, it is possible to conclude that bargaining became a phenomenon not only within the State Duma, but also among the Duma, the Federation Council, and the President as well.

³⁸⁶ Ibid. p. 299.

Table 6: Measures Approved by the President as the Initiator 1994-1995 and 1996-1997 (in percent; N in parentheses)³⁸⁷

Initiator	1994-1995	1996-1997
President or Government	97.2 (179)	85.4 (212)
Duma	64.1 (259)	42.2 (237)
Other	53.8 (26)	62.5 (24)
Total signed	76.3 (464)	62.6 (473)

In comparing the measures approved by the President by initiator in 1994-1995 and 1996-1997, as can be seen in the Table above, executive-initiated measures were more successful in gaining presidential approval compared to Duma-initiated measures. Moreover, the veto rate for Duma-sponsored measures was higher than in the latter period than the former one. This data is consistent with the observation that the previous Duma was friendlier to Yeltsin than the Duma of the latter period. The tension between them was so high that the President could ultimately have signed some of the measures after further rounds.³⁸⁸ In this point, Remington and others state that “*The lower rate of success for executive-initiated measures in the latter period cautions against definitive interpretations of the outcomes in that period.*”³⁸⁹

When it comes to the institutional design of the parliament, the 1993 election results brought about three major powers as the Communists, the Democrats, and the Centrists in the State Duma.³⁹⁰ When neither side could gain a dominant power, they

³⁸⁷ Ibid. p. 302.

³⁸⁸ Ibid.

³⁸⁹ Ibid.

³⁹⁰ Sakwa, Richard. “The Russian Elections of December 1993.” *Europe-Asia Studies*. vol. 42. no. 2, 1995. p. 213; Boudreaux, Richard. “Russian Victors Urge Changes in Yeltsin Plans: Politics: Cabinet and Reforms to Face Challenges. But the President’s Foes Stop Short of Forming a Legislative Alliance.” *Los Angeles Times*. 15.12.1993. <https://www.latimes.com/archives/la-xpm-1993-12-15-mn-2105-story.html>. (Date of Access: 20.06.2019)

had to reach compromise in the internal proceedings and structure of the parliament rather than adopting a hierarchical structure as before.³⁹¹

Furthermore, the Council of the Duma, as the steering body of the Duma, gave the head of each faction³⁹² one and only one vote on the Council. Thus, it did not recognize the factions' strength in the Duma. Unlike the Council, factions and groups³⁹³ proportionally had a say in the distribution of the committee chairmanships.³⁹⁴

Moreover, the existing structure supported the independent deputies³⁹⁵ to be a member of the factions in order to have a say in the Duma and committees. As an alternative, the structure motivated them to create parliamentary groups which enjoyed the same rights the factions had.³⁹⁶

Due to the fact that the members of the factions and groups did not have to affiliate with any political party and most of the deputies were not members of any party in reality as well, members could easily change their allegiances.

³⁹¹ Erdem, Kasım. "Yarı-Başkanlık ya da Süper Başkanlık: Rusya Federasyonu Örneği." p. 209.

³⁹² The political parties which satisfied the %5 threshold to representation could automatically create party faction. Remington, Thomas F. "The Federal Assembly, 1994-2004." *The Journal of Legislative Studies*. vol. 13. no. 1, 2007. p. 128.

³⁹³ The members of a group can attain the same rights as the party faction enjoy. Namely, factions and groups have funds for staff, office space and some procedural rights. Furthermore, they divide up all the top positions in the chamber, including the committee chairmanships, among themselves. *Ibid.* p. 134.

³⁹⁴ *Ibid.* p. 129.

³⁹⁵ Up to the amendments on the election law in 2005, while half of the Duma's 450 seats were filled by candidates elected from parties' list, the other half of the seats were filled by plurality voting in single-member districts. From these districts, the independent deputies had the right to run for elections. *Ibid.* p. 126.

While there were 141 independent deputies in the First Duma, 77 in the 1995 Duma election, 105 in the 1999 election, and 67 in the 2003 election. White, Stephen. Understanding Russian Politics. p. 32.

³⁹⁶ Remington, Thomas F. "The Federal Assembly, 1994-2004." p. 128.

As a result of these circumstances, it was a tough job to assure the party discipline and a robust party structure in the parliament.³⁹⁷

Both of the 1993 and 1995 elections, in the Yeltsin period, any party could not hold a dominant majority in the parliament.³⁹⁸ For that reason, Yeltsin had to cooperate with the left-centrist coalition which consisted of the winning voting coalitions in the First Duma period (1994-1995),³⁹⁹ while the communists and the factions cooperating with them came close to having a majority of seats in the Second Duma period (1996-1999).⁴⁰⁰

The President and the government created liaison offices in the parliament to conduct the daily flow of legislative relations. In total, the President signed three-quarters of the laws adopted by the Duma in the first convocation. Likewise, the President signed 70 percent of those in the second convocation. In the case of probable disagreement, the chairs of each chamber would organize “big four” talks with the president and the prime minister, or a “roundtable” comprising these people and the leaders of factions in order to reach a compromise.⁴⁰¹

As for the Council of Federation in the Yeltsin period, members were chosen in accordance with a law passed in 1995 and this system was in force between 1996 and 1999. Accordingly, the head of the executive and legislative branches of each constituent unit automatically had seats in the Upper House.⁴⁰² Yet, the system adopted in 1995 for forming the House was clearly unsatisfactory. The members had part-time tasks in the House, at the same time held high office in their own regions. It meant that the principle of separation of powers was explicitly broken. On the other hand, members could prioritize the regional interests rather than the federal ones.

³⁹⁷ Donaldson, Robert H. “Russia”. p. 242; Erdem, Kasım. “Yarı-Başkanlık ya da Süper Başkanlık: Rusya Federasyonu Örneği.” pp. 209-210.

³⁹⁸ Remington, Thomas F. “The Federal Assembly, 1994-2004.” p. 127.

³⁹⁹ Ibid.

⁴⁰⁰ Ibid. p. 129.

⁴⁰¹ Donaldson, Robert H. “Russia”. p. 243.

⁴⁰² Remington, Thomas F. “The Federal Assembly, 1994-2004.” p. 132.

Moreover, they could thwart the legislation to which they opposed.⁴⁰³ Indeed, the Council objected to some presidential fiats, rejecting some of his nominees and for the Constitutional Court and candidates for Procurator-General in the Yeltsin period.⁴⁰⁴

4.1.2. The Putin Era (From 2000 onwards)

Putin entered into the political arena in 1999/2000 as an unknown political figure compared to well known Yeltsin. But today, he is the longest-serving leader since Stalin. Aftermath of the Yeltsin's period, to which way the Russian executive-legislative relations would evolve became an issue of concern.⁴⁰⁵

It is beyond doubt that unlike Yeltsin period, the composition of the State Duma and more precisely efforts on the fashioning the composition has a heavy hand in nature of legislative-executive relations.

First of all, The President could not have a say in the legislative agenda without enjoying majority support in the legislature.⁴⁰⁶ Unlike Yeltsin, Putin sought to get a parliamentary majority via a range of political maneuvers to concretize his policies.

According to the 1999 election result, in other words, the election on the Third Duma (2000-2003), the Communist Party with a larger share of the vote, the Unity as a newly emerged pro-Kremlin grouping, and the Fatherland-All Russia were the parties receiving most of the votes.⁴⁰⁷ In a short time, Putin managed to form a coalition among the Communist Party, and People's Deputy Party having the largest of the independents' factions. By doing so, they could reach a majority with 228

⁴⁰³ Sakwa, Richard. Russian Politics and Society. London and New York: Routledge, 2008 (Fourth Edition). pp. 199-200.

⁴⁰⁴ Remington, Thomas F. "The Federal Assembly, 1994-2004." p. 133.

⁴⁰⁵ Jensen, Donald N. "How Russia is Ruled-1998." p. 342.

⁴⁰⁶ Chaisty, Paul. "The Legislative Effects of Presidential Partisan Powers in Post-Communist Russia." p. 433.

⁴⁰⁷ White, Stephen. Understanding Russian Politics. pp. 35-36.

seats in the Duma.⁴⁰⁸ Forming a pro-presidential coalition in the parliament enabled the Kremlin to tighten its grip on the legislative agenda.⁴⁰⁹

Only at the end of Yeltsin presidency, the President could attain a parliamentary majority which backed him in the State Duma. But, it was President Putin who made this electoral success more attractive.⁴¹⁰ Upon the resignation of President Yeltsin on 31st of December, Prime Minister Putin took over the presidency. His accession to the presidency, combined with the Duma election sparked a breakthrough change in the legislative-executive relations. Indeed, since then the parliamentary opposition and the president are unlikely to have conflicts with each other. Rather, the Duma proved adept at endorsing any presidential initiative.⁴¹¹

Also, the 2003 parliamentary elections resulted in a landslide victory for the president's forces. Thus, Putin has a large and oversized majority in the parliament. Although the parliament had the ability to embrace different societal views, its decision-making process was still like a typical majoritarian political system. In other words, the new composition produced executive dominance in the lawmaking realm by concentrating the legislative power in the hands of a single, disciplined party majority.⁴¹² At the same time, the 2003 election result produced a remarkable change in the parliament. The point here is that almost 20-30 percent of deputies were the former Communist Party members in all four Duma elections since 1993.⁴¹³ But, with the electoral success of the pro-presidential party, United Russia⁴¹⁴ with the

⁴⁰⁸ Donaldson, Robert H. "Russia". p. 244.

⁴⁰⁹ Chaisty, Paul. Legislative Politics and Economic Power in Russia. p. 194.

⁴¹⁰ Zaznaev, Oleg. "The Presidentialization of a Semi-Presidential Regime: The Case of Russia." p. 34.

⁴¹¹ Remington, Thomas F. "The Federal Assembly, 1994-2004." p. 130.

⁴¹² Ibid. p. 131; Chaisty, Paul. Legislative Politics and Economic Power in Russia. p. 196.

⁴¹³ Ilonszki, Gabriella&Michael Edinger. "MPs in Post-Communist and Post-Soviet Nations: A Parliamentary Elite in the Making." *The Journal of Legislative Studies*. vol.13. no. 1, 2007. p. 153.

⁴¹⁴ The successor of Unity, which had existed so well in 1999.

37.5 percent of the party list vote, the Communists' share of the party list fell by almost a half.⁴¹⁵

Putin put a series of tactics into practice which heralded a shift in the working of the Duma, away from consensualism, as a reminiscent of the Yeltsin's period, and toward majoritarian dominance.⁴¹⁶ As a result of this majoritarian tendency, the parliament gave up its distributive politics among factions and groups. Rather, for instance, in the Second Duma, the coalition ended up the system of "bidding" for leadership positions on the basis of proportional strength. The component parties of the coalition decided on the distribution of chairmanships and deputy chairmanships among themselves rather than continuing the system of "bidding" on the basis of proportional strength.⁴¹⁷

In spite of the increasing leverage of the pro-presidential majority, the President and the government still had to collaborate with the parliament on legislative matters because of the lack of party discipline in 2000-2003. Having held nearly two-thirds of the State Duma and most of the seats in the Council of the Federation, the parliament had no chance to make an amendment, let alone reject, on the executive's legislative agenda.⁴¹⁸ Even in the Fourth Duma (2003-2007), the United Russian faction held 8 of its 11 seats because of the advent of proportional membership to the strength of factions.⁴¹⁹

During the First and Second Duma (covering a period from 1994-1999), the largest party or coalition in the Lower Chamber took a number of chairmanships nearly tantamount to the proportion of seats which party held in the Duma. To exemplify, Russia's Choice, as the largest party in the First Duma with 17 percent of seats correspondingly controlled 17 percent of committee chairs. In the same manner,

⁴¹⁵ Remington, Thomas F. "The Federal Assembly, 1994-2004." pp. 131-132.

⁴¹⁶ Harvey, Cole Joseph. *The Double Headed Eagle: Semi-Presidentialism and Democracy in France and Russia*. p. 56.

⁴¹⁷ Donaldson, Robert H. "Russia". pp. 244-245.

⁴¹⁸ Remington, Thomas F. "The Federal Assembly, 1994-2004." p. 122.

⁴¹⁹ *Ibid.* p. 140.

due to the coalition including the Communist Party, Agrarian Party, and Popular Power had 49 percent of seats; they took 50 percent of the committee chairmanships in the Second Duma. However, by the procedural changes in 2000, the largest parties began to claim a larger percentage of chairs. Accordingly, although the Communist Party and the allied Agro-Industrial Deputies' Group held 29 percent of seats, they could take 39 percent of committee chairs as an overrated power at the beginning of the Third Duma. Eventually, aftermath of the landslide victory of United Russia in the 2004 parliamentary election, it held 68 percent of seats and United Russia wielded its certain supermajority to claim 100 percent of committee chairs.⁴²⁰ In the Seventh Convocation (the current State Duma), there are four parliamentary factions covering United Russia, KPRF, LDPR, and Just Russia. The largest faction is United Russia with 75 percent of the State Duma and this faction today holds 13 chairs out of the 23 committee chairs.⁴²¹

In an attempt to secure the central power, Putin commenced the federal reforms. Putin aimed for a vertical change of command by which presidential policies are conducted. Within this context, he issued a decree reconstructing the institution of Presidential Representative in the regions. He also divided Russia into seven federal districts on 13 May 2000. Then, on 19th of May, the package of reform bills as to the change in the method of selection of the members in the Upper Chamber proposed that the President was to dismiss regional leaders and enable leaders to dismiss the head of regional government.⁴²²

⁴²⁰ Chaisty, Paul. "Majority Control and Executive Dominance: Parliament-President Relations in Putin's Russia." pp. 56-57.

⁴²¹ <http://duma.gov.ru/>. Instead of thirty committees which existed in the previous structure of the Duma, the representatives of the four Duma factions decided on 26 committees within the context of the "package deal" on the distribution of key posts in the Lower Chamber. Also today, the second and third largest party factions respectively as KPRF and LDPR hold five chairs for each and Just Russia holds three chairs of the Duma committees. "Of the Duma Factions Have Agreed That the Seventh Convocation of the Chamber is 26 Committees." *Russian News Online*, 26.09.2016. <https://russiannewsonline.blogspot.com/2016/09/of-duma-factions-have-agreed-that.html>. (Date of Access: 24.06.2019)

⁴²² Hyde, Matthew. "Putin's Federal Reforms and Their Implications for Presidential Power in Russia." *Europe-Asia Studies*. vol. 53. no. 5, 2001. p.719.

In sum, as Remington argues, these radical changes in the balance of power between the president and the parliament do not only reflect changes in the organizational arrangements within the parliament, but also shifts in the larger institutional milieu in which both of them operate.⁴²³

Remington argues that an increase of dominance by the United Russia faction in the State Duma has triggered a series of institutional changes in the Lower Chamber. First, the United Russia faction regarded the legislative committees as a means of new opportunities for their influential faction members. It increased the number of committees from 29 to 32 despite there was a common view that the faction would reduce the number of committees before the first meeting of the Fifth Convocation. Naturally, it was possible to expand the number of committees by dividing up their jurisdictions. But, it caused the distributive conflicts which resulted from the pressure to assign the portfolios in great demand to members of United Russia.⁴²⁴ Second, beginning with the Third Duma, the Unity faction took the initiative in giving chairmanship positions and the Council of the Duma became a majoritarian entity rather than facilitating cross-faction bargaining. United Russia increased the number of deputy chairman positions and reserve most of them for itself in the Fourth and Fifth convocations. It has formed multiple channels of access to the agenda for influential figures within the faction. As for the third change, it is related to the formation of deputy groups within the United Russia faction itself. The threshold needed to register deputy groups increased from 35 to 55 in the Fourth Convocation.⁴²⁵ Thus, no groups formed in the Lower Chamber. But, due to the large capacity of the United Russia, it adopted an informal practice in which internal groups could look after their interests separately. In these groups, the faction leaderships also decide on which legislative initiatives and positions to follow in the name of the faction. More importantly, the internal group system is an efficient way

⁴²³ Remington, Thomas F. "The Federal Assembly, 1994-2004." p. 122.

⁴²⁴ Remington, Thomas. "Patronage and Party of Power: President-Parliament Relations Under Vladimir Putin." p. 961.

⁴²⁵ Ibid.

of initiating legislation and shaping agreements. In the legislative process, United Russia deputies first try to get the consent of their particular group, only once their group has agreed to uphold the initiative, they seek the approval of the faction leadership. The approval of the faction leadership heralds that the bill in question will be scheduled for floor and became law. All these changes throughout the Fourth and Fifth Duma show the gradual accumulation of power in favor of United Russia.⁴²⁶

When the Yeltsin era in the 1990s and the Putin era in the 2000s are compared, the latter one has been able to create and direct a pro-presidential majority in the parliament. Thus, Putin's majority support has effectively hindered the executive-legislative and intra-executive conflict,⁴²⁷ as well.⁴²⁸ In other words, unlike Yeltsin, Putin has managed to collaborate with the political party Unity and with other factions in the Duma, thus he can create a much more fruitful relationship with

⁴²⁶ Ibid. p. 965.

⁴²⁷ Sedelius and Ekman pose an important question "*To what extent are the specific institutional features of premier-presidentialism and president-parliamentarism relevant to the relation between intra-executive conflict and cabinet instability?*" At the outset, they assume that the dual structure of semi-presidentialism may bring about the risk of intra-executive combat between the president and the prime minister. However, the likelihood of cabinet challenging the president is low since the president holds sway over the prime minister appointment and dismissal, along with the dominance over the cabinet's work. Considered in this way, the frequency of intra-executive conflict has quite low in general discounting the fact that president-prime minister relations under the cabinet of Primakov in 1988-1999. Due to his intimate links to the old security apparatus and to the powerful ministries, Yeltsin decided to replace him a more dependent figure. It demonstrates that whenever the prime minister is at odds with the president, the process more likely result in subsequent dismissal of the prime minister. The experience of Russia as a president-parliamentary system is a case in point in discerning the institutional causes behind cabinet dismissals. The relationship between the president and the prime minister, at least if we take the period up until the end of Putin's presidency in 2008 into consideration, identifies with a weak government vis-a-vis a strong president. *For further information, see* Sedelius, Thomas and Joakim Ekman. "Intra-executive Conflict and Cabinet Instability: Effects of Semi-Presidentialism in Central and Eastern Europe." *Government and Opposition*. vol. 45.no. 4, 2010. pp. 521-522, 525.

⁴²⁸ Sedelius, Thomas & Olga Mashtaler. "Two Decades of Semi-Presidentialism: Issue of Intra-Executive Conflict in Central and Eastern Europe 1991-2011." *East European Politics*. vol .29. no. 2, 2013. p. 116.

the legislative body. Under President Putin, the presidential office has assumed a different profile.⁴²⁹

In describing the Russian politics, the concept of “managed democracy” (*upravlaemaya demokratiya*) is one of the most popular labels found in Western literature. The concept is used to underline the mix of democratic and authoritarian features of Russia. Even if there are democratic institutions, also the uncertainties of competitive elections, the lack of tolerance for adversarial politics and political opposition occur in a case, too.⁴³⁰ According to Krastev and Holmes, Russia is obviously a democracy, but it is not a classical authoritarian regime either. During Putin’s rule, he designs a political regime which is not easy to explain using classical polarity of democracy versus authoritarianism. For them, Russia is neither democratic nor authoritarian. Instead, the country is stuck somewhere between the two poles. This ambivalent situation caused some observers to classify this system as a hybrid regime.⁴³¹

Given the increasing strength of Putin, people widely refer this period as: “managed democracy” Petrov and McFaul set forth the features of a managed democracy. For them, the central authority directs the whole mechanisms under the guise of democracy. There is a strong president vis-a-vis weak institution. Also, while providing the appearance of an independent media, in sober fact the state controls the media. In addition to that it is possible to control over elections and it

⁴²⁹ Hesli, Vicki L. “Parliamentary and Presidential Elections in Russia: The Political Landscape in 1999 and 2000.” *The 1999-2000 Elections in Russia: Their Impact and Legacy*. Eds. Vicki L. Hesli and William M. Reisinger. Cambridge: Cambridge University Press, 2003. p. 9.

