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A TYPOLOGY OF THE CONSTITUTIONAL MODELS OF PRESIDENT–EXECUTIVE POWER RELATIONS AND THE STATUS OF THE UZBEK MODEL

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Abstract: Drawing on the comparative-legal method, this article analyses the typology of the models of relations between the President and executive power found in world constitutional practice, and locates the Uzbek model within it. It examines the three traditional forms of republican government together with the types and sub-types advanced by scholars. It further argues that a model should be classified according to its normative-constitutional structure, while the actual political regime should be assessed separately, and it advances the author's own theoretical and practical conclusions.

Keywords: form of government; the presidential institution; executive power; typology of models; semi-presidentialism; dual executive; president-parliamentary sub-type; the Shugart–Carey classification; super presidentialism; combined model; the post-Soviet model; the Constitution of Uzbekistan.

The universal principles of the theory of the separation of powers are materialised, in each state, in the form of a distinctive constitutional model. For this reason, a purely theoretical understanding of the relationship between the presidential institution and executive power is insufficient; that relationship must be considered in the context of the typology of the concrete models found in world constitutional practice. The correct choice of model, in turn, directly affects a state's political stability, the effectiveness of executive power, and the place of democratic institutions in society.

The topicality of this task is explained by two circumstances. First, the typological character of Uzbekistan's constitutional model continues to provoke debate in national public-law scholarship: the question of whether Uzbekistan is a presidential republic, a mixed (semi-presidential) model, or a distinctive post-Soviet form remains open. At the same time, the 2023 constitutional reform introduced significant changes to the relationship between the President and executive power [37], and this calls for a scholarly analysis of the model's typological features.

The aim of this article is to identify the typology of the models of relations between the President and executive power in world practice, and to determine the place of Uzbekistan's constitutional model within that global typology. The research is conducted principally on the basis of the comparative-legal method, and also on historical-genetic and formal-legal methods. The source base encompasses the doctrine of comparative constitutional law worldwide, the scholarly schools of the CIS states, and the constitutional legislation of Uzbekistan.



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It is logical to begin the analysis with the classification of the forms of government, for it is precisely this category that establishes the initial theoretical framework for studying the relationship between the President and executive power. In Martyniuk's definition, the form of government is a characterisation of the structure of a state's supreme organs and of their mutual relations, and it comprises four components: the methods of forming state organs, the principles of their organisation, the manner in which powers are distributed, and mutual responsibility [29, p. 60].

A methodological subtlety must be emphasised here: the form of government reflects the normative-constitutional organisation of state power, not its actual operation. It is precisely for this reason that the category of the form of government is distinguished from that of the political regime [33, p. 143]. In our view, this distinction is the core principle of the entire analysis: in assessing the Uzbek model, it is essential not to conflate its normative structure with its actual political practice.

In traditional theory, republican government is divided into three forms: presidential, parliamentary and mixed (semi-presidential) [33, p. 134]. The presidential republic is historically the first classical form, materialised in the 1787 US Constitution [29, p. 62]. Its defining feature is that the President combines, at one and the same time, the status of head of state and that of head of the executive; it is here that the two institutions are fused in the person of the President. Martyniuk pointedly observes that the democratic success of the presidential form is in practice peculiar to the United States alone [29, p. 64]. In our view, this observation can be accepted in part; yet the success of the US model stems not from its purely institutional structure but from the political-legal culture and the developed party system that sustain it, so that in transplanting the model to another state these very factors must be taken into account.

In modern theory the three traditional forms of government have been found insufficient, and more detailed classifications are being proposed. Ganghof distinguishes six different forms of government, separating two independent features of the presidential system: branch-based separation of powers and executive personalism [5, p. 8]. In our view, this analytical distinction is an important achievement, and it is appropriate to apply it in analysing Uzbekistan: within the model, the elements of executive personalism and of the separation of powers should be assessed separately. A further concept that connects with this is 'super presidentialism', which Martyniuk defines not as a legal feature of the form of government but as a functional hypertrophy of the President — that is, as a characteristic of the actual regime [10, p. 285].

