

ОСОБЛИВОСТІ СТАТУСУ ПРЕЗИДЕНТА В АРАБСЬКИХ РЕСПУБЛІКАХ (ПОРІВНЯЛЬНИЙ АНАЛІЗ)

Анотація. *Стаття присвячена дослідженню специфіки статусу президента в різних арабських республіках. Новизну даного дослідження складає виділення і групування визначальних особливостей статусу президентів в арабських республіках за їх різних типів. В роботі встановлена помітна тенденція поступових змін конституцій та республіканської форми правління арабських держав, які відбуваються під тиском глобалізаційного процесу та подій «арабської весни». Конституції арабських республік передбачають чотири різновиди республіканського правління, в яких президенти мають різний статус та різний обсяг повноважень: суперпрезидентську республіку, президентську республіку, президентсько-парламентську республіку і парламентсько-президентську республіку. В арабських державах статус президента нерозривно взаємопов'язаний із формою правління. Автор доводить, що в арабських державах статус президента нерозривно взаємопов'язаний із формою правління. Суперпрезидентська форма республіканського правління фактично складає незалежну, неконтрольовану на практиці законодавчою або судовою гілками влади систему правління з гіпертрофованими президентськими повноваженнями. Президентська республіка характеризується персоніфікованістю інституту президента, у якій глава держави очолює виконавчу владу, а уряд несе відповідальність тільки перед президентом. Глава держави із президентською формою республіканського правління політично не звітує перед жодним органом. В президентсько-парламентських республіках основний обсяг повноважень у сфері виконавчої влади належить президенту, у парламентсько-президентських республіках обсяг повноважень президента значно менший, відповідні повноваження концентруються в руках прем'єр-міністра. У цій системі закладено механізм суттєвого пом'якшення властивих парламентській і президентській формам республіканського правління недоліків: для першої – нестабільності уряду, частих урядових криз й відставок, для другої – схильності до надмірної персоналізації державної влади, залежності від особи президента та її узурпації.*

Ключові слова: представник, арабські республіки, форма правління, референдум.

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FEATURES OF THE PRESIDENT STATUS IN THE ARAB REPUBLICS (COMPARATIVE ANALYSIS)

Abstract. *The article is devoted to the study of the specificity of the president status in a variety of Arab republics. There is a marked tendency for gradual changes in the constitutions and*

republican forms of government form Arab states, which are under pressure of globalization process and work of "Arab spring". The author argues that, in Arab states status of a president indissoluble linked with the form of government. Super-presidential form of the republican governing body is virtually independent; in practice, the governing system of the legislative or judicial branches of power with hypertrophied presidential rights. The presidential republic is characterized by the personification of the president's institution, in which the head of state heads the executive power, and the government only bears responsibility before the president. The head of state with a presidential form of republican rule does not report politically to any institution. In presidential-parliamentary republics the main volume powers in the field of executive power belongs to the president, in the parliamentary-presidential republics the volume of powers of the president is much smaller, the respective powers are concentrated in the hands of the prime minister. In this system, the mechanism of renewal of its own parliamentary and presidential forms of disadvantages is laid down: for the first one – the instability of the order, the share of government crises and interest, for others – the situations preceding the personalization of state power, the personal president and his usurpation.

Keywords: representativ, Near East, form of governing, referendum.

INTRODUCTION

The head of state has always been of interest to researchers who paid attention to the people's ruler since the days of ancient Greece, when they considered the question of ethical obligations (Plato, Aristotle). In the Middle Ages, the question of the status of the ruler was raised up more often (M. Padua, N. Machiavelli, Ilarion, V. Monomah). For the first time the term "president" has appeared in the XVIII century at the same time as the introduction of the corresponding post in the USA. As for the research of the president institute, they appeared much later (M. Marchenko, M. Sakharov, G. Degtyev, I. Khutinayev, V. A Veryanov, V. Godovanets, V. Zhuravsky, V. Kravchenko, O. Lysenko, V. Malinovsky, M. Savchin, S. Seryogina, Yu Todig, V. Pogorilko, V. Shapoval and others). Today, there is a lack of necessary attention of scholars to the problem of the president status in the Arab republics. Actually, this problem is very important given the fact that processes and events occur in the countries of the Middle East pose a potential threat to stability not only in the region but also in the whole world [1]. The domestic researchers studied the essence of the legal systems of the Arab countries (X. Behruz, P. Bowsunovsky, M. Burlatsky, V. Kolisnik, D. Lukyanov, I. Protsyuk, P. Rabinovich, Yu. Todika Yu Shemshuchenko and others). However, the features of the president status of the mentioned states were not the purpose of their researches and they did not conduct a comparative analysis.