⁴³⁰ Roberts, Sean P. “Research in Challenging Environments: The Case of Russia’s ‘Managed Democracy.’” *Qualitative Research*. vol. 13. no. 3, 2012. p. 344; Prozorov, Sergei. “The Paradox of Infra-liberalism: Towards a Genealogy of ‘Managed Democracy’ in Putin’s Russia.” *Democracy and Myth in Russia and Eastern Europe*. Eds. Alexander Wöll and Harald Wydra. London and New York: Routledge, 2008. pp. 187-188.

⁴³¹ Krastev, Ivan and Stephen Holmes. “Putinism under Siege: An Autopsy of Managed Democracy.” *Journal of Democracy*. vol. 23. no. 3, July 2012. pp. 33-34.

allows elites to legitimize their preferences.⁴³² Managed democracy tolerates freedoms unless it poses a threat to the continuity of the de facto system.⁴³³ In fact, the concept acquires the status of an oxymoron to refer the ambivalent understanding of Putinism. Namely, it was originally used to refer the Russian painstaking approximation to the Western standard of democracy. But, afterwards opponents of Putin's regime use to ridicule this term to call the democratic self-description of Putin.⁴³⁴

Putin was able to consolidate the "managed democracy" especially in the aftermath of the 2003 Duma elections. Moreover, in the post-Soviet period, United Russia became the first successful "party of power" by accentuating the dominance of the party in the legislature.⁴³⁵ Notwithstanding that Yeltsin and Putin shared the same aim of having a manageable party system and an obedient legislature, they took different stands towards having a party of power. Namely, while Yeltsin avoided having a stable "party of power" creating the basis of a pro-governmental majority in the Duma, his successor enjoyed the consolidated pro-presidential "party of power", United Russia. While both avoided formally joining political parties, Yeltsin was associated with Russia's Choice or Our Home is Russia while Putin was more intimately associated with the Unity and then with United Russia.⁴³⁶

⁴³² Petrov, Nikolay and Michael McFaul. "The Essence of Putin's Managed Democracy." *Carnegie Endowment for International Peace*. 18.10.2005. <https://carnegieendowment.org/2005/10/18/essence-of-putin-s-managed-democracy-event-819>. (Date of Access: 01.07.2019)

⁴³³ Mandel, David. "Elections in Russia, 2018: Managed Democracy?" *SP The Bulletin*. 22.03.2018, <https://socialistproject.ca/2018/03/elections-russia-2018-managed-democracy/>. (Date of Access: 01.07.2019)

⁴³⁴ Prozorov, Sergei. "The Paradox of Infra-liberalism: Towards a Genealogy of 'Managed Democracy' in Putin's Russia." p. 188.

⁴³⁵ Wegren, Stephen K. & Andrew Konitzer. "Prospects for Managed Democracy in Russia." *Europe-Asia Studies*. vol. 59. no. 6, September 2007. pp. 1025-1026.

⁴³⁶ White, David. *The Russian Democratic Party Yabloko: Opposition in a Managed Democracy*. Birmingham: Ashgate. pp. 187-188 quoted in Mehmet Zeki Günay. *Parties of Power in Post-Soviet Russia (1991-2008)*. Ankara: Middle East Technical University, 2008. (Unpublished Master Thesis). pp.11-12.

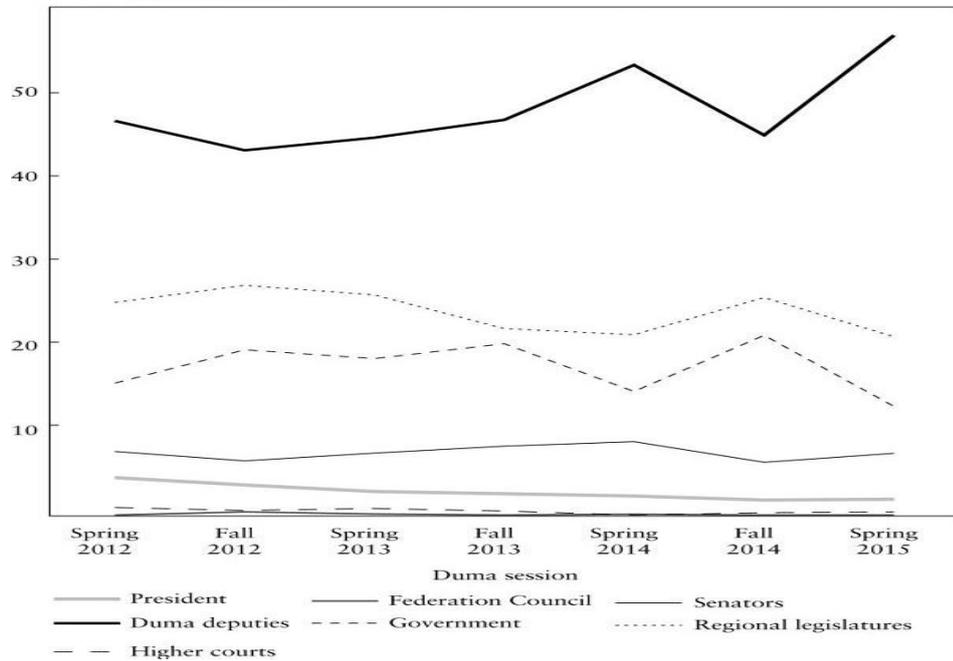
When it comes to the law-making records of Yeltsin and Putin era, the first thing to say is that Yeltsin-era Duma experienced far more policy conflict with the president than did the Duma elected in 1999. The President eventually signed 771 of 1036 (74.4 percent) of the total number of bills passed by the 1996-1999 Duma. However, when they were first presented, either the Federation Council or the President rejected 44 percent of all bills passed by the Duma. The volume of bills which were signed without any vetoes was few in number. As for the subsequent process of the 1999-2003 Duma, the President signed 737 of 772 laws passed by the Duma, namely 95.5 percent of it. In a nutshell, while President Yeltsin used generously his veto power and resorted to issuing decrees, Putin opted for forming amicable relations with the parliament.⁴³⁷

Having defined the term of the rubber stamp as a widely-accepted metaphor for the Russian legislature, Noble and Schulmann argue that contrary to the popular belief, the State Duma is far from such a parliament. And they pose the following question: “If not merely a rubber stamp, then what is the Russian State Duma’s role in the legislative decision-making processes?”⁴³⁸ To answer this question, they focus on the parliamentary lawmaking activity during the Sixth Convocation covering the period between 2011 and 2016 as the longer post-Soviet period.

⁴³⁷ Remington, Thomas F., Olga Shvetsova, Steven S. Smith. “Decrees, Laws, and Presidential-Parliamentary Bargaining in Russia.” pp. 6-7.

⁴³⁸ Noble, Ben and Ekaterina Schulmann. “Not Just a Rubber Stamp: Parliament and Lawmaking.” The New Autocracy: Information, Politics, and Policy in Putin’s Russia. Ed. Daniel Treisman. Washington, D.C: Brookings Institution Press, 2018. p. no numbering.

Figure 1: Submitted Bills, by Initiator and Legislative Session, Spring 2012–Spring 2015 ⁴³⁹



Noble and Schulmann examine the four dimensions in finding out whether the Russian legislature is really rubber stamp or not: bill initiatives by nonexecutive actors, the failure of executive-sponsored bills to become laws, executive bill amendment, and the vetoing of bills during the legislative review.⁴⁴⁰

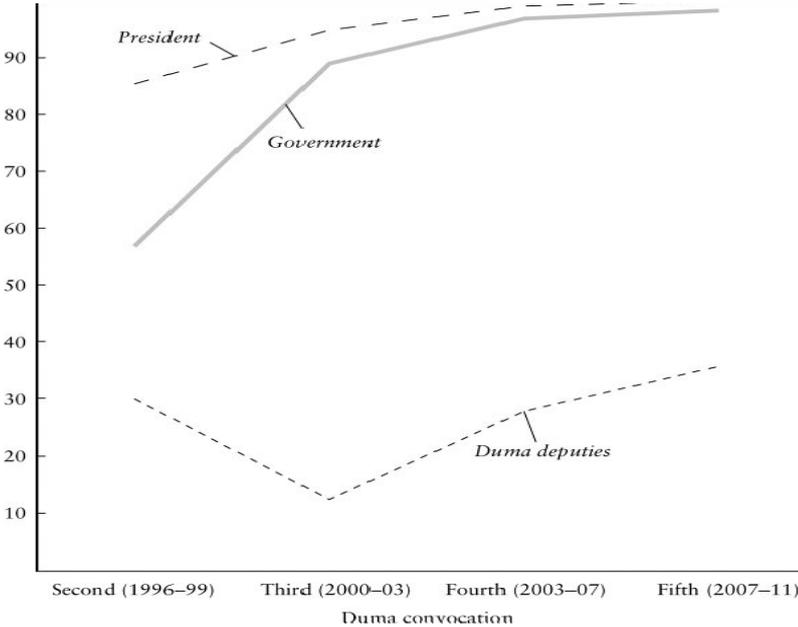
To examine the first dimension, as seen above in Figure 1, the Duma does not only deal with executive-initiated bills. In contrast, the executive branch consisting of both the government and the president have a share of 20 percent of submitted initiatives in the given period. The deputies occupy the uppermost position with

⁴³⁹ Ibid.

⁴⁴⁰ Ibid.

almost 50 percent of all bills. The bills formally initiated by the regional legislatures ranked second in total number.⁴⁴¹

Figure 2: Bills Success Rates by Initiator and by Duma Convocation, 1996-2011⁴⁴²



As for the second dimension, Noble and Schulmann seek an answer by *asking all executive-introduced bills are successful*. The Figure above shows the success rates for bills initiated by the government, the president, and deputies in the Duma from the second and to the fifth convocations. As can be seen in Figure 2, the success rates of executive-initiated bills increased over time since the executive control on

⁴⁴¹ Ibid.

⁴⁴² Ibid.

the parliament accordingly increased. But, in the fourth and fifth convocations, executive-initiated bills continued to decrease. Even, a perfect success rate has been realized only once by presidential bills in the fifth convocation. Likewise, in the sixth convocation, executive bills failed. Although the vast majority of executive-initiated bills became laws, there were some exceptional bills such as the government-initiated bill numbered 42197-6 in March 2012. Then, the State Duma rejected it in the second reading in January 2014.⁴⁴³

Nygren attaches importance to the clearest trait in the development of electoral democracy over the years. Namely, both in the Duma and in society at large, fewer political parties are able to reach the State Duma. This is not solely stemmed from the raising of the election threshold for parties for the State Duma, but also is the result of the changes in the regulations of elections through the elections laws by the political parties in the State Duma itself. By so doing, real chance of reaching of political parties to the State Duma has been increased. Putin made it more difficult for political parties to participate elections by restricting the registration of parties. According to Freedom House, parties needed 100 members signatures before 1999 to register, but in 2001, this number raised to 10.000 members through the new law. Besides in accordance with the Federal Law of 2001, parties should be found in all of the federations and have at least 100 members in each of the 89 regions. Membership requirement was raised to 50.000 members. It is quite clear that small and regional parties were blocked out the election race. In advance of the 2007 Duma elections, the threshold was raised to 7 percent. Additionally, it was also forbidden to form election blocs among small parties.⁴⁴⁴

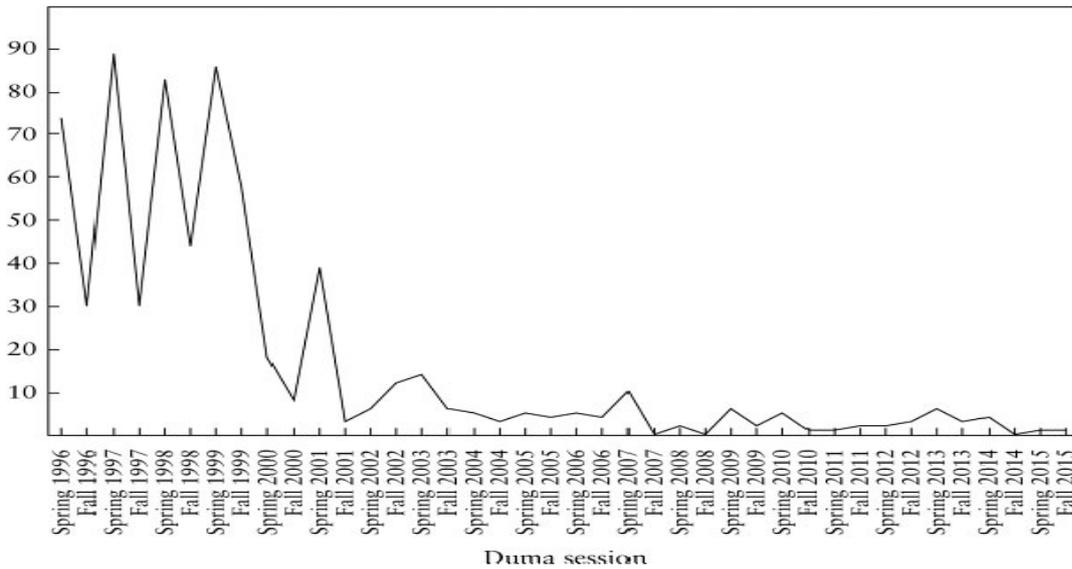
Russia reformed the elections in order to consolidate presidential power over the State Duma thanks to party of power, Unified Russia. The President had received the support of parties from initial opposition side just after the December 1999 Duma

⁴⁴³ Ibid.

⁴⁴⁴ Nygren, Bertil. "Perceptions of Democracy and Democratic Institution-Building-Electoral Democracy the Russian Way." Russia and Europe: Building Bridges, Digging Trenches. Eds. Kjell Engelbrekt and Bertil Nygren. London and New York: Routledge, 2010. pp. 51-52.

elections- Fatherland, All Russia. Then, the President managed to aggregate the support of these parties with the Unified Russia party. Hereby, the party completely mandated the Duma after the 2007 elections.⁴⁴⁵

Figure 3: Number of Bills Vetoes by the Federation Council and the President by Duma Sessions, 1996-2015⁴⁴⁶



The Figure above shows the frequency of vetoes resorted by the Upper Chamber and the President by Duma legislative sessions, 1996-2015. It is clear that there was a sudden decrease in the number of vetoes used in the shift from the second to the third Duma convocations. This trend associated with executive control

⁴⁴⁵ Ibid. p. 52.

⁴⁴⁶ Noble, Ben and Ekaterina Schulmann. “Not Just a Rubber Stamp: Parliament and Lawmaking.” p. no numbering.

over the legislature. But, the core point here is that the number of vetoes did not come to naught in the more recent periods associated with executive sway over the legislature. And conspicuously, these veto episodes contains cases of executive-initiated legislation. For instance, on April 10, 2013, in the State Duma, the government introduced the bill numbered 255707-6 on foreign investments in strategically important sectors.⁴⁴⁷

Noble and Schulmann draw our attention to a different point to find out whether the Russian parliament is a real rubber stamp or not. Given the fact that a typical rubber-stamp parliament acts in a particular manner such as a unanimous voting pattern. But, votes are rarely unanimous in the State Duma. As a matter of fact that only 5 of the 15.567 votes was unanimous during the sixth convocation (2011-2016) even if many votes are near unanimous. Taken all together, we can argue that the State Duma has been able to carry out its own legislative agenda autonomously and resisted the executive lawmaking agenda.⁴⁴⁸

4.1.3. The Decree-Making Authority

In many presidential and president-parliamentary systems, constitutions give presidents the power to issue executive decrees with legal power. Notwithstanding there is a variation in the scope and restrictions of these powers, constitutions generally authorize presidents to the unilateral power of lawmaking. In the literature, the main question on decree authority is whether unilateral power can eliminate the collective action problem within the legislature or bring about power usurpation. When it comes to the post-communist region, executive decree authority associates with the ineffectiveness of checks and balances system.⁴⁴⁹

Before going deep into the decree-making authority, we need to ask a question to exhibit the importance of this authority in labeling the executive-

⁴⁴⁷ Ibid.

⁴⁴⁸ Ibid.

⁴⁴⁹ Protsyk, Oleh. "Semi-Presidentialism under Post-Communism." pp. 105-107.

legislative relations. The answer to be delivered this question will be determinative to find out to what extent legislative power can be counterweight vis-a`-vis the executive, namely the president.

*“When presidents or prime ministers make law by decree, are we witnessing the usurpation of legislative authority?”*⁴⁵⁰ It is possible to change this question as follows: Albeit being a policy instrument at the disposal of the executive, does its use cause completely delegative democracy? In the Russian case, these are tough questions to answer.

In Russian democracy, the role of presidential decrees has been highly controversial. Although some scholars-such as Wishnevsky- labels the use of decree as “autocratic”, others- such as Kubicek, Linz, O’Donnell, and Roeder- stigmatize as “delegative democracy” by accentuating that the President rules by decree and usurp the legislative authority and thus, he marginalizes the powers and functions of the parliament.⁴⁵¹

At the outset, it is vital to underline the change in executive decree authority in Russia. Although, the previous constitution did not place any restriction on that authority when the parliament delegated the president emergency decree power yet reserved itself the right to reverse his decrees by annulling them. Furthermore, under the amendments forming the presidency in 1991, Yeltsin expanded the constitutional decree power.⁴⁵² In fact, the 1991 constitutional amendments granted a limited decree making authority to the president. Rather than to give the president with far-reaching new policies independently, the primary intent was to grant the executive power to carry out decisions of the Congress and the Supreme Soviet. Likewise, the amended constitution placed remarkable checks against presidential abuse of decree power. Under Article 121 of the amended constitution, there was no effective veto by the president. When the president could return bills to the parliament for

⁴⁵⁰ Carey, John M.and Matthew Soberg Shugart. Executive Decree Authority. p. no numbering.

⁴⁵¹ Parrish, Scott. “Presidential Decree Authority in Russia,1991-95.” p. 62.

⁴⁵² Remington, Thomas F. “The Evolution of Executive-Legislative Relations in Russia since 1993.” *Slavic Review*. vol. 59. no. 3, Autumn 2000. pp. 505-506.

reconsideration, a simple majority vote was enough to override the presidential objections. Thus, the Supreme Soviet could override presidential decrees with new legislation relatively easily.⁴⁵³ Considered in this way, the constitutional provisions could not account for the strong decree authority. Undoubtedly, the picture was an artifact of conditions in Russia⁴⁵⁴ and tension between the executive and legislation. And sure enough, because of the lack of any political party or coalition which had a majority of seats in the Duma, Yeltsin bypassed the parliament through presidential decrees especially in the first years of his presidency since the parliament conflicted with him over much of the legislation he introduced.⁴⁵⁵ But, as of the end of the 1990s, Yeltsin's use of decree power as a substitute for law-making had markedly decreased despite the high incidence of conflict between president and parliament. Even some significant legislative agreements had been made.⁴⁵⁶

In the Yeltsin period, from 1994 to 1998, there were 1420 normative decrees and 8443⁴⁵⁷ not excepting published and unpublished decrees. In addition to that, almost one-thirds of decrees were normative⁴⁵⁸ under the Yeltsin period. In other words, they had the policymaking feature, rather than being related to administrative and executive action.⁴⁵⁹ As for the laws passed by the State Duma and signed by the President in the same period (1994-1998), the number of such laws is 822⁴⁶⁰. As

⁴⁵³ Parrish, Scott. "Presidential Decree Authority in Russia, 1991-95." p. 66.