Because the classification into three traditional forms cannot adequately capture the subtle distinctions in the relationship between the President and executive power, Shugart and Carey proposed an analytically more precise classification, which has become the principal instrument for studying this relationship in modern comparative constitutional law. They define the presidential system by three objective criteria — the popular election of the head of state, the mutual independence of the presidential and parliamentary terms of office (neither being contingent on the confidence of the other), and the President's

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formation of the composition of the Government — thereby moving from the subjective assessment of a ‘strong/weak President’ to precise criteria [17, p. 19].

The core of Shugart and Carey’s contribution lies in their division of semi-presidentialism into two distinct sub-types. In the premier-presidential system, only the parliament can dismiss the Government. In the president-parliamentary system, both the President and the parliament hold the power to dismiss the Government [17, pp. 23–24]. As Sedelius and Linde have clarified, the decisive difference lies precisely here — in the question of to whom the Government is accountable [14, p. 137]. In other words, in the president-parliamentary system the Government is subordinate to two centres at once, whereas in the premier-presidential system it is subordinate to the parliament alone.

Although this distinction may appear technical, its empirical consequences are serious. Shugart and Carey cautioned constitution-makers to keep away from the president-parliamentary design, because systems in which the President’s powers in the legislative sphere are excessively broad encounter the greatest difficulties in sustaining a stable democracy [17, p. 148]. According to data cited by Zaznaev, in Africa only about one-fifth of president-parliamentary systems have survived, as against nearly two-thirds of premier-presidential ones [22, p. 197]. In our view, this empirical finding must be received as an important comparative warning; yet it cannot be transposed mechanically onto any particular state, for a statistical correlation does not automatically prove a causal relationship, and each national case must be assessed in the light of its own factors.

The theoretical depth of Shugart and Carey’s conception is manifested in their ‘neo-Madisonian’ approach. They divide the relationship between the President and the parliament into hierarchical (subordination) and transactional (equality of rights) types, hybrid systems being a mixture of these two elements in varying proportions [16, p. 328]. This approach is reflected in the Uzbek scholarly school as well: Akhmedshaeva applies it in her constitutional-legal analysis of executive power [24, p. 185]. In our view, the Shugart–Carey sub-types have not yet been fully assimilated in national doctrine, and it is precisely the filling of this methodological gap — the analysis of the Uzbek model from the standpoint of these sub-types — that constitutes a pressing task.

Among the sub-types distinguished by Shugart and Carey, semi-presidentialism demands particular theoretical attention, for it is here that executive power is divided between two centres and the relationship assumes its most complex form. The concept is associated with the name of the French political scientist Maurice Duverger [36, p. 19]. He established three criteria for semi-presidentialism: the election of the President by universal suffrage; the President’s possession of considerable powers; and the existence, alongside the President, of a Prime Minister who holds executive and governmental powers and is answerable to the parliament. As Vesper has systematised Duverger’s concept, Duverger even distinguished — within one and the same constitutional form — three positions of the President: the ceremonial, the fully empowered, and the one who shares power with the parliament [20, p. 43]. This shows that a single normative structure may yield three different practical outcomes.



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Although Duverger's definition became widespread, it has met with significant criticism. Elgie has shown that the criterion of 'considerable powers' is subjective [4, p. 100] and, still more seriously, that the conclusion is covertly built into the initial classification [3, p. 53]. On this basis he proposed a minimalist definition, according to which semi-presidentialism is the situation in which the Constitution simultaneously provides for a directly, popularly elected President serving a fixed term and for a Prime Minister and Government collectively answerable to the legislature [3, p. 51]. In our view, Elgie's solution is well founded, and it is appropriate to apply it in assessing the Uzbek model: a model should be classified on the basis of its normative-constitutional instruments, not on the basis of practical political judgements.

The core problem of semi-presidentialism is the doubling of executive power — that is, the dual executive. As Skach has shown, such a division leads to constitutional ambiguity [19, p. 96], which in practice may turn into an internal conflict between the President and the Prime Minister [13, p. 505]. This phenomenon establishes an important theoretical framework for understanding the relationship between the President and the Cabinet of Ministers. Another phenomenon characteristic of the dual executive is cohabitation — the situation in which the President and the parliamentary majority belong to opposing political orientations [1, p. 32]. Elgie's empirical research, however, has not revealed any significant correlation between cohabitation and the durability of semi-presidentialism [2, p. 177]. In our view, this finding cautions against treating the dangers of semi-presidentialism as inevitable. Although cohabitation is not of immediate relevance to Uzbekistan, its analysis illuminates the general logic of the dual executive.