Due to the intensity and contradiction of the functioning tendencies and peculiarities of the evolution of the Arab republics in the second half of the 20th century – the beginning of the 21st century the problem remains relevant. The acuteness of the problems that caused "Arab Spring" and largely remained unresolved, necessitates the prevention of possible unwanted incidents and conflicts, and emphasizes the relevance of the meticulous research.

The purpose of the article is to identify the features and status of the president in various forms of the republican system of the Arab States, to establish the characteristic features inherent to all four groups of states.

The novelty of this study is in selection and to grouping of the defining features of the status of presidents in the Arab republics by their different types. The material of the article is valuable to comparatists, researchers of the Arab states, teachers of the discipline "Comparative Law", students of the specialty "International Law" and especially masters who attend additional advanced courses of practical "Comparative Law".

1. MATERIALS AND METHODS

In an effort to explore the legal status of the presidents of the Arab republics, the author applied various theoretical methods. First of all, based on legislative and structural and integrate approach the above-mentioned states were analyzed, and that made it possible to define inherent in each fundamental characteristics, which determine the status of Arab presidents and their form of government. The main method was a comparative analysis of the subject of research, which is the core of achieving the purpose of the article. Its application has provided a determination of features of the president's powers in the Arab Republic four groups – super, presidential, presidential-parliamentary and parliamentary-presidential. Consideration of the president status of the Arab republics as one-line units contributed to the systematic method, according to which the problem of research was formulated. The principles of retrospective analysis, historicism and determinism ensured the establishment of causal relationships between Arab Spring processes in the investigated states and the adoption of new constitutions or substantial changes in the content of the "old" Basic Laws. The striving for objectivity in the presentation of the material is aimed to avoid the traditional in the Soviet studies assessments of bourgeois constitutions, parliamentary, distribution of branches of power, events and facts, but to ensure their impartial consideration.

The principle of analogy played an important role in solving the problem, the essence of which is to establish among the twelve Arab republics four the brightest models of the governance with a specific president status and the accession to each of them the corresponding among the last eight units. It is this principle that ensures the optimal length of the article by analyzing the twelve sources and the combination of the Arab republican states into four groups on the basis of identifying their fundamental features; in particular, that the Algerian People's Democratic Republic, the Republic of the Sudan, the Syrian Arab Republic, the Union of Comoros are the super presidential republics; the Arab Republic of Egypt, the Islamic Republic of Mauritania, the Republic of Djibouti, the Republic of Tunisia – the presidential republics; Republic of Yemen – the presidential-parliamentary and Lebanon, the Republic of Iraq and the Somali Democratic Republic – the parliamentary-presidential republic.

2. RESULTS AND DISCUSSION

2.1 Features of the status of presidents of Arab super presidential republics

On November 19, 1976, the Constitution of the People's Democratic Republic of Algeria was adopted; on November 3, 1988, February 23, 1989, November 28, 1996 amended and supplemented, and on December 7, 1996 approved by the referendum. In accordance with its provisions, the President of the Republic may directly to carry out the will of the people (art. 6–7) [2]. The President of the Republic is the head of state, embodies the unity of the nation, he is the guarantor of the Constitution and the representative of the state inside and abroad and directly appeals to the nation. He is elected by universal suffrage, direct and secret vote and exercises the highest authority within the limits established by the Constitution (art. 70–72) [2]. To be elected President of the Republic, the candidate must: have only Algerian citizenship and origin; be a Muslim; be at least 40 years old on election day; enjoy all civil and political freedoms; provide certificate that the candidate's wife is a citizen of Algeria; confirm participation in the revolution of November 1, 1954 for candidates born before 1942; confirm the non-participation of parents of a candidate who was born after July 1942 in acts hostile to the revolution of November 1, 1954; provide a public declaration on their movable and immovable property in Algeria and beyond; other statutory conditions (art. 73) [2].

The term of the president's mandate is five years with only one reelection. He enters the post after the oath "before the people in the presence of all the higher authorities of the nation" (art. 74–76) [2]. The President is the supreme commander of the armed forces, the Minister of Defense, defines and conducts the foreign policy of the country, presides over the Council of Ministers, appoints and dismisses the head of government, issues presidential decrees, has the right to pardon, delay and mitigate the punishment, may appeal to the people for using a referendum on any issue of national importance, concludes and ratifies international treaties, confer awards and honorary symbols of the state. He appoints civilian and military positions provided for by the Constitution, members of the government, the head of the State Council, the Secretary General of the Government, the Governor of the Bank of Algeria, judges, heads of security agencies, etc (art. 77–78) [2].