⁴⁵⁴ Ibid. p. 64.

⁴⁵⁵ Remington, Thomas F. "The Federal Assembly, 1994-2004." pp. 127-128.

⁴⁵⁶ Haspel, Moshe, Thomas F. Remington & Steven S. Smith. "Lawmaking and Decree Making in the Russian Federation: Time, Space, and Rules in Russian National Policymaking." *Post-Soviet Affairs*. vol. 22. no. 3, 2006. p. 250; Remington, Thomas F., Steven S. Smith & Moshe Haspel. "Decrees, Laws, and Inter-Branch Relations in the Russian Federation." p. 288.

⁴⁵⁷ Troxel, Tiffany A. Parliamentary Power in Russia, 1994-2001: President vs. Parliament. p. 80.

⁴⁵⁸ While normative decrees refer to those which organize similar policy spheres as parliamentary laws, non-normative decrees refer to those which handle the administrative matters as appointments and dismissals of government officials, like resolutions by the government and parliament. *For further information, see*. Ibid. p. 81.

⁴⁵⁹ Erdem, Kasım. "Yarı-Başkanlık ya da Süper Başkanlık: Rusya Federasyonu Örneği." p. 218.

⁴⁶⁰ Troxel, Tiffany A. Parliamentary Power in Russia, 1994-2001: President vs. Parliament. p. 84.

reported by Remington, from 1994 to 1996, 3528 published decrees and 1544 secret (unpublished) decrees were issued. From 1994 to 1996, 3528 published decrees and 1544 secret (unpublished) decrees were issued. From 1993 to 2000, the President issued over 500 unpublished decrees each year.⁴⁶¹ Interestingly, from 1996 to 1998, while there was a remarkable decline in the number of normative decrees by the president, the number of laws relatively increased. In such a case, as Troxel states, the Duma had the chance to postpone bills on which the President cannot issue decrees. Thus, the executive would be forced to negotiate with Duma deputies to get their consents. Unlike Stephen Holmes and others, Troxel also states that the President did not enjoy such an overwhelming power that the parliament could challenge and limit to the presidential decree authority and the executive to submit to the Duma's demands by delaying significant legislation outside the president's areas of decree power. That's why, according to her, the political system is more semi-presidential regarding actual powers. Accordingly, a political system is semi-presidential providing that the president exercises more power compared to the parliament yet parliament check all of his/her power to some degree.⁴⁶²

President Yeltsin sometimes arbitrarily resorted to his decree power on the grounds of the given status of "guarantor" of the Constitution. Without having a declaration of a state of emergency and parliamentary approval on it, he declared war against Chechnya in 1994. Besides this, he usurped the legislature by issuing decrees which belonged to the sphere of the law. For example, by issuing a decree, he regulated the local election that had to be organized by the law. Likewise, he issued some decrees on taxes which belonged to the legislature after the August 1998 fiscal crisis.⁴⁶³

⁴⁶¹ Shebaltseva, Aleksandra. *Is Russia a Constitutional Democracy? Checks and Balances in the Russian Constitutional System*. Budapest: Central European University, 2008. p. 47.

⁴⁶² Troxel, Tiffany A. Parliamentary Power in Russia, 1994-2001: President vs. Parliament. pp. 78, 90.

⁴⁶³ Shebaltseva, Aleksandra. *Is Russia a Constitutional Democracy? Checks and Balances in the Russian Constitutional System*. pp. 45-46.

However, considering the 1993 Constitution, it is crucial to state that the presidential decree power is not an absolute authority in contrast to its first appearance. Indeed, the Constitution reserves the right to arrange some fields-such as policies regarding taxation and levies, federal budget, use of land, social benefits, the election of judges, principles of administrative structure, and some issues as to the human and civil rights and freedoms- only by federal laws. Besides this, in the face of such a domain exists, the law may be amended only by the adoption of another law. Also, it overrides a presidential decree when a law is passed.⁴⁶⁴

In accordance with Article 90 of the Constitution, the president can issue decrees (ukazy) and orders which are binding across the country providing that they do not conflict with the Constitution and federal laws. Issuing decree is among the proactive powers to which the president may resort.⁴⁶⁵

Part 1 of Article 90 stipulates simply that the President shall issue decrees and orders.⁴⁶⁶ The Constitution does not put an annotation onto the scope of the President's decretal authority.⁴⁶⁷ Whereas on 12 July 1993, draft constitution approved by the Constitutional Conference, which was regarded as supposedly the current Constitution's principal source, restricted the president's authority by stating that presidential decrees and orders must be in accordance with powers warranted by the Constitution and federal laws.⁴⁶⁸ Here, two different texts demonstrated that lawmaker's eventual intention was to let the president issue decrees and orders on whatever s/he finds necessary.⁴⁶⁹

⁴⁶⁴ Donaldson, Robert H. "Russia". p. 237.

⁴⁶⁵ Carey, John M. and Matthew Soberg Shugart. Executive Decree Authority. p. 5; Burkhardt, Fabian. "The Institutionalization of Relative Advantage: Formal Institutions, Subconstitutional Presidential Powers, and the Rise of Authoritarian Politics in Russia, 1994-2012." *Post-Soviet Affairs*. vol. 33. no. 6, 2017. p. 481.

⁴⁶⁶ Part 1 of Article 90. The Constitution of the RF of 1993.

⁴⁶⁷ Biryukov, Nikolai and Victor Sergeyev. Russian Politics in Transition. p. 272.

⁴⁶⁸ Part 1 of Article 90 of the Constitutional Conference's Draft Constitution 1993.

⁴⁶⁹ Biryukov, Nikolai and Victor Sergeyev. Russian Politics in Transition. p. 273.

With the advent of new State Duma and president in 1999-2000, the structural conflict between legislative and executive power alleviated. However, the structural difficulties in coordinating the work of two branches remain. For that reason, the executive felt obliged to issue decrees and executive orders. Even though the Duma passed an important number of laws, this has in turn created a perception on the Duma as trivial and peripheral to the policy process.⁴⁷⁰

Although it seems like decree-making authority enables presidents to make regulative activities and give him/her free hand in politics especially in tumultuous periods, presidential decrees may fall short of being a remedy in the case of executive-legislative conflict. Because they are subordinate to parliamentary statutes in the Russian hierarchy of laws. For that reason, it is not possible to govern by decree in an effort to circumvent an opponent parliament.⁴⁷¹

It is crucial to note that under President Yeltsin and Putin, constitutional powers granted to the president and the parliament have been exercised very differently.⁴⁷² Indeed, although Yeltsin frequently resorted to decree issuance by the year of 2002 witnessed a decrease in the number of decrees as Putin uses less frequently his decree power.⁴⁷³ Collaborating with the majority on legislative initiatives, Putin has been able to pass far-reaching laws on taxation, sweeping changes in the pension system, national monopolies, judicial system, labor market.⁴⁷⁴ Even so, in the first years of his presidency (2001-2002) when Putin, first as acting

⁴⁷⁰ Chaisty, Paul and Petra Schleiter. "Productive but Not Valued: The Russian State Duma, 1994-2001." p. 717.

⁴⁷¹ Chaisty, Paul. "The Legislative Effects of Presidential Partisan Powers in Post-Communist Russia." p. 433.

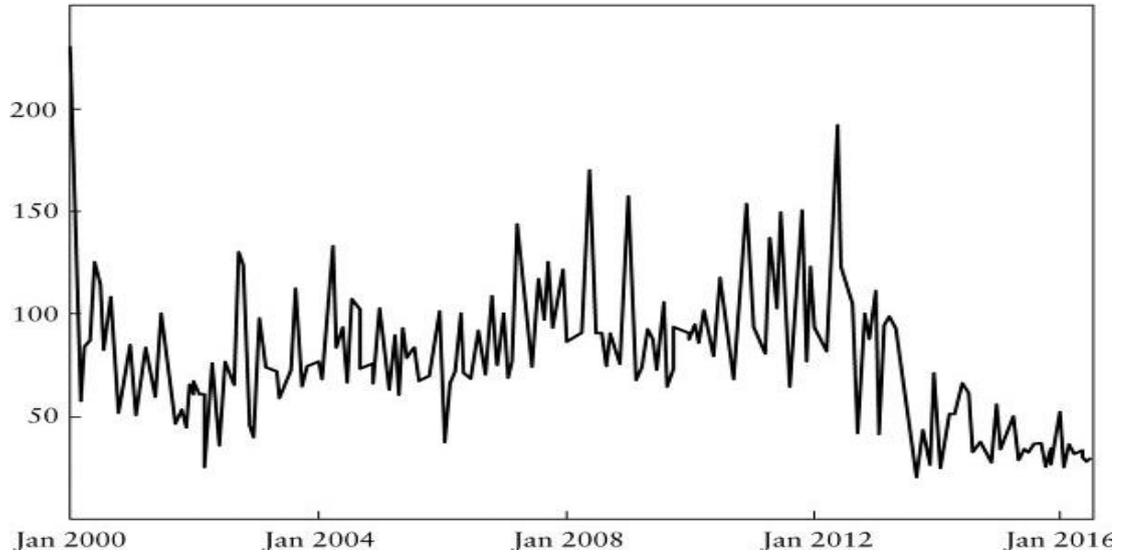
⁴⁷² Haspel, Moshe, Thomas F. Remington & Steven S. Smith. "Lawmaking and Decree Making in the Russian Federation: Time, Space, and Rules in Russian National Policymaking." p. 250.

⁴⁷³ Protsyk, Oleh. "Ruling with Decrees: Presidential Decree Making in Russia and Ukraine." *Europe-Asia Studies*. vol. 56. no. 5, 2004. p. 640.

⁴⁷⁴ Remington, Thomas F. "The Federal Assembly, 1994-2004." p. 131.

and then as newly-elected president, the number of unpublished decrees peaked in 2000.⁴⁷⁵

Figure 4: Presidential Decrees by Month⁴⁷⁶



As the time went on, Putin has issued far fewer presidential decrees as compared to the past. Compared to an average of 82 decrees per month during his first two terms, approximately 37 decrees per month in 2014-2016 were issued and the frequency of such decrees is at an all-time low.⁴⁷⁷

In a nutshell, one can conclude that there is an inverse proportion between the number of decrees and laws. The more president has amicable relations with the

⁴⁷⁵ Protsyk, Oleh. "Ruling with Decrees: Presidential Decree Making in Russia and Ukraine." p. 641; Erdem, Kasım. "Yarı-Başkanlık ya da Süper Başkanlık: Rusya Federasyonu Örneği." p.219.

⁴⁷⁶ Maxim Ananyev. "Inside the Kremlin: The Presidency and Executive Branch." p. no numbering.

⁴⁷⁷ Ibid.

parliament and/or the more parliamentary actors converge on the same issue, the more area of decree authority will narrow.⁴⁷⁸ Within this direction, both of the literature and empirical studies corroborate that the use of presidential prerogative power is conditioned on the president's support in the legislature. In other words, presidents having a robust base of support in the legislature do not need to rely on his decree power to carry out his/her policies. Instead, strong presidents enjoying a political base of support in the legislature resort to their decree powers less and count more upon a partisan majority. But however, a weak president is likely to use decree power to bypass the legislature. In sum, the choice closely depends on the size and cohesiveness of president's support in the legislature.⁴⁷⁹

4.2. The Federal Assembly and the Government

In the Russian political system, there is no need for representation as a parliamentary majority in the government. Likewise, government ministers do not have to affiliate with the party in power in the Duma. As mentioned before, the president, who does not belong to any party, has a free hand in appointing the government. Under these circumstances, only three out of the cabinet were members of United Russia despite the fact that the party had a great majority of seats in the Duma.⁴⁸⁰ Also, in accordance with the principle which was adopted in 1988 and reaffirmed by the 1993 Constitution, deputies who take charge in the governmental body must resign from their seats in the parliament. In a similar manner, deputies are not allowed to hold jobs with a few exceptions or cannot simultaneously be employed in the government. In fact, the idea that ministries cannot simultaneously be deputy serves the purpose of maintaining the separation of powers. But actually, this situation removes the ability of parties to form a government and incapacitates the collaboration which binds together the governing party. Furthermore, it curtails

⁴⁷⁸ Şen, İlker Gökhan. Rusya Federasyonu Siyasal Sistemi. p. 143.

⁴⁷⁹ Remington, Thomas F. Presidential Decrees in Russia: A Comparative Perspective, p. 24.

⁴⁸⁰ Henderson, Jane. The Constitution of the Russian Federation: A Contextual Analysis. Oxford and Portland: Hart Publishing, 2011. p. 131.

Duma's ability to call ministers to account on a daily basis, undermine the government's capacity to express its policies in the parliament.⁴⁸¹

While the president has the right to appoint and command the government directly, the parliament does not have a say in the course of governmental affairs. In such a case, the process may result in the marginalization of the parliament in many actual policy decisions. When the president has a solid parliamentary majority to pass his proposed legislation, the chance for bargaining between the president and the parliament is seriously reduced.⁴⁸²

As for the oversight function of the Federal Assembly, until 2009 there is no mention of parliamentary oversight on the executive except with regard to the implementation of the federal budget since the Constitution regards the Federal Assembly as a "representative and legislative organ." As mentioned before, under President Yeltsin, the parliament developed some oversight mechanisms that resembled the ones in developed democracies such as the Government Hour, namely regular invitation of government ministries to respond to parliamentary questions and written interpellations (zaprośy), improved oversight of the budget process, hearings, and parliamentary investigations.⁴⁸³ Both chambers can exercise de facto oversight power through these instruments.⁴⁸⁴

While the 1993 Constitution does not grant an explicit oversight power to the Federal Assembly, the parliament can form parliamentary investigative commissions. To exemplify, following the Beslan tragedy, assumedly upon the authorization of the Kremlin, a joint commission included 11 members of the Federation Council⁴⁸⁵ and

⁴⁸¹ Sakwa, Richard. *Russian Politics and Society*. p. 114.

⁴⁸² Remington, Thomas F. "The Federal Assembly, 1994-2004." p. 122.

⁴⁸³ Whitmore, Sarah. "Parliamentary Oversight in Putin's Neo-patrimonial State: Watchdogs or Show-dogs?" pp. 1003-1004, 1012.

⁴⁸⁴ Remington, Thomas F. "Putin, Parliament, and Presidential Exploitation of the Terrorist Threat." *The Journal of Legislative Studies*. vol. 15. no. 2-3, 2009. p. 237.

⁴⁸⁵ Oddly enough, the Upper Chamber which fulfils its legislative task especially on regional issues involves in the process. *Ibid.* p. 227.

10 members of the Duma was formed in 2004. Considering the waning public interest on the tragedy, the commission submitted its report in 2006 by concluding that there was no neglect of duty by the security forces and they had done their best to save lives. In fact, in the first months of the investigation, commission members declared that they had identified important faults of security forces. Having suppressed by Putin's administration, as Remington argues, parliamentarians avoid probing the given matter. For that reason, one can say that these parliamentary oversight mechanisms are short of being real instruments for overseeing the lapses in the executive.⁴⁸⁶

Alongside its ineffectiveness, once Putin assured a pro-presidential parliamentary majority in the State Duma after 2002, there was a decline in the holding of hearings and interpellations.⁴⁸⁷

Indeed, the State Duma adopted a range of oversight mechanisms which were formalized in law or by internal regulations during the 1990s. There was a series of amendments made to these formal rules that increased the degree of regulation during the years 2004-2005. These amendments also tended to shift rights away from individual deputies and committees up to the Council of the Duma and higher. The Government Hour, hearings, the anti-corruption commission, and parliamentary investigations are four areas in which regulations on parliamentary oversight increased. First, for questioning the members of the government about a policy, the Government Hour was the weekly mechanism. In 2004, it was converged that the issues in questions and the officials to be invited would be determined for the entire session at its start. Furthermore, the parliamentary standing orders were amended to increase the session's duration to two and a half hours each week. By doing so, it decreased the capacity of the Lower Chamber to address the burning issues of the day. Similarly, committees could hold hearings on any issue until 2004, by the

⁴⁸⁶ Remington, Thomas F. "Putin, Parliament, and Presidential Exploitation of the Terrorist Threat." p. 228.

⁴⁸⁷ Whitmore, Sarah. "Parliamentary Oversight in Putin's Neo-patrimonial State: Watchdogs or Show-dogs?" pp. 1003-1004, 1012.

resolution 132-IV (20 February 2004) put a restriction on the issues to the jurisdiction of the Duma. In a similar manner, the resolution also undermined the authority of committees by prioritizing the consent of the Council of the Duma.⁴⁸⁸ When the numbers of hearings held in 2001 and 2002 were respectively 96 and 95, the numbers of those held in 2007 and 2008 were 26 and 29.⁴⁸⁹

4.3. Concluding Remarks: An Evaluation of the Status of the Federal Assembly

Throughout this chapter, I aimed to explain that the Russian parliamentary structure and its status in the whole political system differ according to the parliamentary composition and the president's interaction with this composition. Before concluding the chapter, the status of the Federal Assembly deserves to be evaluated briefly.

In the aftermath of the Soviet collapse, President Yeltsin tried to hold sway over the Russian parliament. However, in the Supreme Soviet (1990-1993), Russia's first post-communist parliament, Yeltsin was not able to curb the parliament's power due to the fact that he lacked the institutional power over, and political support within the parliament. Also, in the early post-communist period, the Constitution furnished the parliament with authority such as the control over the composition and survival of the government but constrained the executive influence over the legislative agenda.⁴⁹⁰

Yeltsin also suffered from some constitutional challenges with the advent of new constitutional arrangements after the crisis of October 1993, the legislative powers shifted toward a presidential locus. Within this scope, the new constitution placed important powers in the hands of the executive by granting legislative powers in initiation, veto, decree, and scrutiny. Moreover, through the conditional power to

⁴⁸⁸ Ibid. p. 1009.

⁴⁸⁹ Ibid. p. 1012.