For an understanding of the experience of the post-Soviet states, Partlett's concept of 'crown-presidentialism' is of particular importance. On his account, the President holds the final authority in forming the executive branch, so that no two-sided executive power of the kind found in semi-presidentialism arises [12, p. 206]. In our view, the core of this concept — the President's final and decisive authority in forming executive power — may be applied to the Uzbek model; yet it is inappropriate to use the term 'crown' as a purely scholarly-analytical concept.

Having established the structure of the models, it is appropriate to analyse their comparative effectiveness — that is, which model is more conducive to democratic stability. In modern theory this question forms the core of the debate associated with the names of Juan Linz and Arend Lijphart. Linz identified four perilous features of the presidential system: the rigidity of the fixed term, dual legitimacy, the 'winner-takes-all' character, and the concentration of powers in the person of the President [14, p. 137]. His central idea is that, in a presidential system, a political crisis may turn into a crisis of the regime, because there is no constitutional mechanism for removing a President whose term is fixed [15, p. 352].

Although Linz's thesis has enjoyed wide support, it has also met with scholarly objections. Mainwaring and Shugart have shown that power can be dispersed within a presidential system as well [9, p. 5], while Horowitz has stressed that the problem stems not from the system itself but from majoritarian electoral rules [6, p. 190]. In our view,

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these objections are well founded, for the perils identified by Linz, though real, are not inevitable and can be mitigated through institutional reforms.

At the other pole of the debate stands Lijphart's theory of consensus democracy. On the basis of an analysis of thirty-six states, he compared two models of democracy: the majoritarian model, which concentrates power in the hands of the electoral victor, and the consensus model, which disperses it broadly. His conclusion is that consensus democracies are clearly superior to majoritarian ones in terms of the quality of democracy [7, p. 301]; and in the 2012 edition he noted that this evidence had grown still stronger [8, p. xi].

In Lijphart's reasoning the presidential system is majoritarian in nature and therefore unfavourable to a high-quality democracy [7, p. 303]. There is, first, a methodological objection to this: Lijphart's analysis rests largely on Western democracies. At the same time, there is also the objection that the consensus model may reduce the capacity for rapid decision-making. Lijphart himself rejects this objection, maintaining that there is no trade-off between effectiveness and the quality of democracy. For this reason, in our view, a balanced combination of majoritarian and consensus elements (rather than a pure consensus model) is more suitable for Uzbekistan.

As regards the experience of the CIS states, Nechkin divides them into three groups and assigns Uzbekistan not to the first group, in which the President is directly the head of the executive, but to the second, in which the President formally stands outside the executive [32, p. 78]. In the post-Soviet space, however, there is a marked divergence between the normative structure and the actual regime. As Zaznaev has shown, states that are formally semi-presidential have in practice turned into super presidential ones [27, p. 19], because the mechanism of the parliamentary vote of no confidence has effectively been neutralised by the President [26, p. 13].

This divergence is clearly visible in the contradictory typological assessment of the Russian model. Whereas White assesses it as a shift towards super presidentialism [21, p. 219], Zorkin, from a formal-legal standpoint, maintains that Russia is a semi-presidential republic [25, p. 45]. In our view, in constitutional-legal research a model should be classified, in the first instance, according to its normative-constitutional structure, while the actual political practice should be assessed within the separate category of the political regime. In linking post-Soviet features to the traditional typology, the category proposed by Kozhevnikov and Nechkin — a 'dualistic combined sub-form with the primacy of the head of state' — is apposite, for in it the Government is answerable to the parliament and to the head of state at one and the same time [28, p. 290]. Kazakhstan's reforms of 2017–2022, which manifest a shift from a presidential model towards a mixed one [23, p. 84], show that the strengthening of parliamentary elements is becoming a general tendency in the CIS space.