The Head of Government presents his program for consideration to the National People's Assembly, in case of disapproval, he applies to the President of the Republic for his resignation. The president appoints a new head under the same procedures. Art. 87 of the Constitution states that the President of the Republic "in no case can delegate the authority to appoint the head of government and members of government, as well as heads and members of constitutional institutions, for whom no other form of appointment is provided for by the Constitution". At the same time, he cannot delegate the authority to "resort to a referendum, dissolve the National People's Assembly, make decisions on holding early parliamentary elections" and carry out the measures pro-

vided for in art. 77, 78, 91, 93–95, 97, 124, 126, 127 and 128 of the Constitution [2]. In case of extreme necessity at the session of the High Council of Security, after consulting with the Head of the National People's Assembly and Head of the Council of the Nation, the President of the Republic declares an emergency or siege condition for a specified period and applies all necessary measures to normalize the situation. The term of emergency or siege status may be extended only with the approval of the parliament at the meeting of its two chambers. Organic law determines the situation associated with the emergency or the siege status. The state of emergency allows the President of the Republic to apply exceptional measures in the interests of preserving the independence of the country and protecting state institutions. At the meeting of the Council of Ministers, with the consent of the High Security Council, after consulting the head of the National People's Assembly and the head of the Council of the Nation, the President of the Republic proclaims the state of war in the case of actual or direct threatening aggression. During the period of the martial law, the Constitution is suspended, the President of the Republic exercises his powers. If the mandate of the President ends, he legally continues until the end of the war (art. 91–93, 95–96) [2].

One-third of the members of the Council of the Nation are appointed by the President of the Republic among the prominent figures of science, culture, professional, economic and social sphere. The number of members of the chambers should be the same (art. 98, 99, 101) [2]. On the initiative of the President of the Republic, the parliament may be convened for an extraordinary session, as well as on the initiative of the head of government or two thirds of the members of the National Assembly. Legislative initiative belongs to the head of government and deputies. The President of the Republic may send a message to Parliament. After consulting the head of the National Assembly, the head of the National Council and the head of government, the President of the Republic may decide to dissolve the National People's Assembly or appoint another parliamentary election. Members of the parliament have the right to ask the government for urgent issues, and parliamentary committees – to hear members of the government (art. 128, 129, 133) [2].

The Supreme Judicial Council is headed by the President of the Republic and makes a decision on the appointment, transfer and service of judges. The Supreme State Court examines acts that may be qualified as treason of the President of the Republic, as well as crimes committed by the head of government in the course of performing their functions (art. 153, 154, 155, 158) [2].

The Constitutional Council consists of nine members, three of whom are appointed by the President of the Republic, including the head, two elected by the National People's Assembly, two by the National Council, and one by the State Council. The Constitutional Council for the submission of the President of the Republic mandatory expresses his opinion on the compliance of organic laws to the Constitution after their adoption by the Parliament. The President of the Republic, the head of the National People's Assembly or the head of the National Council, convenes the Constitutional Council. If the Constitutional Council decides that any legislative or regulatory resolu-

tion is contrary to the Constitution, they shall cease to have effect from the moment the decision of the Council is made. The reporting court, which is entrusted with the control of the finances of territorial teams and state institutions, makes an annual report to the President of the Republic (art. 165, 166, 169, 170) [2]. Under the President of the Republic, the Supreme Islamic Council acts, whose functions include promoting and encouraging the development of *ijtihad*, expressing opinions on the issues that are entrusted to it in terms of their compliance with religious requirements, and submitting to the President of the Republic a regular report on their activities. The Supreme Islamic Council consists of fifteen members. The President of the Republic appoints its head choosing among national figures with a high level of competence in various fields of science. Under the leadership of the President the High Security Council is being created, which is intended to express the President's opinion on national security issues. The forms of organization and activities of the High Council for Security are determined by the President of the Republic (art. 171–173) [2].