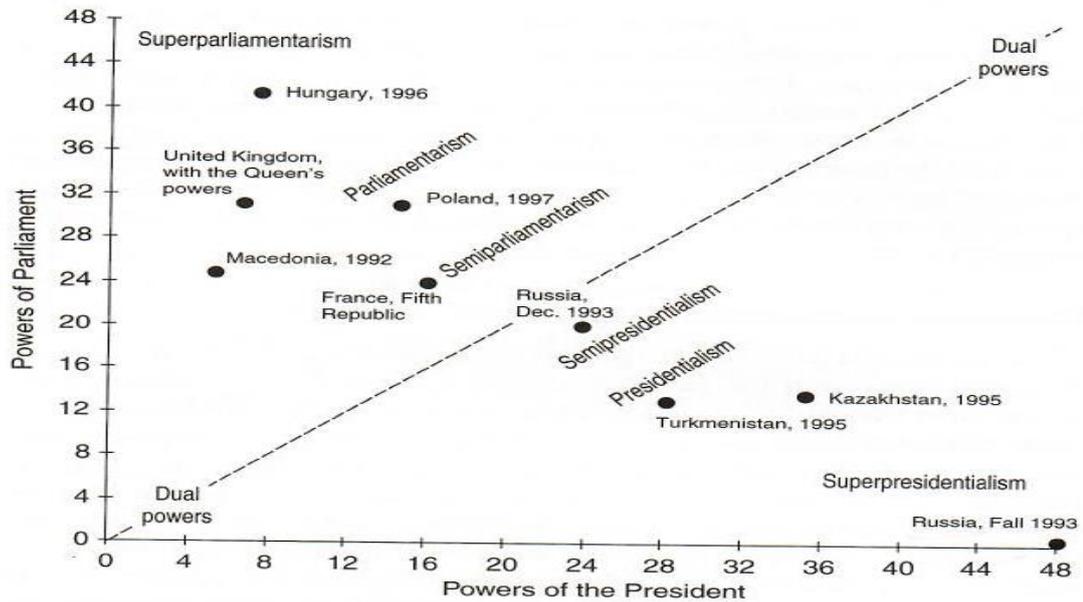
⁴⁹⁰ Chaisty, Paul. "Majority Control and Executive Dominance: Parliament-President Relations in Putin's Russia." pp. 120-121.

dissolve the State Duma, the Constitution invested the president vital powers in relation to the composition and survival of the government and the parliament. Besides, the adoption of a mixed electoral system⁴⁹¹ to strengthen the political parties was intended to amplify executive support in the State Duma. Albeit, these all moves generated more constructive executive-legislative relations in the post-October 1993 period, President Yeltsin could not ever get two chambers of the new parliament under his control. Russia's new electoral system was short of providing a clear majority for pro-Yeltsin parties. Likewise, as for the Upper Chamber, it could act regardless of the president's policies on the grounds of the method for selecting its members. Lacking the powerful pro-presidential party to command the legislative agenda, deputies could play by their ears.⁴⁹²

⁴⁹¹ In the 1993, 1995, 1999, and 2003 Duma elections, a mixed electoral system, with 225 deputies elected using party-list proportional representation and 225 in single-mandate district (plurality) competitions, were all conducted. By contrast, in the 2007 and 2011 elections, they were conducted using a purely proportional representation system. There is evidence that these institutional changes have affected legislative behavior: As Jana Kunicova and Thomas Remington state, for instance, that deputies elected via single-mandate districts were more likely to defect from the party line when voting. Noble, Ben and Ekaterina Schulmann. "Not Just a Rubber Stamp: Parliament and Lawmaking." p. no numbering.

⁴⁹² Chaisty, Paul. "Majority Control and Executive Dominance: Parliament-President Relations in Putin's Russia." p. 121.

Figure 5: Powers of Presidents and Parliaments in Democratic and Undemocratic Regimes⁴⁹³



In the Figure above, in the bottom right and top left corner of the chart, superpresidentialism and superparliamentarism are extreme points where the president or parliament, respectively, enjoys such large power that they can usurp the weak branch. The commonality of these systems is to be undemocratic ones. As can be seen at the bottom right corner, Troxel labels Russia's September-December 1993 period as undemocratic on the ground that Yeltsin disbanded the parliament and ruled by decree. Given the definition of semi-presidentialism as a regime in which the president has slightly more power than the parliament, she calls Russia semi-presidential, from 1994-1999 based on the 1993 Constitution. In contrast, according to her, France is semi-parliamentarism in which the parliament has slightly greater powers than the president.⁴⁹⁴

⁴⁹³ Troxel, Tiffany A. Parliamentary Power in Russia, 1994-2001: President vs. Parliament. p. 32.

⁴⁹⁴ Ibid. pp. 31-33.

As for the semi-presidentialism of Russia, one can say that the Russian system still bears a resemblance to the French system. Just like in the French case, the Russian President is also elected by the popular vote. In addition to that there is a parliamentary system with a prime minister and the cabinet, at the same time accountable to the president and parliament. In fact, yet, the premier is mainly accountable to the president and acts as the president's head of government. This was clearly the case when Yeltsin and Putin were president, with the premier playing a subordinate role to the president. Because of the dominance of Putin, the shoe was on the other foot in Putin's premiership in 2007.⁴⁹⁵

When it comes to the classifying the regime type, Schleiter dubbed the 1991-1993 period a premier-presidential type. According to Article 104 of the Constitution, the President needed to have the approval of a majority of deputies of 1.068-member Congress of People's Deputies in order to appoint the prime minister. Also, the government was firstly accountable to the parliament. And according to Article 123 of the Constitution, the Supreme Soviet as the smaller standing parliament and the Congress had the right to vote of no-confidence in the government. In line with the same article, the President did not have the right to dismiss the government unilaterally, but the consent of the Supreme Soviet or solely upon the initiative of the Council of Ministers itself. Besides, the Parliament temporarily, not constitutionally, delegated powers to Yeltsin in order to devise the government independently. These powers *ipso facto* expired. Taken all together, as Schleiter puts, these constitutional provisions attest to compromise-inducing premier-presidential regime type rather than conflict-inducing president-parliamentary regime type. Since there was no unilateral presidential power to appoint and dismiss the cabinet ministers which is closely associated with president-parliamentary type. On the other hand, the government accountability to the parliament evokes the premier-presidential type. Indeed, while the Russian president enjoyed constitutional powers to have a say in the government composition as well as the government

⁴⁹⁵ Ishiyama, John T. Comparative Politics: Principles of Democracy and Democratization. pp. 184-185.

accountability to the parliament, the parliament or government approval was needed to exercise these powers. In a nutshell, in line with the thinking of Shugart and Carey, who classified the semi-presidentialism into two regime types as premier-presidential and president-parliamentary, the rules mentioned above give the president incentives to compromise with an opposite parliamentary majority when forming the composition of the government—a premier-presidential feature.⁴⁹⁶

In the Third Chapter of this study, I have examined *The Role of the Parliament in Semi-Presidential Systems*. And also, I have elaborated on four scenarios by Tsai⁴⁹⁷ to illustrate the interaction of executive and legislative in the semi-presidentialism. Tsai classifies this scenario as a case of a strong president vis-à-vis a strong parliament weighing relative powers between the president and parliament in the Russian First Republic case. The Constitution of the First Republic (1991-1993) conferred important powers on the President. Yet, it did not mean that the powers of the President were superior to those of the parliament. Even, the powers of the latter one surpassed those of the former one. In line with Article 185 of the Constitution, the Congress was the supreme organ of state power. What's more, the parliament has investiture power, the power to override a veto, and the power to abolish executive measures.⁴⁹⁸

Moser thinks that the Russian constitutional structure has proposed a strong presidency, but not always a strong president. To strengthen his argument, he states that following the Yeltsin's resignation and the inauguration of Putin as a healthy and popular leader marked a new period for the Russian political system. Having broad popularity and elite support, Putin has enjoyed substantial powers than Yeltsin had. Especially, the grassroots support behind Putin reshaped the executive-legislative relations. Meanwhile, the newest party, the Unity, created only months before the 1999 parliamentary elections, became the second largest party in the State Duma.

⁴⁹⁶ Schleiter, Petra. "Mixed Constitutions and Political Instability." p. 5.

⁴⁹⁷ Tsai, Jung-Hsiang. "Sub-Types of Semi-Presidentialism and Political Deadlock." pp. 63-84.

⁴⁹⁸ Ibid. p. 77.

Thus, the elections brought about a change in the composition of the State Duma which has entrusted Putin with a supportive legislative majority. At this point, the presidencies of Yeltsin and Putin put down the fact how limited considerable powers could be in the hands of an unpopular president in the case of Yeltsin's final years of presidency while Putin's tenure has demonstrated how strong such powers can be in the hands of a robust and popular chief executive.⁴⁹⁹ In contrast to the popular Western views, the core point here is that a strong president does not always mean a weak parliament. Discussing the regime types, Troxel reminds us that this is a system of dual powers where both of them are powerful- on paper and in practice. Strong presidential systems are not always undemocratic, as long as there are checks and balances on president's power and strong rivals such as the parliament and political parties, or both. In the same direction, on 8 July 2008, during his State of the Nation Address, Putin stated that a strong power desires to have strong rivals while, in contrast, it seems profitable for a weak power to have weak parties.⁵⁰⁰

In the light of the discussions above, as I have mentioned in the beginning of the study, the discussions as to whether the Russian political system is associated with superpresidentialism, are part of the big picture. Also, superpresidentialism differs substantially from moderate presidentialism and semi-presidentialism as in the case of Russia as of early 2000s. It will be useful to elaborate on the characteristics of this term. According to Fish:⁵⁰¹

...an apparatus of executive power that dwarfs all other state agencies in terms of size and the resources it consumes; a president who enjoys decree powers; a president who de jure or de facto controls most of the powers of the purse; a relatively toothless legislature that cannot repeal presidential decrees and that enjoys scant authority and/or resources to monitor the chief executive; provisions that render impeachment of the president virtually impossible; and a court system that is controlled wholly or mainly by the chief executive and that cannot in practice check

⁴⁹⁹ Moser, Robert G. "Executive-Legislative Relations in Russia, 1991-1999." pp. 67-68.

⁵⁰⁰ Troxel, Tiffany A. Parliamentary Power in Russia, 1994-2001: President vs. Parliament. p. 191.

⁵⁰¹ Fish, Steven M. "The Impact of the 1999-2000 Parliamentary and Presidential Elections on Political Party Development." pp. 200-201.

presidential prerogatives or even abuse of power. Superpresidentialism is a type of regime. The chief executive does not enjoy total power and is subject to bona fide, periodic challenge in national elections.

Yeltsin enjoyed superpresidential powers after the constitutional crisis in 1993. However, he was not ever-effective leader since he did not have a robust majority in the Lower Chamber. Unlike Yeltsin, Putin has enjoyed a consolidated majority government from the early years of his presidency. Ultimately, *Russia “... went from being a super semi-presidential democratizing regime to a consolidated competitive (or even full-fledged) authoritarian regime.”*⁵⁰²

Since legislatures would already have restricted constitutional powers to oversee the president, superpresidentialism does not have to rely on a constitutional majority government. But, given that having a consolidated majority government in a semi-presidential system with also constitutionally able president will remarkably prevent the separation of powers and “checks and balances” on which liberal presidential democracy is based. This situation seriously cripples the democratization process. Goodnow, quoted from Fish and Kroenig, uses an alternative way to discern the presidential power- the strength of legislatures in semi-presidential and presidential systems. He also ranks Europe’s semi-presidential regimes by regarding their parliamentary powers from the weakest to the strongest one. The scores range between zero to one, in which zero is the lower amount of parliamentary strength and one is the highest score. In this ranking, the Russian system (with 0.44 point) is the one with the second lowest parliamentary powers. Likewise, with the exception of Belarus, Russia is the weakest of all semi-presidential post-communist parliaments.⁵⁰³

In the Russian case, since the parliament does not have the adequate means to block presidential initiatives and thanks to the extensive constitutional powers,

⁵⁰² Goodnow, Regina Rose. *Post-Soviet Super-Presidentialism: Explaining Constitutional Choice in Russia and Ukraine*. Austin: The University of Texas, 2013. (Unpublished Doctorate Thesis) pp. 27-28.

⁵⁰³ *Ibid.* pp. 29-30.

President Putin did not have to struggle with the legislature. Besides this, Putin enjoys remarkably partisan powers. Here it is important to note that the excess of presidential authority may bring democracy to a standstill. Furthermore, it can undermine the “checks and balances” that make presidentialism- with its “separation of powers”- a covetable option for obstructing the tyrannies of either minorities or majorities.⁵⁰⁴

Revisiting the main question of this study, whether the Russian parliament was able to counterweight the presidential authority or not, we cannot easily agree with Donaldson’s view in that the parliament, by using its legislative instruments as a trump card, became a considerable counterweight to the presidency.⁵⁰⁵ Contrary to popular belief, Yeltsin’s interactions with the Duma in the 1994-1999 period were fruitful. Also, both Yeltsin and his parliamentary opponents were willing to obey the constitutional rules which had been established in 1993.⁵⁰⁶ To be more precise, as Donaldson states, even if the Duma suffered from its recalcitrance in a mess, it could provide a basis of compromise thanks to its evolving internal structures and procedures in the face of an unfettered presidency.⁵⁰⁷ As for the Putin period, especially after the 2003 elections, the parliament witnessed a considerable change in its internal structure and legislative proceedings which favor the majoritarian dominance rather than the agreed rules by all parliamentary counterparts.

⁵⁰⁴ Ibid. p. 33.

⁵⁰⁵ Donaldson, Robert H. “Russia”. p. 230.

⁵⁰⁶ Ibid. p. 243.

⁵⁰⁷ Ibid. p. 230.

CHAPTER 5

CONCLUSION

This study aimed to scrutinize the nature of the executive-legislative relationship in the Russian political system within the context of its government model as semi-presidentialism. I focused on the role of the Russian legislature, namely the Federal Assembly of Russia in this relationship.

In recent years, much has written on Russian politics following the collapse of the Soviet rule. Enough time has elapsed since the fall of communism that one can begin to assess why some post-communist regimes and institutions have functioned better than others. Since emergent Russia arose from the ashes of the USSR and the Russian Constitution of 1993 was born out of the collapse of the Soviet political system, the breadth and depth of change in Russian politics deserve a separate analysis.

Given the widely held view that there is a close link between the vigor of legislative bodies and the robustness of democracy, the study analyzes to what extent the parliament can make room for itself at the expense of the president in a given regime type, semi-presidentialism.

The Constitution of the Russian Federation stipulates a president who is popularly elected for a fixed term and a government which is subject to the vote of confidence. Being not part of any political power in terms of constitutional provisions, the president takes an important place in the political system. Although the 1993 Constitution adopts the principle of the separation of powers on paper, the president has asymmetric relations with the parliament and the government. Under such a case, the president may dominate over other constitutional bodies. With this study, I aimed to find out the role of the Federal Assembly of the Russian Federation

in the semi-presidential regime type in an attempt to determine the real status of the Russian legislature.

To this end, the first pages have delineated the doctrine of the separation of powers at the heart of the discussions on the political system in all modern states. Having clarified the intellectual background of the separation of powers, we can readily state that the doctrine of the separation of powers makes sense only if it brings about the existence of different functions in harmony, rather than the isolated existence of each power in modern states. We have different regime types that stem from the relationships between the legislative and the executive branch.

In the introductory chapter, I sought to frame the discussion to the following questions: “to what extent the Parliament can prove adept at protecting itself in the face of the potential usurpations by the president” and which constitutional instruments are given to legislative power?” In determining the nature of the political regimes in the constitutions, one should focus on how the forces using the state power are shaped and interrelations among these powers. Therefore, I have examined the role and interrelational dynamics of these powers. On the other hand, analyzing constitutional rules on the paper alone would be short of evaluating the actual determinants of legislative power in the system. Thus I have combined the daily parliamentary practices and legislative data with constitutional provisions to overcome this.

Most political systems are formed by a trivet composed of three actors as the president, prime minister, and the parliament. In semi-presidentialism, competition/cooperation between the first two actors of the executive power and dual-executive identified with the semi-presidentialism are the most important factors determining how the regime operates. The Russian semi-presidential system can be defined as presidential-parliamentarism rather than premier-presidential system. Briefly stated, in the former one, we have a more powerful presidential figure in the government formation process and both the prime minister and cabinet are dually accountable to the president and parliamentary majority.

Throughout the study, when appropriate, French semi-presidential system is visited as a typical example of this system of government. Recalling the discussions in Chapter Two, given the dual structure of the executive branch and the ambiguity of roles stemmed from the president and prime minister, the Russian case differs in many respects from the French case. For that reason, I particularly focused on the attitudes of political actors instead of system dynamics in the Russian case. Indeed, I observed very different political interactions with other constitutional actors in different reigns. In addition to the impact of the political actors, one must not think legislative bodies separate from their historical roots since they are the products of previous experiences. Therefore I have also examined the historical process of legislative development in Russia.

First and foremost, one must acknowledge that the status of constitutional bodies, especially that of the legislature in Russia differs remarkably from its European counterparts. The concepts, which are associated with Western ideas such as separation of powers, checks and balance mechanisms, are not historically associated with the Russian system. In order to examine the reasons for this, I focused on certain historical political entities such as the Soviets, also known as councils. Soviets were instruments for making revolution and those elected to these councils were not only servers in the government, but also workers of the industrial working class. By analyzing the political history of Russia, one can argue that the current parliamentary system is a product of its predecessors and they are largely influenced by the old parliamentary institutions. The Soviets provided a parliamentary experience for people even if they were formed on an ideological basis and far from being classical parliamentary entities. Considered in this way, unlike the professional class of politicians in parliamentary systems, executive and legislative powers could not be separated from each other because those making decisions were at the same time responsible for conducting affairs. When viewed from this aspect, the 1993 Constitution heralded a transition from an ideologically based political system to a classical parliamentary body. Also, the 1993 Constitution adopted the separation of powers doctrine. Therefore, the forces using the state power and the

interrelation among these powers are vitally important in determining the nature of the political regimes in the constitutions. This study has traced the constitutional determinants to find out how these forces use the state power under their jurisdictions. And the following chapter has examined the interrelations dynamics of these powers.

It is also important to bear in mind that the 1993 Constitution introduced a vital innovation by introducing a two-chambered parliamentary body unlike the two-tiered parliamentary structure in the Soviet period. At this point, it is useful to briefly shed light on the horizontal structure in that there is no hierarchy between the Duma and the Federation Council although the Soviet period legislative bodies had adopted a hierarchical chain of command dominated by the Presidium. Thus, this change paved the way for the sweeping changes in the legislative processes and effectiveness of the parliament as a whole as compared to the past.

According to Popov, every parliament has two important tasks as overcoming the old system and forming a new system. Russia has managed to overcome the old system thanks to the popular democratic elections, but it is short of building appropriate bases in the parliament to reach the second task. In retrospect, the underlying problem here is that the totalitarian Soviet system did not allow the self-organization of reform-minded bureaucracy, the intelligentsia, or small and medium-sized businesses in the parliament. In fact, under such challenges, Gorbachev and his team opted for “buying off” the CPSU by giving it a hundred votes. They reserved one-third of the seats in the union parliament for groups, which are most likely to support reform. But, the number of such deputies in the Russian Parliament was so few in number that they cannot succeed in building a new system. On the other hand, the fewness of reform-minded deputies made the Russian parliament much stronger than the union parliament in its potential to eradicate the old system. At this stage, even today, as Popov puts, “*Russian parliamentarism still continues to suffer from insufficient representation of the forces of a future society.*”⁵⁰⁸

⁵⁰⁸ Popov, Gavriil. “The Fate of the Revolutionary Parliament: From Lader to Rump.” *Russian Politics and Law*. vol. 45. No. 5, September-October 2007. p. 95.