Partlett proposes formalising the post-Soviet model as a 'fourth type of constitutional design' — a distinct super presidential type [34, p. 110]. This proposal can be accepted in part, since the post-Soviet model does indeed not fit fully within the traditional trichotomy [11, p. 58]. Yet formalising it as a separate 'type' is methodologically unsound, because the post-Soviet models are not uniform: the models of



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Uzbekistan, Russia, Kazakhstan and Armenia differ markedly, and merging them into a single 'type' only compounds the confusion. In our view, therefore, it is more expedient to analyse the post-Soviet models within the traditional typology, with the nuance of 'post-Soviet features'.

We may now turn directly to the principal question — what the typological features of the Uzbek model consist in. Two positions have taken shape on this matter in national doctrine. One group of scholars regards Uzbekistan as a presidential republic, while a second regards it as a mixed (president-parliamentary) model [31, p. 88]. This second view is supported by Mirakulov [30, p. 189] and by A. Rakhmonov [35, p. 29] in their dissertation research. Before offering the author's own conclusion, one methodological point must be clarified: these assessments were made on the basis of Uzbekistan's previous Constitution.

In our view, the model based on Uzbekistan's Constitution in its new redaction is neither a pure presidential nor a pure mixed model, but a combined model with presidential primacy that is close to the president-parliamentary sub-type. This conclusion rests on three arguments. First, by the criteria of Shugart and Carey: under Article 114 of the Constitution, the candidate for Prime Minister is put forward by the President and confirmed by the Legislative Chamber, and the Government is accountable to both the President and the parliament, which corresponds to the president-parliamentary sub-type [17, p. 24]. At the same time, under Nechkin's classification the President of Uzbekistan does not formally direct executive power but holds, under Article 105, the status of 'head of state' [32, p. 78] — a feature of the mixed model. Finally, in Akhmedshaeva's assessment, the President, without forming part of the branches of the separation of powers, performs the function of ensuring the unity of purpose and content of state power [24, p. 181].

The term 'combined', as distinct from 'mixed', is used here advisedly: it denotes a structure deliberately composed of diverse elements. The model has taken from the presidential republic the strong status of the President, and from semi-presidentialism the dualism of executive power and the parliament's participation in forming the Government. Although Siaroff's category of 'parliamentary systems with a dominant presidency' comes analytically close to Uzbekistan [18, p. 307], it cannot be accepted in full, for the President's constitutional status and direct election distinguish the model fundamentally from a parliamentary system.

It must be noted separately that the typological assessment of the Uzbek model does not end with the Constitution in its new redaction; rather, it is in a dynamic state. As Mirakulov rightly observes, the precise status and the actual role of the head of state are determined, in each country, by the political conditions and the historical traditions [31, p. 87]. The tendency to strengthen parliamentarism in the CIS space, and the direction of the reforms pursued since 2017, indicate that the Uzbek model may move gradually towards a mixed model.

The comparative-legal analysis of the typology of world models of relations between the President and executive power thus yields the following conclusions.



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First, the three traditional forms of republican government cannot fully capture the modern diversity of these relations. The various classifications analysed in this article, together with the division of semi-presidentialism into two sub-types, constitute a necessary methodological instrument for analysing the Uzbek model.

Second, the defining feature of the semi-presidential model is the doubling of executive power — its dual-executive nature. Unless the distribution of powers between the President and the Prime Minister is clearly defined, it becomes a source of constitutional ambiguity and internal conflict.

Third, in assessing the effectiveness of a model, the Linz–Lijphart debate serves as a methodological foundation. The perils characteristic of the presidential system, though real, are not inevitable and can be mitigated through institutional reforms.

Fourth, a model should be classified according to its normative-constitutional structure, while the actual political regime should be assessed separately. Although the post-Soviet models do not correspond fully to the three traditional forms, formalising them as a separate ‘fourth type’ (super presidentialism) is unwarranted.

Fifth, the model based on Uzbekistan’s Constitution in its new redaction is neither a pure presidential nor a pure mixed model, but a combined model with presidential primacy. It stands close to the president-parliamentary sub-type, yet its presidential core is strong.

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