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## PRESIDENTIAL SYSTEM OF STATE GOVERNMENT AND ITS CHARACTERISTICS

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***Abstract:** This paper analyzes the characteristics of the presidential system. The subject of the analysis of the paper is the various features of the system such as the constitutional structure, the constitutional powers of the executive branch, the electoral system, the party system, the advantages and disadvantages of this system. We will look at the development of the very concept and key features of the presidential system as a form of state power that is typical of the United States. The basic feature of this system is the constitutional guarantee of the independence of the presidential government. In both the presidential and parliamentary systems, there is a fundamental difference that is reflected in the institution of government itself. There is no government in the presidential system as a collective body, because the bearer of government activity is the president himself, who is also the head of state and represents a set of powers. In order for this to exist, three conditions must be met: the head of state comes from the people, there cannot be a vote of no confidence in parliament and he runs a government of his own choosing.*

***Key words:** state power, presidential system, constitution, executive power, mandate*

### INTRODUCTION

The presidential system is one of the most characteristic principles of the separation of powers, which is based on the separate functioning of three branches of government: the executive, the legislative and the judiciary powers. All three branches of government are equal, but there is also no possibility of these three branches of government overcoming each other.

The first and most typical presidential system originated in the United States and was created by the Constitution of 1787. As a form of state power, it was created by the American founding fathers, led by George Washington, and was based on the idea of the fullest division of power into executive, legislative and judicial power. This idea originated from the written Constitution, according to which the monarch loses legitimacy and the executive power is strengthened. The essential feature of this system is reflected in the position and organization of the executive power. According to the founders, each government should perform exclusively the tasks that belong to it by nature and should be independent from the other two authorities, in order to achieve freedom and democracy. More precisely, this form of state power is said to lead to an efficient and strong government. The executive power cannot be stable if there is no stable state and society. The presidential system is mostly exposed to upheavals and poor functioning because it is often subject to coups and revolutions. The only one that stands out is the presidential system that exists in the United States, because it is a system of strict separation of powers where the executive power is separated from the parliament. It is based on negotiations and compromises, which distinguishes it from the parliamentary system because it separates the public decision-making process. The founding fathers advocated the dispersion of power and they established an executive branch that would be separate and independent from the legislative branch.

## **1. THE STRUCTURE OF THE PRESIDENTIAL SYSTEM**

The structure of the US presidential system consists of three branches of government: the executive branch headed by the president, then the legislature headed by Congress, and the judiciary embodied in the Supreme Court. All three branches of government are separate structures and each with its own constitutional functions and control mechanisms.

The beginning of the presidential system appears in the United States of America, with the Constitution of 1787. Contrary to European absolute monarchies in which all power was in the hands of one state body, the creators of the American constitution wanted to suppress such a way of governing, and the realization of their idea required a new system that would deconcentrate state power. This new system aspired to the realization of democracy and freedom, and for that it was necessary for each body to perform its function in the state and to be as independent as possible. In contrast to

other systems of separation of powers in which the legislature was the strongest, in the presidential system the judiciary and the executive branches were extremely strong.

Thus, the starting point is that the the legislature and the executive branch must be separated. The president usually has special privileges in passing laws, that is, he has the power of veto. However, it is rare for the president to have the power to directly propose laws or vote on a law. Legislature and the president are generally expected to serve as a confirmation of other powers. In the U.S., many appointments must be confirmed by the Senate. The president is always an active participant in the political process, although the extent of his power may be influenced by the political composition of the legislature and the extent to which his supporters or opponents are dominant in it. In this system, the president is the head of state and the head of government, and he performs two important functions at the same time. With the function of the head of government, he leads the state from within, while the position of head of state gives him the right to lead the country from the outside and to represent his state.

The American president is the head of state and the prime minister in one person, because the American constitution does not know “cabinet” and “ministers”. The president helps himself by building a circle of his associates around him, to whom he can place his trust due to their loyalty. These are personal advisers and state secretaries. The president is irreplaceable and can only be replaced by the court for violating certain laws. There is no government in the United States as a collective body, and the bearer of government activity is the president himself, who is also the head of state. He is the only nationally elected politician and can therefore claim to speak on behalf of the entire nation. When he meets with a foreign president, he speaks on behalf of the people. However, the president is not omnipotent. He is strong in some areas and weak in others. The role of the president in this regard is similar to the role of the British monarch.

The president, if he wants to rule, must present his proposals to both houses of Congress. His proposals are valid only if he gets the majority. The Congress, that is, the Senate, in which 100 senators with very great influence sit, represents the interests of individual states, and there is the House of Representatives, in which 435 deputies represent local interests; they are independent of the president. The president cannot dissolve the Senate or the House of Representatives, nor can he block laws created by Congress or passed by Congress, and he cannot do so in any case if both houses overwhelm his veto by a two-thirds majority. Congress is much more in a position to

put pressure on the president, because only Congress can approve the budget proposed by the president. What is expected of the president can be expressed through several items:

- As the head of state, he must represent the United States at receptions and public visits, he must appoint all high-ranking officials, ambassadors, officers, judges...
- As the head of the government, he has to make a draft of the entire policy, so as laws he has to implement it through a complicated system of both houses of Congress.
- As the head of the administration, he must ensure the implementation of the adopted laws through the ministries.
- As the commander of the military forces, he is responsible for the complex of material and personnel equipment of the infantry, navy and air force, as well as for their strategic concept.
- As the strongest leader of the West, he and his Minister of Foreign Affairs must pursue a responsible foreign and economic policy, which today has an impact in almost all countries.
- As the president who performs the presidential function, he must spend some time leading his party.