Throughout the study, I have sought an answer on whether the Russian Federal Assembly is able to counterweight as the presidential authority or to what extent legislative power can act as a counterweight against the executive, namely the president. Having no political party affiliation, both Yeltsin and Putin, have enjoyed two different legitimate statuses as the presidency and executive power, as well. Moreover, they have resorted to the constitutional authority given to the president as the “guarantor of the Constitution” stipulated by the Constitution. Thus, they have used constitutional powers for maintaining actual powers of the presidency in the political sphere. With the landslide victory by the pro-presidential party in 2003, President Putin received a parliamentary majority. In addition to that, the new composition produced an executive dominance in the lawmaking realm by concentrating the legislative power in the hands of single, disciplined party majority. The 2003 Duma elections brought about a remarkable change in the parliament in that parliament has shifted its policies from consensualism to majoritarian dominance. As a result of the shift, the parliament gave up distributive politics among factions and groups. The parliament has lost its horse-trading capacity (bargaining capacity among different parties) and became incapable to make any amendments to the executive’s legislative agenda. Likewise, throughout the 1994-1999 period, namely in the First and Second Duma, the largest party or coalition took a number of chairmanships almost tantamount to the proportion of seats which the party held in the Duma. With the procedural changes in 2000, with the lapse of time, the largest parties began to claim a larger percentage of chairmanships.

Even though Yeltsin did not have not amicable relations with the parliament and use frequently decree-making power as a political instrument, one cannot easily argue that the President bypassed by the parliament. Again, in Yeltsin’s period, the President and deputies negotiated over a large number of important laws. When the negotiation was assured, the decree-making power stayed in the background. Namely, rather than intimidation, an inter-branch agreement was sometimes decisive in executive-legislative relations.

No matter how strong the president may be in Russia, presidents have opted for passing his proposed legislation through the parliament due to the fact that the parliamentary body provides for a legitimate base in the political system. Under these circumstances, presidents favor building consensus with the parliament, rather than conflict. As the preceding pages have shown, the Yeltsin period during when the tension between the executive and the legislative was high cannot be solely identified with hostile attitudes. Despite the all conflict-prone milieu, there was still cooperation and compromise over government change even during the Yeltsin's period. Accordingly, the parliament could be a counterweight to the presidency in real terms through concession bargaining between the executive and legislative powers. When considering the statistics on legislative data, it is possible to conclude that bargaining became a phenomenon not only within the State Duma, but also among the Duma, the Federation Council, and the President as well.

The existence of several political entities in the parliament necessitated the adoption of consensus in the internal structure of the Duma and its proceedings. The institutional design of the Russian Federal Assembly is decisive in destinating the legislature to what extent the parliament can be a counterweight vis-a-vis a president. Namely, a robust and working committee structure, effectiveness of its steering body, and faction and parliamentary groups are vitally important in ensuring the consolidation of the Russian Federal Assembly.

One of the core findings of this study has been the fact that we cannot witness a linear direction in executive-legislative relations as the Putin period has differed greatly from its predecessor-Yeltsin period. Putin's accession to the presidency, combined with the Duma election sparked a breakthrough change in the legislative-executive relations. It is beyond doubt that unlike the Yeltsin period, the composition of the State Duma and more precisely efforts on the fashioning the composition has a heavy hand in the nature of legislative-executive relations. Due to the solid base provided by the United Russia faction in the State Duma, Putin has enjoyed the parliamentary majority support and has less conflictual relations with the parliament. In other words, the president has reaped the fruits of the smooth relations by

especially backing by the parliamentary majority since 2003. However this has undermined the parliamentary body as a counterweight in the face of the increasing dominance of the presidency in the political system.

It is clear that the electoral system and the election threshold in a given country are important for the representation of a wide range of political tendencies under the roof of a parliament. As long as a parliament can reach such a point, it will need to build several mechanisms, institutions, rules, and parliamentary practices in order to attain a consensual atmosphere. Having stated that it is important to bear in mind that the semi-presidential experience of Russia in which there is no organic link between the executive and the legislative bodies would result in the marginalization of parliament. Only the parliament providing systematic rules, procedures, and regulations can be a counterweight.

In the event that the executive was to lose the command of a stable, disciplined voting majority in the Lower Chamber and an obedient body of senators in the Upper Chamber, the executive-legislative relationship would become fragile and fractious nature as before. Moreover, such a scenario is unlikely to leave more room for political expression and single-mandate candidates, even with the changes to electoral legislation.⁵⁰⁹

When it comes to the Council of the Federation, it has undergone a range of changes in its formation to a large extent. Formerly, members were chosen in accordance with a law passed in 1995 and this system was in force between the 1996-99 period. Accordingly, the head of the executive and legislative branches of each constituent unit automatically had seats in the Upper House. In 2000, this practice of granting automatically the status of membership to the heads of the constituent entity was over. In fact, this change was part of a package of reforms intended to strengthen the power of the central government vis-a`-vis the constituent entities.

⁵⁰⁹ Noble, Ben and Ekaterina Schulmann. "Not Just a Rubber Stamp: Parliament and Lawmaking." p. no numbering.

Taken in its entirety, it might be tempting to conclude that Russia's uneven path of constitutional development is rather unusual or bleak as most people allege. However the Russian case is still a work in progress. Most of often Russian case is labeled as undemocratic. However, the Russian case has its own dynamics. It has gone through a series of sea changes and Russia today has not yet reached the point where the legislature is able to play its accurate role beyond reproach. Contrary to the widely held assumption, Yeltsin and Putin periods have demonstrated that the Federal Assembly has continued to play an arbitrary role between the executive and the legislative body albeit at a diminishing pace. Given the fledgling democracy of Russia, it is of capital importance to improve the perennial parliamentary rules rather than rudimentary measures. Otherwise, having a president who rides roughshod over the parliament would imperil the burgeoning political system as a whole.

REFERENCES

- Abdullayev, Natig, *Demokratikleşme Sorunları Çerçevesinde Rusya'da Hükümet Şekli Üzerine* İstanbul Üniversitesi SBE, İstanbul 2008, (Yayınlanmamış Doktora Tezi). Access:http://doras.dcu.ie/2077/3/JJPS_SP_paper2.pdf, Date Accessed: 9 Apr. 2019.
- Ağaoğulları, Mehmet Ali. *Kral-Devletten Ulus Devlete*. Ankara: İmge Kitabevi, 2005.
- Aktan, Coşkun Can. "Temsili Demokrasilerde İdeal Bir Siyasal Rejim (Hükümet Sistemi) Arayışı." *Hukuk Ve İktisat Araştırmaları Dergisi*. vol. 8, no. 1, 2016.
- Aleskerov, Alesker, *Eski Sosyalist Ülkelerde Siyasi Rejim Değişmeleri* Ankara Üniversitesi SBE, Ankara 2007 (Yayımlanmamış Doktora Tezi.)
- Alexander, James. *Political Culture in Post-Communist Russia*. London: Macmillan Press. 2000.
- Arter, David. "Introduction: Comparing the Legislative Performance of Legislatures." *The Journal of Legislative Studies*. vol. 12. no. 3-4, September-December 2006.
- Bagashka, Tanya. "Invisible Politics: Institutional Incentives and Legislative Alignments in the Russian Duma: 1996-99." *Legislative Studies Quarterly*. vol. 33. no. 3, August 2008.
- Berton, Raul Magni. "Reassessing Duvergerian Semi-Presidentialism: An Electoral Perspective." *Comparative European Politics*. vol. 11. no. 2, 2013.
- Biryukov, Nikolai and Victor Sergeyev. *Russian Politics in Transition*. Aldershot: Ashgate Publishing. 1997.

- Blondel, J. Comparative Legislatures. New Jersey: Prentice-Hall, 1973.
- Brown, Archie. The Gorbachev Factor. Oxford: Oxford University Press, 1996.
- Burkhardt, Fabian. “The Institutionalization of Relative Advantage: Formal Institutions, Subconstitutional Presidential Powers, and the Rise of Authoritarian Politics in Russia, 1994-2012.” *Post-Soviet Affairs*. vol. 33. no. 6, 2017.
- Byungki, Kim. “Russian Political System in Flux: A Presidential Perspective.” *The Journal of East Asian Affairs*. vol. 10. no. 2, Summer/Fall 1996.
- Carey, John M. and Matthew Soberg Shugart. Executive Decree Authority. Cambridge: Cambridge University Press, 1998.
- Chaisty, Paul and Petra Schleiter. “Productive but Not Valued: The Russian State Duma, 1994-2001.” *Europe-Asia Studies*. vol. 54. no. 5, (July 2002).
- Chaisty, Paul. “Majority Control and Executive Dominance: Parliament-President Relations in Putin’s Russia.” Ed. Alex, Pravda. Leading Russia: Putin in Perspective. Oxford: Oxford University Press.
- Chaisty, Paul. “The Legislative Effects of Presidential Partisan Powers in Post-Communist Russia.” *Government and Opposition*. vol. 43. no. 3, 2008.
- Chaisty, Paul. Legislative Politics and Economic Power in Russia. New York: Palgrave Macmillan. 2006.
- Chang, Chun-hao. “The Competition/Cooperation Relationship in Executive Power Operating of Semi-Presidentialism.” *International Journal of Social Sciences and Humanity Studies*. vol. 3. no. 2, 2011.
- Charles, Louis de Secondat, Baron de Montesquieu,. The Spirit of Laws, (Translated by Thomas Nugent). London: T. Evans, 1777.

- Clark, Terry D. "Voting Patterns in the Russian Council of the Federation." *Journal of Communist Studies and Transition Politics*. vol. 11. no. 4, 1995.
- Clark, William A. "Boxing Russia: Executive-Legislative Powers and the Categorization of Russia's Regime Type." *Demokratizatsiya*. vol. 19. no. 1, Winter 2011.
- Cranenburgh, O. Van. "'Big Men' Rule: Presidential Power, Regime Type and Democracy in 30 African Countries." *Democratization*. vol. 15. no.5, 2008.
- Donaldson, Robert H. "Russia." *The Journal of Legislative Studies* vol.10 no. 2-3.
- Dursun, Hasan. "Erkler Ayrılıđı ve Yargıç Bađımsızlıđı". *Türkiye Barolar Birliđi Dergisi*. vol. 80, 2009.
- Duvanova, Dinissa and Jakub Zielinski. "Legislative Accountability in a Semi-Presidential System: Analysis of the Single-Member District to the Russian State Duma." *Europe-Asia Studies*. vol. 57. No.8. 2005.
- Duverger, Maurice. "A New Political System Model: Semi-Presidential Government." *European Journal of Political Research*. vol.8. no. 2, 1980.
- Easter, Gerald M. "Preference for Presidentialism: Postcommunist Regime Change in Russia and the NIS." *World Politics*. vol. 49. no.2, January 1997.
- Ecevit, Yüksel Alper and Ekrem Karakoç. "The Perils of Semi-presidentialism: Confidence in Political Institutions in Contemporary Democracies." *International Political Science Review* vol.38. no.1, 2017.
- Elgie, Robert and Iain Mcmenamin. "Semi-Presidentialism and Democratic Performance." *Japanese Journal of Political Science*. vol. 9. no. 3, 2008. p. 21.

- Elgie, Robert, Sophia Moestrup, and Yu-Shan Wu. "Semi-Presidentialism: What Have We Learned?" Semi-Presidentialism and Democracy. Eds. Robert Elgie, Sophia Moestrup and Yu-Shan Wu. New York: Palgrave Macmillan, 2011.
- Elgie, Robert. "Semi-presidentialism, Cohabitation and the Collapse of Electoral Democracies, 1990-2008." *Government and Opposition*. vol.45. no.1, 2010.
- Elgie, Robert. "Varieties of Semi-Presidentialism and Their Impact on Nascent Democracies." *Taiwan Journal of Democracy*. vol.3. no.2, 2007.
- Elgie, Robert. Semi-Presidentialism: Sub-types and Democratic Performance. New York: Oxford University Press, 2011.
- Erdem, Kasım. "Yarı-Başkanlık ya da Süper Başkanlık: Rusya Federasyonu Örneği." Karşılaştırmalı Hükümet Sistemleri, Yarı-Başkanlık Sistemi: Fransa, Polonya ve Rusya Örnekleri. Ankara: TBMM Basımevi, 2017.
- Eroğlu Durkal, Müzeyyen and Mustafa Karahöyük. "Yarı Başkanlık Sistemi ve Rusya Federasyonu Örneği." *Erciyes Üniversitesi Hukuk Fakültesi Dergisi*. vol. XII. no. 1, 2017.
- Fernandes, M. Jorge and Pedro C. Magalhaes. "Government Survival in Semi-Presidential Regimes." *European Journal of Political Research*. vol.55, 2016.
- Fish, Steven M. "The Impact of the 1999-2000 Parliamentary and Presidential Elections on Political Party Development." The 1999-2000 Elections in Russia: Their Impact and Legacy. Eds. Vicki L. Hesli and William M. Reisinger. Cambridge: Cambridge University Press, 2003.
- Fish, Steven M. Democracy Derailed in Russia: The Failure of Open Politics. New York: Cambridge University Press, 2005.
- Fish, Steven, M. "Stronger Legislatures, Stronger Democracies." *Journal of Democracy*. vol. 17. no. 1, January 2006.

- Gönenç, Levent. Prospect for Constitutionalism in Post-Communist Countries. The Hague, London and New York: Martinus Nijhoff Publishers, 2002.
- Goodnow, Regina Rose. *Post-Soviet Super-Presidentialism: Explaining Constitutional Choice in Russia and Ukraine*. Austin: The University of Texas, 2013. (Unpublished Doctorate Thesis).
- Grankin, Igor V. “The Special Powers of Russia’s Parliament” *Demokratizatsiya*. http://demokratizatsiya.pub/archives/09-1_Grankin.PDF. Date Accessed: 28 Feb. 2019.
- Güçyetmez, Mustafa. “Karşılaştırmalı Demokrasi Modelleri ve Hükümet Sistemleriyle İlişkisi.” *Hacettepe HFD*. vol. 7. no. 1, 2017.
- Günay, Mehmet Zeki. *Parties of Power in Post-Soviet Russia (1991-2008)*. Ankara: Middle East Technical University, 2008. (Unpublished Master Thesis).
- Hafner, Danika Fink. “Interest Representation and Post-Communist Parliaments over Two Decades.” *The Journal of Legislative Studies*. vol.17, no. 2, 2011.
- Hahn, Jeffrey W. “Analyzing Parliamentary Development in Russia.” Democratization in Russia: The Development of Legislative Institutions. Ed. Jeffrey W. Hahn. Armonk and New York: M.E. Sharpe, 1996.
- Hahn, Jeffrey. “State Institutions in Transition.” Developments in Soviet&Post-Soviet Politics. Eds. Stephen White, Alex Pravda and Zvi Gitelman. London: Macmillan,1992.
- Harvey, Cole Joseph. *The Double Headed Eagle: Semi-Presidentialism and Democracy in France and Russia*. Pittsburg: University of Pittsburg, 2008. (Unpublished Master Thesis).
- Haspel Moshe, Thomas F. Remington and Steven S. Smith. “Electoral Institutions and Party Cohesion in the Russian Duma.” *The Journal of Politics*. vol.60. no.2, May 1999.

- Haspel, Moshe, Thomas F. Remington & Steven S. Smith. "Lawmaking and Decree Making in the Russian Federation: Time, Space, and Rules in Russian National Policymaking." *Post-Soviet Affairs*. vol. 22. no. 3, 2006.
- Haspel, Moshe. "Committees in the Russian State Duma: Continuity and Change in Comparative Perspective." The New Roles of Parliamentary Committees. Eds. Lawrence D. Longley and Roger H. Davidson. London: Frank Cass, 1998.
- Henderson, Jane. The Constitution of the Russian Federation: A Contextual Analysis. Oxford and Portland: Hart Publishing, 2011.
- Hesli, Vicki L. "Parliamentary and Presidential Elections in Russia: The Political Landscape in 1999 and 2000." The 1999-2000 Elections in Russia: Their Impact and Legacy. Eds. Vicki L. Hesli and William M. Reisinger. Cambridge: Cambridge University Press, 2003.
- Holmes, Stephen. "The Postcommunist Presidency." *East European Constitutional Review*. vol. 2/3. no. 4/1, 1994.
http://src-h.slav.hokudai.ac.jp/coe21/publish/no21_ses/01ogushi.pdf. (Date of Access: 16.03.2019)
- Huskey, Eugene. "Executive-Legislative Relations". Executive Power and Soviet Politics: The Rise and Decline of the Soviet State. Ed. Eugene Huskey. Armonk, New York: M.E. Sharpe Inc, 1992.
- Hutcheson, Derek S. Political Parties in the Russian Region. New York: RoutledgeCurzon, 2003.
- Hyde, Matthew. "Putin's Federal Reforms and Their Implications for Presidential Power in Russia." *Europe-Asia Studies*. vol. 53. no. 5, 2001.
- Ilonszki, Gabriella & Michael Edinger. "MPs in Post-Communist and Post-Soviet Nations: A Parliamentary Elite in the Making." *The Journal of Legislative Studies*. vol. 13. no. 1, 2007.

- Ishiyama, John T and Ryan Kennedy. "Superpresidentialism and Political Party Development in Russia, Ukraine, Armenia, and Kyrgyzstan." *Europe-Asia Studies*. vol.53, no.8, 2001.
- Ishiyama, John T. *Comparative Politics: Principles of Democracy and Democratization*, West Sussex: Wiley-Blackwell, 2012.
- Jones- Edward Morgan and Petra Schleiter. "Governmental Change in a President-Parliamentary Regime: The Case of Russia 1994-2003." *Post-Soviet Affairs*. vol. 20. no.2, 2004.
- Karşılaştırmalı Hükümet Sistemleri, Yarı-Başkanlık Sistemi: Fransa, Polonya ve Rusya Örnekleri. Ankara: TBMM Basımevi, 2017.
- Khasbulatov, Ruslan. The Struggle for Russia: Power & Change in the Democratic Revolution. London and New York: Routledge, 1993.
- Kiernan, Brendan. The End of Soviet Politics. Boulder: Westview Press, 1993.
- Kopecky, Petr and Maria Spirova. "Parliamentary Opposition in Post-Communist Democracies: Power of the Powerless." *The Journal of Legislative Studies*. vol. 14. no. 1/2, 2008.
- Krastev, Ivan and Stephen Holmes. "Putinism under Siege: An Autopsy of Managed Democracy." *Journal of Democracy*. vol. 23. no. 3, July 2012.
- Kremyanskaya, Elena A., Tamara O. Kuznetsova, and Inna A. Rakitskaya. Russian Constitutional Law. New Castle upon Tyne: Cambridge Scholars Publishing, 2014.
- Krol, Gerrit. "Legislative Performance of the Russian State Duma: The Role of Parliament in an Authoritarian Regime." *East European Politics*. vol.33. no.4, 2017.

- Krouwel, Andre'. "Measuring Presidentialism and Parliamentarism: An Application to Central and East European Countries." *Acta Politica*. vol.38. no.4, 2003.
- Kubicek, Paul. "Delegative Democracy in Russia and Ukraine." *Communist and Post-Communist Studies*. vol. 27. no. 4, 1994.
- Kutlu, Mustafa. Kuvvetler Ayrılığı. Ankara: Seçkin Yayıncılık, 2001.
- Kynev, Alexander V. "State Duma of the Russian Federation of the 7th Convocation: Between "Sleeping Potential" and Party Discipline." *Russian Politics and Law*. vol. 55. no. 3, 2017.
- Lijphart, Arend. *Parliamentary versus Presidential Government*, Oxford: Oxford University Press. 1995.
- Linz, J.J. and A. Stefan. Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe. Baltimore: John Hopkins University Press, 1996.
- Linz, Juan J. The Breakdown of Democratic Regimes: Crisis, Breakdown, & Reequilibrium. Baltimore and London: The John Hopkins University Press, 1978.
- Loewenberg, G and S. Patterson. Comparing Legislatures. Boston: Little Brown, 1979.
- Longley, Lawrence D. and Roger H. Davidson "Parliamentary Committees: Changing Perspectives on Changing Institutions." The New Roles of Parliamentary Committees. Eds. Lawrence D. Longley, and Roger H. Davidson. London: Frank Cass, 1998.
- Lynch, Allen C. How Russia is not Ruled: Reflections on Russian Political Development. Cambridge: Cambridge University Press, 2005.

- Maggs, Peter B., Olga Schwartz and William Burnham. Law and Legal System of the Russian Federation. Juris Publishing, Inc: New York, 2015.
- March, James and Johan Olsen. Rediscovering Institutions: The Organizational Basis of Politics. New York: The Free Press, 1989.
- McFaul, Michael. Russia's Unfinished Revolution: Political Change from Gorbachev to Putin. New York: Cornell University Press. 2001.
- Mezey, Michael L. Comparative Legislatures. Durham, N.C: Duke University Press, 1979.
- Moser, Robert G. "Executive-Legislative Relations in Russia, 1991-1999." Russian Politics: Challenges of Democratization. Eds. Zoltan Barany and Robert G. Moser. Cambridge: Cambridge University Press, 2001.
- Myagkov, Mikhail G. and D. Roderick Kiewiet. "Czar Rule in the Russian Congress of People's Deputies?." *Legislative Studies Quarterly*. vol.21. no.1, (February 1996).
- Nelson, Daniel and Stephen White. Communist Legislatures in Comparative Perspective. London and Basingstoke: The Macmillan Press, 1982.
- Nichols, Thomas M. The Russian Presidency: Society and Politics in the Second Russian Republic. New York: St. Martin's Press, 1999.
- Noble, Ben and Ekaterina Schulmann. "Not Just a Rubber Stamp: Parliament and Lawmaking." The New Autocracy: Information, Politics, and Policy in Putin's Russia. Ed. Daniel Treisman. Washington, D.C: Brookings Institution Press, 2018.
- Nygren, Bertil. "Perceptions of Democracy and Democratic Institution-Building-Electoral Democracy the Russian Way." Russia and Europe: Building Bridges, Digging Trenches. Eds. Kjell Engelbrekt and Bertil Nygren. London and New York: Routledge, 2010.

O'Donnell, Guillermo. "Delegative Democracy." *Journal of Democracy*. vol. 5. no. 1, January 1994.

O'Donnell, Guillermo. "Delegative Democracy?" Kellogg Institute.

O'Donnell, Guillermo. "Horizontal Accountability in New Democracies." *Journal of Democracy*. vol. 9. no. 3, 1998.

Ogushi, Atsushi. "From the CC CPSU to Russian Presidency: The Development of Semi-Presidentialism in Russia".

Olson, David M. *Democratic Legislative Institutions: A Comparative View*, New York: ME Sharpe. 1994.

Ostrow, Joel M. "Procedural Breakdown and Deadlock in the Russian State Duma: The Problems of An Unlinked Dual-Channel Institutional Design." *Europe-Asia Studies*. vol. 50. no. 5, 1998.

Özbudun, Ergun. Türk Anayasa Hukuku. Ankara: Yetkin Yayınları, 2013.

Özbudun, Ergun. Türk Anayasa Hukuku. Ankara: Yetkin Yayınları, 2010.

Palonen, Kari. The Politics of Parliamentary Procedure. Leverkusen Opladen: Barbara Budrich Publishers, 2016.

Parrish, Scott. "Presidential Decree Authority in Russia, 1991-95." John M. Carey and Matthew Soberg Shugart. Executive Decree Authority. Cambridge: Cambridge University Press, 1998.

Partlett, William. "Separation of Powers Without Checks and Balances: The Failure of Semi-Presidentialism and the Making of the Russian Constitutional System, 1991-1993." The Legal Dimension in Cold War Interactions: Some Notes From The Field. Eds. William Simons and Tatiana Borisova. Leiden and Boston: Martinus Nijhoff Publishers, 2012.

- Polsby, Nelson W. "Legislatures." Handbook of Political Science. Ed. Fred Greenstein and Nelson W. Polsby. Reading, Mass: Addison-Wesley Pub, 1975.
- Popov, Gavriil. "The Fate of the Revolutionary Parliament: From Lader to Rump." *Russian Politics and Law*. vol. 45. No. 5, September-October 2007.
- Protsyk, Oleh. "Ruling with Decrees: Presidential Decree Making in Russia and Ukraine." *Europe-Asia Studies*. vol. 56. no. 5, 2004.
- Protsyk, Oleh. "Semi-Presidentialism under Post-Communism." Semi-Presidentialism and Democracy. Eds. Robert Elgie, Sophia Moestrup and Yu-Shan Wu. New York: Palgrave Macmillan, 2011.
- Prozorov, Sergei. "The Paradox of Infra-liberalism: Towards a Genealogy of 'Managed Democracy' in Putin's Russia." Democracy and Myth in Russia and Eastern Europe. Eds. Alexander Wöll and Harald Wydra. London and New York: Routledge, 2008.
- Rainone, Zebulon T. "Democracy Stalled: Evaluating the Russian Federation Today." *East European Quarterly*. vol. XXXII. no. 2, June 1998.
- Remington, Thomas F. "Majorities without Mandates: The Russian Federation Council since 2000." *Europe-Asia Studies*. vol. 55. no 5, July 2003.
- Remington, Thomas F. "Presidential Support in the Russian State Duma." *Legislative Studies Quarterly*. vol. 31. no.1, February 2006.
- Remington, Thomas F. "Putin, Parlaiment, and Presidential Exploitation of the Terrorist Threat." *The Journal of Legislative Studies*. vol. 15. no. 2-3, 2009.
- Remington, Thomas F. "Separation of Powers and Legislative Oversight in Russia." Legislative Oversight and Budgeting: A World Perspective. Eds. Rick Stapenhurst, Riccardo Pelizzo, David M. Olson, and Lisa von Trapp. Washington, DC: The World Bank, 2008.

- Remington, Thomas F. "The Evolution of Executive-Legislative Relations in Russia since 1993." *Slavic Review*. vol. 59. no. 3, Autumn 2000.
- Remington, Thomas F. "The Federal Assembly, 1994-2004." *The Journal of Legislative Studies*. vol.13. no. 1, 2007.
- Remington, Thomas F. And Steven S. Smith. "The Development of Parliamentary Parties in Russia." *Legislative Studies Quarterly*. vol. 20. no. 4, November 1995.
- Remington, Thomas F. and Steven S. Smith. "Theories of Legislative Institutions and the Organization of the Russian Duma." *American Journal of Political Science*. vol. 42. no. 2, April 1998.
- Remington, Thomas F. Politics in Russia. Boston: Pearson Longman. 2012.
- Remington, Thomas F. Presidential Decrees in Russia: A Comparative Perspective, New York:Cambridge University Press, 2014.
- Remington, Thomas F. The Russian Parliament: Institutional Evolution in a Transitional Regime, 1989-1999. New Haven& London: Yale University Press, 2001.
- Remington, Thomas F., Olga Shvetsova, Steven S. Smith. "Decrees, Laws, and Presidential- Parliamanetary Bargaining in Russia." [phttps://www.researchgate.net/publication/273762883 Decrees Laws and P residential- Parliamentary Bargaining in Russia](https://www.researchgate.net/publication/273762883_Decrees_Laws_and_Presidential-Parliamentary_Bargaining_in_Russia). 2002. p. 6. (Date of Access: 12.06.2019.)
- Remington, Thomas F., Steven S. Smith & Moshe Haspel. "Decrees, Laws, and Inter-Branch Relations in the Russian Federation." *Post-Soviet Affairs*. vol. 14. no. 4, 1998.
- Remington, Thomas. "Patronage and Party of Power: President-Parliament Relations Under Vladimir Putin." *Europe-Asia Studies*, vol. 60. no. 6, August 2008.

- Robert, Henry M. Robert's Rules of Order Revised. New York: William Morrow and Company, 1971.
- Roberts, Sean P. "Research in Challenging Environments: The Case of Russia's 'Managed Democracy.'" *Qualitative Research*. vol. 13. no. 3, 2012.
- Robinson, Neil. "The Presidency: the Politics of Institutional Chaos." Institutions and Political Change in Russia. Ed. Neil Robinson. New York: Palgrave Macmillan, 2000.
- Roche, François Frison. "Semi-Presidentialism in a Post-Communist Context." Semi-Presidentialism Outside Europe. Eds. Robert Elgie and Sophia Moestrup. London and New York: Routledge, 2007.
- Ross, Cameron. Federalism and Democratisation in Russia. Manchester: Manchester University Press. 2002.
- Sakwa, Richard. "Commune Democracy and Gorbachev's Reforms." *Political Studies*. vol. XXXVII, 1989.
- Sakwa, Richard. "The Russian Elections of December 1993." *Europe-Asia Studies*. vol. 42. no. 2, 1995.
- Sakwa, Richard. Russian Politics and Society. London and New York: Routledge, 2008 (Fourth Edition).
- Sakwa, Richard. Soviet Politics in Perspective. New York: Routledge. 1998.
- Sartori, Giovanni. Comparative Constitutional Engineering: An Inquiry into Structures, Incentives and Outcomes. London: Macmillan Press, 1994.
- Sartori, Giovanni. Karşılaştırmalı Anayasa Mühendisliği: Yapılar, Özendiriciler ve Sonuçlar Üzerine Bir İnceleme. Translator. Ergun Özbudun, Ankara: Yetkin Yayınları, 1997.

- Schleiter, Petra. "Mixed Constitutions and Political Instability." *Democratization*. vol. 10. no.1, 2003.
- Schleiter, Petra & Edward Morgan-Jones. "Party Government in Europe? Parliamentary and Semi- Presidential Democracies Compared." *European Journal of Political Research*. vol. 48, 2009.
- Sedelius, Thomas & Jonas Linde. "Unravelling Semi-Presidentialism: Democracy and Government Performance in Four Distinct Regime Types." *Democratization*. vol.25. no. 1, 2018.
- Sedelius, Thomas & Olga Mashtaler. "Two Decades of Semi-Presidentialism: Issue of Intra-Executive Conflict in Central and Eastern Europe 1991-2011." *East European Politics*. vol. 29. no. 2, 2013.
- Sedelius, Thomas and Joakim Ekman. "Intra-executive Conflict and Cabinet Instability: Effects of Semi-Presidentialism in Central and Eastern Europe." *Government and Opposition*. vol. 45. no. 4, 2010.
- Şen, İlker Gökhan. Rusya Federasyonu Siyasal Sistemi. Eskişehir: Anadolu Üniversitesi Yayınları, 2004.
- Sergeyev, Victor and Nikolai Biryukov. Russia's Road to Democracy: Parliament, Communism and Traditional Culture. Aldershot, Vermont: Edward Elgar Publishing Limited, 1993.
- Sharlet, Robert. "The New Russian Constitution and Its Political Impact." *Problems of Post-Communism*. vol. 42. no. 1, 1995.
- Shebaltseva, Aleksandra. *Is Russia a Constitutional Democracy? Checks and Balances in the Russian Constitutional System*. Budapest: Central European University, 2008.
- Shevchenko, Iulia and Grigorii V. Golosov. "Legislative Activism of Russian State Duma Deputies, 1996-1999." *Europe-Asia Studies*. vol. 53. no. 2, March 2001.

- Shevchenko, Iulia. "Putin's First Tenure, 2000-2004." *The Central Government of Russia: From Gorbachev to Putin*. Aldershot: Ashgate Publishing Limited, 2004.
- Shevtsova, Lilia. "The Problem of Executive Power in Russia." *Journal of Democracy*. vol.11, no.1, 2000 (January), <http://muse.jhu.edu/article/17023> (Date of Access: 10.05.2019).
- Shugart, Matthew Søberg. "Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns." *French Politics*. vol.3. no.3, 2005.
- Shugart, Søberg Matthew and John M. Carey. Presidents and Assemblies: Constitutional Design and Electoral Dynamics. Cambridge: Cambridge University Press, 1992.
- Skach, Cindy. "The "Newest" Separation of Powers: Semipresidentialism." *International Journal of Constitutional Law*. vol. 5. no. 1, January 2007.
- Skach, Cindy. Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic. Princeton and Oxford: Princeton University Press, 2005.
- Smith, Gordon B. "Introduction: The Promise of the Russian Constitution." Russia and Its Constitution Promise and Political Reality. Eds. Gordon B. Smith and Robert Sharlet. Leiden and Boston: Maritus Nijhoff Publishers, 2008.
- Smith, Gordon B. State Building in Russia. New York: M. E. Sharpe. 1999.
- Smith, Steven S. and Thomas F. Remington. The Politics of Institutional Choice: The Formation of the Russian State Duma. Princeton: Princeton University Press. 2001.
- Smith, Steven S. and Thomas F. Remington. The Politics of Institutional Choice: The Formation of the Russian State Duma. Princeton & Oxford: Princeton University Press, 2001.

- Suleiman, Ezra N. "Presidentialism and Political Stability in France." The Failure of Presidential Democracy. Eds. Juan J. Linz and Arturo Valenzuela. Baltimore and London: The John Hopkins University Press, 1994.
- Thames, Frank C. "The Effect of Governor Support on Legislative Behaviour in the Russian Duma." *Europe-Asia Studies*. vol. 62. no. 1, January 2010.
- Thatcher, Ian D. "Elections in Russian and Early Soviet History." Elections and Political Order in Russia: The Implications of the 1993 Elections to the Federal Assembly. Ed. Peter Lentini. Budapest, London and New York: Central European University Press, 1995.
- Troxel, Tiffany A. Parliamentary Power in Russia, 1994-2001: President vs. Parliament. Oxford: Palgrave, 2003.
- Tsai, Jung-Hsiang. "Sub-Types of Semi-Presidentialism and Political Deadlock." *French Politics*. vol. 6. no.1, 2008.
- Vile, M.J.C. Constitutionalism and the Separation of Powers. Indianapolis: Liberty Fund Inc, 1998.
- Ware, Richard. "Transferability of Parliamentary Experience: The Russian Example." *The Journal of Legislative Studies*. vol. 1, no: 2, 1995.
- Wegren, Stephen K. & Andrew Konitzer. "Prospects for Managed Democracy in Russia." *Europe-Asia Studies*. vol. 59. no. 6. September 2007.
- White, Stephen. "The USSR Supreme Soviet: A Developmental Perspective". Communist Legislatures in Comparative Perspective. Eds. Daniel Nelson and Stephen White. London: The Macmillan Press, 1982.
- White, Stephen. Understanding Russian Politics. Cambridge: Cambridge University Press, 2011.

- Whitmore, Sarah. "Parliamentary Oversight in Putin's Neo-patrimonial State: Watchdogs or Show-dogs?" *Europe-Asia Studies*. vol. 62. no. 6, August 2010.
- Wu, Yu-Shan. "Clustering of Semi-Presidentialism: A First Cut." *Semi-Presidentialism and Democracy*. Eds. Robert Elgie, Sophia Moestrup and Yu-Shan Wu. New York: Palgrave Macmillan, 2011.
- Yadav, Ankur. "History of Parliamentarism in Russia." *International Research Journal of Management Sociology & Humanity (IRJMSH)*. vol. 7. issue. 4, 2016.
- Zaznaev, Oleg. "The Presidentialization of a Semi-Presidential Regime: The Case of Russia." *Politics and the Ruling Group in Putin's Russia*. Ed. Stephen White. New York: Palgrave Macmillan, 2008.

INTERNET SOURCES

- Boudreaux, Richard. "Russian Victors Urge Changes in Yeltsin Plans: Politics: Cabinet and Reforms to Face Challenges. But the President's Foes Stop Short of Forming a Legislative Alliance." *Los Angeles Times*. 15.12.1993. <https://www.latimes.com/archives/la-xpm-1993-12-15-mn-2105-story.html>. (Date of Access: 20.06.2019)
- Federal Law No. 19-FZ of 10 January 2003 "On the Election of the President of the Russian Federation." Central Election Commission of the Russian Federation at <http://www.cikrf.ru/eng/law/federal-laws/> (Date of Access 25.05.2019).
- Federal Law No. 229-FZ of 3 December 2012 "On the Procedure for the Formation of the Federation Council of the Federal Assembly of the Russian Federation." Federation Council of the Federal Assembly of the Russian Federation at http://council.gov.ru/en/structure/council/order_law/ (Date of Access 04.06.2019).
- Federal Law No.51-FZ of 18 May 2005 "On the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation" Central Election Commission of the Russian Federation at <http://www.cikrf.ru/eng/law/federal-laws/> (Date of Access:25.05.2019).

<http://council.gov.ru/en/structure/council/>

<http://government.ru/en/news/27338/>

<http://www.friends-partners.org/friends/news/omri/1995/06/950626II.html>

<http://www.loc.gov/law/foreign-news/article/russia-new-procedure-to-form-the-parliaments-upper-chamber/> (Date of Access: 05.06.2019)

“Is There A Separation of Powers in Russia.” Presentation by Thomas Remington.
<https://carnegieendowment.org/2001/01/09/is-there-separation-of-powers-in-russia-event-250> (Date of Access: 15.05.2019)

Jensen, Donald N. “How Russia is Ruled-1998.”
http://demokratizatsiya.pub/archives/07-3_jensen.pdf. (Date of Access: 06.06.2019)

Legislative Support System at <https://sozd.duma.gov.ru/stat/spzigid>. (Date of Access 25.05.2019).

Mandel, David. “Elections in Russia, 2018:Managed Democracy?” *SP The Bullet*. 22.03.2018.
<https://socialistproject.ca/2018/03/elections-russia-2018-managed-democracy/>. (Date of Access: 01.07.2019)

“Medvedev Will Present To The State Duma A Report On The Work Of The Cabinet for 2016.” *Russia News Today*. 19.04.2017 at
<https://chelorg.com/2017/04/19/medvedev-will-present-to-the-state-duma-a-report-on-the-work-of-the-cabinet-for-2016/>. (Date of Access:01.06.2019.)

“Of the Duma Factions Have Agreed That the Seventh Convocation of the Chamber is 26 Committees.” *Russian News Online*, 26.09.2016.
<https://russiannewsonline.blogspot.com/2016/09/of-duma-factions-have-agreed-that.html>. (Date of Access: 24.06.2019)

Official Website of the Constitutional Court of the Russian Federation. “The Constitution of the Russian Federation” at <http://www.ksrf.ru/en/Info/LegalBases/ConstitutionRF/Documents/THE%20CONSTITUTION%20OF%20THE%20RUSSIAN%20FEDERATION.pdf>

Official Website of the Federation Council. “The Rules of Procedure of the Federation Council” at <http://council.gov.ru/en/structure/council/regulations/>

Official Website of the State Duma. “The Regulations of the State Duma” at <http://duma.gov.ru/duma/about/regulations/>

“Parliament Prepares to Grill Putin on Government Work.” *RT Question More*. 07.04.2011. at <https://www.rt.com/russia/duma-putin-annual-report/> (Date of Access: 01.06.2019.)

Petrov, Nikolay and Michael McFaul. “The Essence of Putin’s Managed Democracy.” *Carnegie Endowment for International Peace*. 18.10.2005. <https://carnegieendowment.org/2005/10/18/essence-of-putin-s-managed-democracy-event-819>. (Date of Access: 01.07.2019)

“Putin Sign Law on Mixed Election System of Lower House of Parliament.” *TASS Russian News Agency*, 24.2.2014. <http://tass.com/russia/720657>. (Date of Access: 25.05.2019).