Today, the question arises as to whether such a concentration of power and tasks concentrated in the hands of only one person, which was viewed from a completely different angle at the end of the 18th century and could be justified only at the end of the 20th and the beginning of the 21st century, can be fair.

Since the United States was an English colony, and is now the richest and strongest state, the president's word has a great impact on the freedom and stability of many other countries.

Election Process - Elections for President of the United States are held every four years on Election Day, which is held on the first Tuesday after the first Monday in November.

Requirements that a presidential candidate must meet under the US Constitution:

- To be a born citizen of the United States of America
- To be at least 35 years old
- Has resided in the United States for the past 14 years.



executive branch. Presidential proposals of judges, ambassadors and other high-ranking state officials require Senate approval.

“The principle of independence of government is the basis for regulating mutual relations and when considering the relationship of the judiciary with the legislature.” The US Supreme Court is the top third branch of government. Judges are appointed (with the consent of the Senate) by the president, although they are then guaranteed full independence. Neither the President nor Congress can relieve them of their duties. The greatest power of the Supreme Court is that it can declare an already adopted law unconstitutional, which according to the American legal system means the factual annulment of the law (Uvod u pravo, M. Simic, S. Djordjevic, D. Matic, Pravni fakultet Univerziteta u Kragujevcu, 2009.)

One of the features of government control over the president is the power of recall or impeachment. Revocation is a pronounced power of legislation. It is the first step in removing the president, vice president, or other government officials, based on the penalty of bribery, treason, or other major crimes and misdemeanors. The U.S. Senate is the only body than can perform all the recalls. The verdict requires two thirds of the votes, and when the president is tried, the head of the US state presides. A person convicted in a revocation is subject to further trial, where the verdict and sentence will be rendered in accordance with the law.

### **3. VARIATIONS OF PRESIDENTIAL SYSTEMS**

Presidential systems can be found in other forms in democratic and non-democratic states. The presidential system in the United States is the clearest example of such a division of power, but there are also semi-presidential systems that have many similar characteristics as well as differences. An example of such a division of power is France. The President of France has a long list of powers but does not bear any responsibility. The president appoints the parliament that may or may not be the leader of the majority of parties in the lower house of parliament. The president, not the prime minister, chairs the cabinet and appoints high-ranking state officials, and also serves as the military commander-in-chief. The French president can call new elections and dissolve parliament. This combination of systems represents a strong entrenched power of political parties in parliament but also a strengthened power of the president. The

president bears no political responsibility. If there are any political omissions, the prime minister is responsible. The president can choose to transfer major responsibilities to the prime minister and the cabinet.

#### **4. THE ADVANTAGES OF THE PRESIDENTIAL SYSTEM**

Proponents of this system generally cite four advantages:

The first advantage is the fact that the direct election of the president is more democratic and that voters can accurately indicate their political priorities. A direct mandate is also considered to make the president more accountable. Separation of the executive branch of power and the legislature is considered an advantage, because if there is no brake and balance principle, the Prime Minister's illicit actions may not be detected. Many parliamentary states, while facing numerous problems in the country, also noticed the problem of maintaining stability. Due to the way power is divided, the presidential system is able to survive many emergencies.

The presidential system can establish a better way to combat opportunism and establish the impossibility of political superiority of one type of body over another and prevent the interference of any body in the appointment or removal of others.

We can conclude that the presidential system is stable because the government does not depend on the parliament and its trust. In the presidential system, it often happens that the president cannot count on the votes of his parliamentarians. In the United States, the congressman's first interest is his or her constituency. That is why party loyalty is much less important in the presidential system, and the president never knows what kind of support he will receive.

#### **5. THE DISADVANTAGES OF THE PRESIDENTIAL SYSTEM**

Critics mainly point out three shortcomings of the presidential system:

- Propensity for authoritarianism - there are political scientists who believe that the presidential system is not constitutionally stable.

- Separation of powers - many believe that this division only contributes to enabling the transfer of responsibilities from the legislature to the executive branch and vice versa.
- Obstacles to change the leadership - the impossibility of removing the undesirable person from the office of the President, before the expiration of their mandate is a really big problem. The constitutionally mandated length of office prevents a change in the head of the executive branch before the end of this period, even if political circumstances call for the removal of an unsuccessful, unpopular or weak president. On the other hand, an extremely successful and popular president must leave his post after his term expires. This creates an artificial need to create a successful political leader every few years, which is unrealistic to expect under normal circumstances.

The next disadvantage is double democratic legitimacy. Both the president and MPs are given seats in direct elections, so there is a lack of institutional impetus for their cooperation. Cooperation of these two branches of government is a condition for effective legislative work, given their limited powers. Since the presidential position and the parliamentary majority are often controlled by individuals from opposing political groups, the president will often not be able to translate his political program into law, but will probably succeed in preventing the legislative program of the parliamentary majority. The result is most often a blockade of the political process and unnecessary delays in resolving current problems. Even today, this system can create political instability.

## CONCLUSION

The presidential system organized in this has survived almost unchanged for 200 years in America. It has influenced many states in the creation of their political systems of government, if not in the complete takeover of the system, then in some characteristics that will mix with the parliamentary system and influence the creation of a combined system. Both presidential and parliamentary systems have numerous disadvantages, but also advantages that can be viewed differently.

Whether the division of power is better than the principle of unity of power is a very ungrateful question because both principles can contribute to both positive and negative



reactions in the state. In fact, whether the presidential or parliamentary system will function better in certain countries depends primarily on the dominant political, economic and general social influence.

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