Riccardo, Murgia. “The Kremlin and the Russian Superpresidentialism.” https://www.academia.edu/11828276/The_Kremlin_and_the_Russian_Superpresidentialism

“Russian Federation Elections to the State Duma, 4 December 2011.” OSCE/ODIHR Election Observation Mission Final Report. Warsaw, 12.1.2012. at <https://www.osce.org/odihr/86959?download=true> (Date of Access: 25.05.2019).

APPENDICES

A. TURKISH SUMMARY/ TÜRKÇE ÖZET

YARI-BAŞKANLIK SİSTEMLERİNDE PARLAMENTOLARIN ROLÜ: RUSYA FEDERAL MECLİSİ ÖRNEĞİ

Sovyetler Birliği'nin dağılmasının ardından, birlik üyesi diğer ülkeler gibi Rusya da karmaşık bir dönüşüm süreci geçirmiştir. Bu devasa birliğin asli vârisi olması sebebiyle, diğer ülkelerle kıyaslandığında Rusya kronik sorunlardan daha fazla muzdarip olmuştur. Öyle ki, bu süreçte devlet ekonomik zorluklar ile olduğu kadar siyasi alandaki zorluklarla da mücadele etmek durumunda kalmıştır. Bu süreçte, yeni bir hükûmet sistemi arayışındaki Rusya Federasyonu, Fransız modelinin izinden gitmiş⁵¹⁰ ve bu eğilim doğrultusunda 1958 Fransız Anayasası'nı örnek almıştır. Rus siyasi kültürüne içkin gerek Çarlık Rusyası gerekse Sovyetler Birliği'ndeki katı yönetim anlayışı ve merkezi eğilimler, Rusya Federasyonu'nda da güçlü bir yürütme erkinin benimsenmesine zemin hazırlamıştır. Bununla birlikte, komünist yönetimin iflasından sonraki süreçte, yasama organının siyasi ve ekonomik reformların kurumsal ifade aygıtı olarak görüldüğünü belirtmek gerekmektedir. Aslında, Sovyetler Birliği'nin ani çöküşünün hemen öncesinde Gorbaçov tarafından *Glasnost* (açıklık) ve *Perestroika* (yeniden yapılanma) olarak adlandırılan reform çabaları başlatılmış olup bu çabaların sonraki siyasi aktörlerin politika yapım süreçlerindeki tutumları üzerinde etkili olduğunu söylemek mümkündür.

⁵¹⁰ Harvey, Cole Joseph. *The Double Headed Eagle: Semi-Presidentialism and Democracy in France and Russia*. Pittsburg: University of Pittsburg, 2008. (Yayımlanmamış Yüksek Lisans Tezi) ss. 1-2.

Bu tez, bir hükümet sistemi olarak yarı-başkanlık sisteminde yasama organlarının rolünü Rusya Federal Meclisi örneği özelinde incelemektedir. Rusya Federal Meclisi'nin ve onun Sovyet Dönemi'ndeki öncellerinin Rus tarihinin dönüm noktalarında oynamış olduğu kritik roller, yasama organının müstakil bir çalışmaya konu edilmesi gerekliliğini doğurmuştur.

Bu tezin amacı, özellikle Rusya'daki yarı-başkanlık sisteminde Federal Meclis'in rolünü ve statüsünü değerlendirmektir. Tez boyunca, Federal Meclis'in devlet başkanına tanınan yetkiler karşısında dengeleyici bir ağırlık oluşturup oluşturamadığı sorusuna yanıt aranmaya çalışılmıştır. Tez, anayasal organlar arasındaki kurumlar arası dinamiklere ve genel anayasa çerçevesi içindeki rol ve ağırlıklara ilişkin olarak Federal Meclis'in kurum içi dinamiklerine odaklanmıştır. Rus yasama organlarının gerçek ağırlığını saptamak amacıyla; anayasal organlar olarak devlet başkanı, Federal Meclis ve hükümet ayrı ayrı incelenmiştir. Bunu takip eden bölümde ise bu anayasal organlar arasındaki ilişkiler irdelenmek suretiyle, sistem içinde Federal Meclis'in gerçek ağırlığı saptanmaya çalışılmıştır.

Genel itibarıyla değerlendirildiğinde, dünyada parlamentolar üzerine yapılan çalışmaların ağırlıklı olarak ABD Kongresi ve İngiliz Parlamentosu'na hasredilmekte olduğu, Rusya hakkındaki çalışmalarda ise çoğu zaman yürütme organı ile yetinildiği, bu sebeple Rusya Federasyonu Federal Meclisi'nin ve onun kurumsal dinamiklerinin göz ardı edildiği görülmektedir. Bununla birlikte, 1970'li⁵¹¹ yıllardan itibaren çok sayıda yazar farklı sistemlerde parlamentoların rolünü konu alan çalışmalara imza atmaya başlamıştır. Bu anlamda, 1973 yılında Blondel, 1975 yılında Polsby, 1979 yılında Loewenberg ve Patterson, yine aynı yıl Mezey gibi önde gelen yazarların literatüre katkıları ile başlayan çalışmaların sonraki yıllarda sayıca artarak devam ettiği; özellikle 1990'lı yılların sonlarından itibaren ve 2000'li⁵¹²

⁵¹¹ Blondel, J. Comparative Legislatures. New Jersey: Prentice-Hall, 1973; Loewenberg, G ve S. Patterson. Comparing Legislatures. Boston: Little Brown. 1979; Mezey, Michael L. Comparative Legislatures. Durham, N.C: Duke University Press, 1979; Polsby, Nelson W. "Legislatures." Handbook of Political Science. Ed. Fred Greenstein and Nelson W. Polsby. Reading, Mass: Addison-Wesley Pub, 1975. ss. 257-319.

⁵¹² Kopecky, Petr ve Maria Spirova. "Parliamentary Opposition in Post-Communist Democracies: Power of the Powerless." The Journal of Legislative Studies. cilt. 14. sayı. 1/2, 2008. ss. 133-159;

yıllarda batı coğrafyası dışındaki parlamentoların ve milletvekillerinin çalışma konusu hâline geldiği söylenebilmektedir. Genel itibarıyla değerlendirildiğinde, bu yazarlar parlamentoların içinde bulunduğu siyasal sistemin demokrasi olup olmamasından ziyade, iki kurumsal unsurun parlamentonun işlevselliğinde etkili olduğunu iddia etmiştir: iç örgütlenme ve yazılı ve/veya yazısız rejim özellikleri.⁵¹³ Aynı doğrultuda, bu tezde, Rusya Federasyonu Anayasası ve Rusya Federasyonu Federal Meclisi'nin içtüzüklerine sıklıkla başvurulmuştur.

Tezde, teorik çerçevede bir hükûmet sistemi olarak yarı-başkanlık sisteminin tanımı, diğer hükûmet sistemleri ile benzerlikleri ve farklılıkları, genel itibarıyla yarı-başkanlık sistemlerinde parlamentoların rolü değerlendirilmiştir. Ayrıca, yarı-başkanlık sistemini uygulayan ülkeler vaka çalışmaları olarak ele alınmış, yürütme erki içinde devlet başkanı ile başbakan arasındaki iş birliği veya yarışma eğilimleri, güç dağılımı çerçevesinde incelenmiştir.

Kavramsal çerçevenin çizilmesi amacıyla, öncelikli olarak iktidarın sınırlandırılması, keyfi uygulama ve suistimallere mahal verilmemesi amacıyla, devlet fonksiyonlarını yasama, yürütme ve yargı olmak üzere üç fonksiyona ayırmak suretiyle etkili bir sistem arayışını simgeleyen Montesquieu'nun kuvvetler ayrılığı ilkesinden hareket edilmiştir. Teorik çerçevenin inşasında, devlet gücünün kullanımına ve erkler arasındaki ideal ilişkiye dair Locke'un görüşleri ile tartışma derinleştirilmiş ve modern devletlerde kuvvetler ayrılığı ilkesinin farklı fonksiyonların birbirinden tamamen yalıtılmış olmasından ziyade fonksiyonların bir uyum içinde var olmaları hâlinde anlam ifade edeceği vurgulanmıştır.⁵¹⁴ Günümüzde, bu yasama ve yürütme erkleri arasındaki ilişkilerden doğan farklı hükûmet sistemlerini görmekteyiz. Bu anlamda, katı kuvvetler ayrılığına dayanan

Remington, Thomas F. and Steven S. Smith. "The Early Legislative Process in the Russian Federal Assembly." *The Journal of Legislative Studies*. vol. 2, no. 1, 1996. ss. 161-192. Nelson, Daniel and Stephen White. *Communist Legislatures in Comparative Perspective*. London and Basingstoke: The Macmillan Press, 1982.

⁵¹³ Krol, Gerrit. "Legislative Performance of the Russian State Duma: The Role of Parliament in an Authoritarian Regime." s. 451.

⁵¹⁴ Özbudun, Ergun. *Türk Anayasa Hukuku*. s. 187.

başkanlık sistemi ile yumuşak kuvvetler ayrılığına dayanan parlamenter sistem arasında bir üçüncü ve melez bir model olarak karşımıza çıkan yarı-başkanlık sistemi, bahsedilen iki hükûmet sisteminden de bazı ortak özellikleri içermektedir.⁵¹⁵ Yarı-başkanlık sistemi her ne kadar başkanlık sistemi ve parlamenter sistem ile bazı benzer özellikler taşısa da otoritenin tekli bir yapıdan ziyade iki ayrı parçadan oluşması bakımından diğerlerinden ayrılmakta ve bu sebeple “yarı” kelimesi ile birlikte anılmaktadır.⁵¹⁶

Duverger, bir siyasi rejimin onu kuran anayasanın ancak üç unsuru içermesi hâlinde yarı-başkanlık olarak tanımlanabileceğini belirtmiştir. Duverger, devlet başkanının genel oy ile seçilmesini, önemli yetkilere sahip olmasını ve devlet başkanının karşısında yürütme ve idari yetkilere sahip ve parlamentonun desteğine sahip olduğu sürece görevde kalabilecek bir Başbakan ve bakanların varlığını şart koşmuştur.⁵¹⁷ Ancak, Duverger’in tanımı Sartori⁵¹⁸ tarafından tekrar ele alınmış ve ortaya daha detaylı bir tanım çıkmıştır. Sartori, bir hükûmet sisteminin yarı-başkanlık olarak anılabilmesi için, devlet başkanının parlamentodan bağımsız olmasını, ancak tek başına ve doğrudan yürütme yetkisini kullanamamasını, bu yetkiyi hükûmet üzerinden kullanabilmesini şart koşmuştur. Özetle Sartori, ikili bir otorite yapısını ve iki başlı görünümü tüm yarı-başkanlık sistemlerinin taşıması gereken tek nitelik olarak görmüş, devlet başkanı ile hükûmetin başı olan Başbakan arasında bir çeşit diyarşi kurma zorunluluğuna işaret etmiştir. Bu noktada, Elgie her iki yazarın da devlet başkanı ve başbakanın yetkilerinin bazı öznel unsurlar dikkate alınarak tanımlanmasını eleştirmiş, bu tanımların seçim yanlılığı riski barındırdığı gerekçesiyle bazı yönlerden eksik olduğunu savunmuştur. Elgie, yarı-başkanlık sistemini öznel unsurlardan arındırmak amacıyla, devlet başkanının ve başbakanın yetkilerini ele

⁵¹⁵ Şen, İlker Gökhan. Rusya Federasyonu Siyasal Sistemi. s. 350.

⁵¹⁶ Sartori, Giovanni. Karşılaştırmalı Anayasa Mühendisliği: Yapılar, Özendiriciler ve Sonuçlar Üzerine Bir İnceleme. Çevirmen. Ergun Özbudun, Ankara: Yetkin Yayınları, 1997. ss. 161-162.

⁵¹⁷ Duverger, Maurice. “A New Political System Model: Semi-Presidential Government.” *European Journal of Political Research*. cilt.8. sayı. 2, 1980. s. 166.

⁵¹⁸ Sartori, Giovanni. Comparative Constitutional Engineering: An Inquiry into Structures, Incentives and Outcomes. London: Macmillan Press, 1994. ss. 131-132

almak yerine, tartışmasız anayasa hükümleri üzerinden tanımlamanın daha doğru olacağını belirtmiştir. Ona göre, bir sistemin yarı-başkanlık olarak tanımlanması için belirli bir süre için halk tarafından seçilen bir devlet başkanı ve yasamaya karşı sorumlu bir başbakan ve kabinenin varlığı yeterlidir.⁵¹⁹ Bunun yanı sıra, birçok çalışma, yarı-başkanlık sistemine ilişkin tartışmaları Shugart ve Carey tarafından yarı-başkanlık sisteminin iki alt tipi olarak ortaya atılan başkancı-parlamentarizm ve başbakanlı-başkanlık üzerinden ele almıştır. Başbakanlı başkanlık rejimlerinde başbakanlar parlamentonun güvenoyuna tabi iken ve parlamento kabineyi görevden alma yetkisine sahip iken, başbakanların parlamento ile iş birliği yapma eğiliminde olduğu söylenebilmektedir. Bunun aksine, daha güçlü bir devlet başkanının bulunduğu başkancı-parlamentarizm rejiminde, başbakanlar hem devlet başkanına hem de parlamentoya karşı sorumludur. Ayrıca, devlet başkanları başbakanı atama ve görevden alma yetkisine sahiptir. Bunun yanı sıra, hükûmetin kurulma sürecine devlet başkanı dâhil olmaktadır. Özetle, Shugart ve Carey, ikili yürütme yetkisine ilişkin tartışmalarda gücün devlet başkanında veya başbakanda toplanmasını temel nokta olarak değerlendirmişlerdir.⁵²⁰

Tezde, yarı-başkanlık sistemlerinde parlamentoların rolü ele alınmış ve parlamentoların temel işlevlerini koruyup koruyamamasının parlamento ile devlet başkanı arasındaki ilişki ile yakından ilgili olduğu belirtilmiştir. Yarı-başkanlık sistemlerinde parlamentoların rolü incelenirken de Shugart ve Carey'in iki alt yarı-başkanlık tipi bakımından farklı sonuçları değerlendirilmiştir. Başkancı-parlamentarizmde; parlamentonun devlet başkanının görev süresini kısaltmaması karşısında devlet başkanının parlamentoyu fesih yetkisini elinde bulundurduğu, saf başkanlık sistemiyle kıyaslandığında dahi kabinenin oluşumunda daha güçlü bir devlet başkanı figürünün bulunduğu, fesih tehditi altındaki parlamentonun devlet başkanı tarafından önerilen başbakan adayını onaylamaktan başka çaresinin

⁵¹⁹ Elgie, Robert. "Varieties of Semi-Presidentialism and Their Impact on Nascent Democracies." *Taiwan Journal of Democracy*. ciltl.3. sayı.2, 2007. ss. 60-61.

⁵²⁰ Chang, Chun-hao. "The Competition/Cooperation Relationship in Executive Power Operating of Semi-Presidentialism." *International Journal of Social Sciences and Humanity Studies*. cilt. 3. sayı. 2, 2011. ss. 106-107.

kalmadığı bir tablo ortaya çıkmaktadır.⁵²¹ Yine, başkanlı-parlamentar sistemlerde hükûmetin gerek göreve başlama esnasında gerekse görev süresince parlamentonun güvensizlik oyu tehditi altında bulunduğu, bazı durumlarda da güvensizlik oyunun hükûmetin görevine son verme veya parlamentonun feshi ile sonuçlanabildiği söylenebilmektedir. Bu anlamda, Rusya Federasyonu Anayasası'nın 117'nci maddesinde, Duma tarafından hükûmete verilen güvensizlik oyunun devlet başkanını, hükûmetin istifası veya Duma'nın feshi ve yeni seçimin ilan edilmesi arasındaki seçenekte bıraktığı görülmektedir.⁵²² Yapılan tüm bu değerlendirmeler neticesinde, Rusya Federasyonu'nun Shugart ve Carey'in kategorizasyonunda başkanlı-parlamentar sisteme denk düştüğü ifade edilebilir.

Yarı-başkanlık sistemlerinde parlamentoların rolünün değerlendirilmesinde, Tsai tarafından yasama ve yürütme ilişkileri bağlamında devlet başkanının ve/veya parlamentonun güçlü ve zayıf olmasına göre farklılaşan dört senaryo ele alınmıştır. Bu senaryolara uyan dünya örnekleri ve yarı-başkanlık tiplerine örnekler verilmiştir. Tezde, 1993 Anayasası'ndan önce yasama ve yürütme ilişkilerinde önemli dönemlerden olan ve 1993 Anayasa Krizi'ne giden süreçteki yasama ve yürütme ilişkilerinin nitelendirilmesinde, güçlü bir devlet başkanı karşısında güçlü bir parlamentonun bulunduğu senaryonun siyasi çatışmalara ve açmazlara gebe olduğunu belirtmiştir. Kararname çıkarma yetkisini elinde bulunduran devlet başkanı karşısında yasa çıkaran parlamentonun bu araçları karşılıklı olarak sert bir şekilde koz olarak kullanması sonucunda demokratik rejimin çökmesine bile yol açabilecek ölçüde siyasi çıkmazların ihtimal dâhilinde olduğu vurgulanmıştır.⁵²³

Yarı-başkanlık sistemlerinin getirdiği fırsat ve barındırdığı risklerin açıklanması maksadıyla sistemin avantajları ve dezavantajları üzerinde durulmuştur. Sistemin dezavantajları arasında sıralanan ilk husus kohabitasyondur. Elgie kohabitasyonu, devlet başkanı ve başbakanın farklı siyasi partilerden geldiği ve

⁵²¹ Gönenç, Levent. *Prospect for Constitutionalism in Post-Communist Countries*. s. 297.

⁵²² A.e.

⁵²³ Tsai, Jung-Hsiang. "Sub-Types of Semi-Presidentialism and Political Deadlock." ss. 79-80.

devlet başkanının partisinin hükûmette temsil edilmediği durumları ifade etmek için kullanmıştır.⁵²⁴ Bu sistemlerde devlet başkanı ve başbakanın varlığından kaynaklanan yürütmenin iki başlılığının birbiriyle yarışan meşruiyet iddialarını gündeme getirdiği ve bu durumun kohabitasyon riskini doğurduğu bilinmektedir.⁵²⁵

Yarı-başkanlık sistemlerinin avantajlarını savunan yazarlarca dile getirilen ilk argüman, bu sistemin devlet başkanının merkezi konumunu korumasıyla birlikte, bunun başkanlık sistemlerinde olduğu ölçüye varmamasıdır. İkinci argüman ise başbakanın varlığı ve bazı durumlarda başbakanın üstünlüğü elde bulundurması sebebiyle güç dengelerinin kayma eğiliminde olmasıdır.⁵²⁶

Bu tezde ayrıca geçmişe dönük olarak ve 1991 sonrası dönemde Rus parlamenter organlarına geniş yer ayrılmıştır. Günümüz yasama organlarının geçmiş deneyimlerden doğduğu düşüncesiyle, batılı muadillerinden tarih içinde geçirdiği süreçler itibarıyla ayrılan Rus genel siyasi çerçevesinin çizilmesi önem arz etmektedir. Geçmişe bakıldığında, 20. yüzyıl başlarına kadar Rus yasama organlarının az sayılabilecek bir tecrübeye sahip olduğu söylenebilir. Öyle ki, tarih boyunca otokratik monarşi altında yaşayan halk için Ortaçağ Novgorod'ındaki halk meclisi (*veche*) ve kent meclisleri (*zemskie sobory*) olarak adlandırılan yapılar, 17. yüzyıla kadar düzenli ve sürekli olarak toplanan yasama organları görüntüsünü çizmemektedir. Bununla birlikte, 1860 Reformları sonrasında okulların ve yerel kurumların kontrol edilmesi amacıyla sınırlı bir seçme hakkı ile de olsa bölge meclislerinin seçilmesini öngören yeni bir sistem benimsenmiştir.⁵²⁷ Çalkantılı siyasi dönemin ardından ülkenin ilk parlamentosu 1905 Rus Devrimi'nden sonra kurulmuş olup bu parlamento Çar'ın yetkilerini sınırlamaktan oldukça uzak kalmıştır.⁵²⁸

⁵²⁴ Elgie, Robert. "Semi-presidentialism, Cohabitation and the Collapse of Electoral Democracies, 1990-2008." *Government and Opposition*. cilt. 45. no.1, 2010. ss.30-31.

⁵²⁵ Göneç, Levent. *Prospect for Constitutionalism in Post-Communist Countries*. s. 317.

⁵²⁶ A.e. s. 316.

⁵²⁷ Ware, Richard. "Transferability of Parliamentary Experience: The Russian Example." *The Journal of Legislative Studies*. cilt. 1, sayı. 2, 1995. s. 269.

⁵²⁸ Bolşevikler tarafından, yasama ve yürütme fonksiyonlarını bünyesinde toplayan yapılar olarak konseyler kurulmuştur. Lenin tarafından "tüm güç sovyetlere" sloganı altında farklı fonksiyonlar tek

1905 yılının karmaşık ikliminde kurulan ve 1917 yılından sonra yeniden ortaya çıkan Konseyler (the Soviets), Sovyet Sosyalist Cumhuriyetler Birliği'nin devlet yapısının temelini oluşturmuş ve bu yapılar 1993 yılında Yeltsin tarafından ilga edilinceye dek Sovyet sisteminde varlığını sürdürmüştür.⁵²⁹ Komünist rejim tarafından anayasa yapıldığında da komünistler meşruiyeti sağlamak adına işçi ve asker temsilcilerinden oluşan Sovyetleri araç olarak görmüşlerdir.⁵³⁰

1917 Ekim Devrimi'nden sonra da Sovyetler, sistemin çekirdeğini oluşturmaya devam etmiş; 1918 ve 1924 anayasalarında, SSCB'nin en yüksek yasama yetkisinin Sovyetler Kongresi'ne ait olduğu ifade edilmiştir.⁵³¹ 1918 Anayasası'na göre, Yüksek Sovyet'in yılda yalnızca iki kez toplanması sebebiyle aynı anayasa tarafından yılın geri kalan kısmında yasama yetkisini kullanabilen Yüksek Sovyet Prezidyumu da kurulmuştur. Bu anlamda, Prezidyum, eski adıyla Merkezi Yürütme Komitesi, bir yürütme organı olmaktan ziyade tam zamanlı yasama organı hâlini almıştır.⁵³² 1936 ve 1977 anayasalarında anıldığı adıyla Yüksek Sovyet, Birlik Konseyi ve Milletler Konseyi olmak üzere her biri 750 üyeli iki kamaradan oluşacak şekilde tasarlanmıştır. Bu tasarımda, her bir temsilci için yaklaşık 300.000 kişilik bir seçmenin oy kullandığı Birlik Konseyi ve federe unsurlardan seçilen ve belirli sayıdaki temsilciden oluşan Milletler Konseyi yer almaktadır.⁵³³ 1937'den 1988 yılına kadar geçen sürede, Yüksek Sovyet'in yıllık

bir yapıda birleştirilmeye çalışılmıştır. Ancak bu konseyler 1930'lu yılların ortasından itibaren "ölü yasama meclisleri" hâline gelmiştir. Huskey, Eugene. "Executive-Legislative Relations". s. 84.

⁵²⁹ Thatcher, Ian D. "Elections in Russian and Early Soviet History." Elections and Political Order in Russia: The Implications of the 1993 Elections to the Federal Assembly. Ed. Peter Lentini. Budapest, London and New York: Central European University Press, 1995. ss. 25-26.

⁵³⁰ Donaldson, Robert H. "Russia". The Journal of Legislative Studies cilt.10 sayı. 2-3. 2004. s. 232.

⁵³¹ Thatcher, Ian D. "Elections in Russian and Early Soviet History." Elections and Political Order in Russia: The Implications of the 1993 Elections to the Federal Assembly. Ed. Peter Lentini. Budapest, London and New York: Central European University Press, 1995. s. 26.

⁵³² Abdullayev, Natig, *Demokratikleşme Sorunsalı Çerçevesinde Rusya'da Hükümet Şekli Üzerine*. ss. 11-12.

⁵³³ Sakwa, Richard. Soviet Politics in Perspective. New York: Routledge, 1998. s. 110.

birleşim günleri ancak iki günü bulmuş, bu birleşimlerde önceden Komünist Parti tarafından dikte edilen kararlar oybirliği ile alınmıştır.⁵³⁴

Gorbaçov'un Glasnost ve Perestroika adı altındaki hayata geçirdiği reform politikaları sayesinde Sovyet sisteminde köklü değişiklikler meydana gelmiştir. Bu doğrultuda, 1988 yılında kurulan Sovyet Halk Temsilcileri Kongresi ile Komünist Parti'nin sistemdeki ağırlığı devam etmesine rağmen, komünist olmayan unsurların da seçmen karşına çıktığı görülmektedir.

Nihai olarak, Rusya Sovyet Federatif Sosyalist Cumhuriyeti'nin seçilmiş yeni yasama organı olan Rus Halk Temsilcileri Kongresi tarafından 12 Haziran 1990 tarihinde Rusya, Sovyet Sosyalist Cumhuriyetler Birliği'nden bağımsızlığını ilan etmiştir. Rusya; devlet başkanlığı müessesini kurduğu, Komünist Parti'nin tekeline son verdiği ve yasama organını yeniden tasarladığı bir döneme girmiştir.

Genel itibarıyla bakıldığında, Rus halkının bir liderin etrafında gücün toplandığı Çarlık sistemine ve devamında Genel Sekreter'in emrinde bir konseye alışık olduğu söylenebilir. Her iki sistemde de güç, yadsınamayacak derecede merkezileşmiş ve kararlar aleniyetten uzak bir şekilde alınmıştır.⁵³⁵

Geçmiş tecrübeler ile kıyaslandığında, her ne kadar Yüksek Sovyet'in görünüşte iki kamaralı bir parlamento yapısına sahip olduğu söylene de Prezidyum, yasama gündemini kontrol altına almış ve her iki kamarada geçerli olan oy kullanma modellerini etkisiz kılmıştır. Bu anlamda, ülke gerçek anlamda ilk kez 1993 Seçimleri ile iki kamaralı parlamento yapısına kavuşmuştur.⁵³⁶

Bu tezde, 1993 Anayasası'na göre anayasal organlar ayrı bir bölümde incelenmiştir. 1993 Anayasası hakkında belirtilmesi gereken ilk husus, kuvvetler

⁵³⁴ Hahn, Jeffrey. "State Institutions in Transition." Developments in Soviet&Post-Soviet Politics. Eds. Stephen White, Alex Pravda and Zvi Gitelman. London: Macmillan. 1992. s. 91.

⁵³⁵ Alexander, James. Political Culture in Post-Communist Russia. London: Macmillan Press, 2000. ss. 192-193.

⁵³⁶ Smith, Steven S.and Thomas F. Remington. The Politics of Institutional Choice: The Formation of the Russian State Duma. Priceton & Oxford: Princeton University Press, 2001. s. 6.

ayrılığı ilkesinin benimsenmiş olmasıdır.⁵³⁷ Ancak, anayasa düzeyinde tanınmış bu ilkeye rağmen, siyasi pratiklere kuvvet ayrılığı ilkesinin ve kuvvetler arasında denge ve denetleme mekanizmaların ne derecede yansıdığı hâlâ tartışmalıdır.

Bugün devlet başkanının yetkileri ile kıyaslandığında, parlamento daha sınırlı yetkilere sahiptir.⁵³⁸ Halk tarafından seçilmesi sebebiyle, sistemde güçlü bir siyasi aktör olarak bulunan devlet başkanı, başbakanı ve diğer kabine üyelerini atamaktadır. Ancak, kabinenin yürütme yetkisini kullanabilmesi için Duma'nın güvenoyunu alması gerekmektedir. Çalışmada, Shugart ve Carey tarafından yapılan sınıflandırmaya göre Rusya'nın yarı-başkanlık sisteminin başkancı-parlamentar sisteme uyduğu görülmektedir.⁵³⁹

Federal Meclis, Federasyon Konseyi ve Devlet Duması olmak üzere iki kanattan oluşmaktadır.⁵⁴⁰ Devlet Duması 450 üyeli bir alt meclis iken; federe unsurların yasama ve yürütme organlarından gelen ikişer temsilciden oluşan Federasyon Konseyi; üyelerinin seçimi, oluşumu ve yapıları bakımından farklı şekilde tasarlanmıştır. Bu çalışmada yasama faaliyetlerinin yoğunluklu olarak meydana geldiği Devlet Duması'nın seçim sistemi, oluşumu, kurumsal dinamikleri ve yetkileri, parlamento grupları, yasama komisyonları gibi alt başlıklar incelenmiştir.

Tarafsızlık ilkesi çerçevesinde çalışmalarını yürüten ve bu sebeple herhangi bir parlamento grubunun veya fraksiyonun oluşturulmasının yasaklandığı⁵⁴¹ Federasyon Konseyi'nde üyeler, geldikleri bölgenin çıkarlarını gözetme imkânı

⁵³⁷ “Is There A Separation of Powers in Russia.” Presentation by Thomas Remington. <https://carnegieendowment.org/2001/01/09/is-there-separation-of-powers-in-russia-event-250>. (Erişim Tarihi: 15.05.2019).

⁵³⁸ Moser, Robert G. “Executive-Legislative Relations in Russia, 1991-1999.” *Russian Politics: Challenges of Democratization*. Eds. Zoltan Barany and Robert G. Moser. Cambridge: Cambridge University Press, 2001. s. 64.

⁵³⁹ Remington, Thomas F. *Politics in Russia*. s. 60.

⁵⁴⁰ Rusya Federasyonu Anayasası'nın 95'inci maddesi.

⁵⁴¹ 3 Aralık 2012 tarih ve 229-FZ sayılı Federal Yasa'nın 1'inci maddesi” Federation Council of the Federal Assembly of the Russian Federation at http://council.gov.ru/en/structure/council/order_law/ (Erişim Tarihi: 04.06.2019).

bulmaktadırlar.⁵⁴² Bu özellikleri sebebiyle, Mndoyants and Sakharov'dan alıntılıyarak Chaisty, Konsey'in özellikle 1996-2000 Dönemi'ni kapsayan İkinci Duma Dönemi'nde Rus siyasetinde bir "üçüncü güç" olduğunu savunmaktadır.⁵⁴³

Çalışmada, yarı-başkanlık sisteminde devlet başkanı ile parlamento arasındaki ilişkilerinden etkilenen hükûmet yapılanması hakkında bazı değerlendirmelerde bulunulmuştur. Rusya'daki hükûmet yapısı Fransa'daki yarı-başkanlık sisteminden farklı olarak hükûmet, parlamento çoğunluğunun içinden oluşmak zorunda değildir. Kabine üyelerinin belirlenmesinde devlet başkanı kendini anayasal veya başka herhangi bir yasal sınırlama ile bağlı saymamaktadır.⁵⁴⁴ Bu da, devlet başkanına hükûmetin oluşumu sürecinde oldukça geniş bir aday yelpazesi sunmakta, ülkenin siyasi gerçekleri ve hakim güçleri dâhilinde uygun gördüğü adayları belirleme imkânı tanımaktadır.

Çalışmada, anayasal organların birbiriyle olan ilişkilerine farklı bir bölüm ayrılmıştır. Çalışmanın temel araştırma sorusuna yanıt aramak amacıyla önem arz eden devlet başkanı ve Federal Meclis arasındaki ilişkileri düzenleyen mevzuat hükümleri ve hükümlerin uygulamalara yansıma biçimi ele alınmıştır. Yapılan değerlendirmeler ışığında, Sovyet rejiminin çöküşünden sonra yasama ve yürütme ilişkilerini daimi olarak pürüzsüz veya düşmanca olduğunu nitelendirmek yanlıştır.

Devlet başkanlığının otoritesini sağlamlaştırmak için gerek Yeltsin gerekse Putin tarafından oluşturulan, kısmen yasama işlevlerini gören ve devlet başkanına bağlı olarak çalışan yapılar, devlet başkanı ile Federal Meclis arasındaki ilişkilerde dikkat çekici bir unsur olarak değerlendirilmiştir. Örnek vermek gerekirse, 2000 yılında bölge hükûmetlerinin başkanlarından müteşekkil Devlet Konseyi yapılanmasının Federasyon Konseyi'ne benzer bir oluşuma sahip olduğu söylenebilir.⁵⁴⁵ Yeltsin'den farklı olarak, Putin'in politikalarını gerçekleştirmek için

⁵⁴² Clark, Terry D. "Voting Patterns in the Russian Council of the Federation." *Journal of Communist Studies and Transition Politics*. cilt. 11. sayı. 4, 1995. s. 381.

⁵⁴³ Chaisty, Paul. *Legislative Politics and Economic Power in Russia*. s. 105.

⁵⁴⁴ Remington, Thomas F. *Politics in Russia*. ss. 62-63.

⁵⁴⁵ A.e. s. 63.

Federal Meclis ile iyi ilişkiler eğliştirdiği ve Meclis çoğunluğunun desteğini sağladığı gözlemlenmektedir. Böylelikle, yasama ve yürütme çatışmalarının⁵⁴⁶ ve yürütme içi çatışmaların önüne geçilmektedir.⁵⁴⁷

Yasama ve yürütme organları arasındaki ilişkilerde, devlet başkanının kararname çıkarma yetkisi yasama yetkisinin devri anlamına gelip gelmemesi bakımından ayrıca değerlendirilmesi gereken bir husustur. Kendilerine tanınan birçok anayasal yetkiyi farklı şekilde kullanan Yeltsin ve Putin, kararname çıkarma yetkileri bakımından da farklı bir tablo çizmiştir.⁵⁴⁸ Kararname çıkarma yetkisi açısından bakıldığında, Yeltsin'in bu yetkiye sıklıkla başvurması karşısında 2002 yılı itibarıyla Putin'in daha az kararname yayımladığı görülmektedir.⁵⁴⁹

Yasama-yürütme ilişkilerinin iyi olduğu dönemlerde devlet başkanlarının kararname çıkarma sayılarının oldukça düştüğü, devlet başkanlarının parlamento desteğine sahip olduğu zaman da yasa sayısının arttığı gözlemlenmiştir.⁵⁵⁰

Çalışmada, Federasyon Meclisi ve hükûmet arasındaki ilişkiler de ayrı olarak değerlendirilmiştir. Rusya'da, devlet başkanı hükûmeti atama ve yönetme konusunda doğrudan söz sahibi iken Federal Meclis, hükûmetin icraatlarının yürütülmesinde söz hakkına sahip değildir. Böyle bir durumda, siyasi kararlarda parlamentonun marjinalleştiği, parlamento çoğunluğunun desteğini aldığı da devlet başkanı ile bir bütün olarak parlamentonun pazarlık etme ihtimalinin azaldığı saptanmıştır.⁵⁵¹

⁵⁴⁶ Sedelius, Thomas and Joakim Ekman. "Intra-executive Conflict and Cabinet Instability: Effects of Semi-Presidentialism in Central and Eastern Europe." *Government and Opposition*. cilt. 45.sayı. 4, 2010. ss. 521-522, 525.

⁵⁴⁷ Sedelius, Thomas & Olga Mashtaler. "Two Decades of Semi-Presidentialism: Issue of Intra-Executive Conflict in Central and Eastern Europe 1991-2011." *East European Politics*. cilt .29. sayı. 2, 2013. s. 116.

⁵⁴⁸ Haspel, Moshe, Thomas F. Remington & Steven S. Smith. "Lawmaking and Decree Making in the Russian Federation: Time, Space, and Rules in Russian National Policymaking." s. 250.

⁵⁴⁹ Protsyk, Oleh. "Ruling with Decrees: Presidential Decree Making in Russia and Ukraine." *Europe-Asia Studies*. cilt. 56. sayı. 5, 2004. s. 640.

⁵⁵⁰ Şen, İlker Gökhan. Rusya Federasyonu Siyasal Sistemi. s. 143.

⁵⁵¹ Remington, Thomas F. "The Federal Assembly, 1994-2004." s. 122.

Sonuç olarak, yapılan tartışmalar ışığında, devlet başkanının gerek parlamento çoğunluğu ile gerekse bir bütün olarak çeşitli yetkilere sahip bir parlamento ile arasındaki ilişkilerin anayasa ve siyasi teamüller ile yakından ilgili olduğu sonucuna varılmıştır. Ayrıca, iyi işleyen bir demokrasi için yürütme erkinin hayati önemde olduğu ifade edilmiştir.

Rusya Federasyonu'nda 1993 Anayasası'nda kuvvetler ayrılığı ilkesinin benimsenmesine rağmen, uygulamada devlet başkanı, parlamento ve hükûmet ile asimetric bir ilişki içindedir. Başkanlı-parlamentar system, hükûmetin hem parlamentoya hem de devlet başkanına karşı sorumlu olmasından ötürü bazı kırılmalıklara ve krizlere açık durumda bulunmaktadır.⁵⁵²

Sovyet Dönemi' nin iki kademeli parlamento yapısına karşılık 1993 Anayasası' nın iki kamaralı bir yapı öngörmesi son derece önemlidir. Bu anlamda, Prezidyum tarafından yönetilen emir komuta zinciri altındaki hiyerarşik yapıdan kopuş ve Devlet Duması ile Federasyon Konseyi arasındaki yatay ilişki yapısı yasama süreçlerinde ve yasamanın etkinliğinde önemli değişikliklere yol açmıştır.

Parlamento ile devlet başkanının arasındaki ilişkilerin iyi olmadığı dönemde bile parlamentonun devlet başkanı tarafından tamamen safdışı bırakıldığını söylemek güçtür. Şöyle ki, uzlaşının mümkün olduğu durumlarda, önemli sayıdaki yasanın görüşülmesinde sağlıklı müzakere süreçlerinin işletilebildiği görülmüştür.

Tezin temel sorusu olan Rus Parlamentosu'nun devlet başkanının yetkileri ile kıyas edildiğinde sistemde karşı bir ağırlık oluşturup oluşturamadığı hususunda, Donaldson'ın görüşünün aksine, Federal Meclis'in elindeki yasama yetkilerini kullanarak ciddi bir karşı ağırlık oluşturabildiğini her zaman için söyleyebilmek güçtür.⁵⁵³

⁵⁵² Smith, Steven S.and Thomas F. Remington. The Politics of Institutional Choice: The Formation of the Russian State Duma. s. 7.

⁵⁵³ Donaldson, Robert H. "Russia". s. 230.

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