The decision to revise the Constitution is taken by the President, put to the vote at the National People's Assembly, and then on a referendum. The President of the Republic puts the decision of the latter into effect. The law on revision of the Constitution rejected by the people loses its force and cannot be re-passed to a referendum during the period of the parliamentary activity. In the event that, on the basis of the reasoned opinion of the Constitutional Council, the bill on the amendment of the Constitution does not in any way violate the basic principles of the Algerian society, the rights and freedoms of the individual and citizen, in no way affects the existing system of power and institutions, the President of the Republic may enter into force a law on change The Constitution without putting it on a national referendum, provided it is approved by three quarters of the members of the two chambers of parliament (art. 174–176) [2]. The President of the Republic enacts the amendments to the Constitution approved by the people (art. 182) [2].

Thus, the powers of President of the Algerian People's Democratic Republic, Head of State, Minister of Defense, Chief of the armed forces of the country have the right of direct appeal to the people through a referendum to resolve the issue of national importance, appointment and dismissal of the government and other senior officials of member the upper chamber, members of the High Security Council, members of the Constitutional Council, the Supreme Islamic Council, the conclusion and ratification of international treaties, the implementation of legislative functions via the decrees, the declaration of emergency or siege status, and the initiation of amendments to the Constitution have a wide list and a crucial nature, also give grounds for qualifying the form of government of Algeria as a super presidential republic (in the words of P. Bovsunovsky – over presidential) [3]. Similar determinations of the powers of the head of state (analogous status) contain the constitution of the Comoros, Syria and the Sudan, which also gives grounds to include their form of government in the number of super presidential republics [4; 5; 6].

2.2 Features of the status of presidents of the Arab presidential republics

Arab Republic of Egypt had the Constitutions of 1971 (changed and supplemented in 1980, 2005, 2007, 2011yy.), in 2012, and in 2014 yy. Basic Law was approved, according to which the executive branch headed by the President of the Republic, who is both head of state, independently issues orders that have the force of law (art. 139, 156) [7]. A candidate for the post of President of the Republic must be a citizen of Egypt, born of Egyptian citizens, have no other nationality, use civil and political rights, have performed a military duty, be at the age of forty years. The President of the Republic is elected by direct universal suffrage for four years (art. 140–142) [7]. The President of the Republic appoints the Prime Minister, obliges him to form a government, with which he must determine the general policy of the state and control its implementation. He represents the state in external relations, concludes treaties and ratifies them after approval by the parliament. The President of the Republic is a supreme commander of the armed forces, appoints and removes civilian and military personnel, diplomatic representatives, after having consulted with the government, declares a state of emergency, gives amnesty and commutes sentences, convenes a referendum on important issues and interests of the state, results of which are mandatory on all state authorities and society. In case of committing a grave crime or treason, two-thirds of the members of the House of Representatives decide on the impeachment of the President (art. 143–157) [7].

Government members make an oath before the President of the Republic. The President of the Republic, the Prosecutor General and the House of Representatives, with the consent of a third of its members, may accuse the Prime Minister or the Minister of crime in the course of his tenure (art. 158–162) [7]. Public prosecution is an integral part of the judicial system. Attorney General appointed by the President of the Republic carried out it. The President of the Republic and Parliament should present bills on local elections to the Supreme Constitutional Court in order to determine their compliance with the Basic Law before their promulgation.

Consequently, the President of the Republic of Egypt is elected by universal suffrage, appoints the Prime Minister and other members of government and exercises executive power, the form of government is a presidential republic. Similarity of the provisions of the Basic Laws relating to the Head of State is characteristic of Djibouti, Mauritania and Tunisia, which illustrates that their form of government belongs to a group of presidential republics [8; 9; 10].

2.3 Features of the status of presidents in the Arab presidential-parliamentary republics

Adopted in 1991, the Constitution of Yemen, as amended in 1994 and 1999, stipulates that the House of Representatives consisting of 301 deputies elected by universal suffrage for four years exercise the legislative power. Together with the members of parliament, members of the government also own the right of legislative

initiative (art. 75, 768, 80–81, 84) [11]. After the formation of the new government, the Prime Minister presents the Government's Cabinet program to receive a vote of confidence. Government members are collectively and individually responsible for their activities to the parliament and may receive a vote of no confidence. The President of the Republic cannot dissolve the House of Representatives prematurely, except in the event of extraordinary circumstances, and only after a nationwide referendum on this issue (art. 85, 95, 97, 100) [11]. The executive power belongs to the President of the Republic and the Council of Ministers. The Head of the Republic is the President together with the Vice-President appointed by him. A candidate for the President may be any Yemeni, not younger than 40, born of Yemenis, with full political and civil rights, with a good character who carries out his Islamic duties and is not prosecuted, is not married to a foreign citizen. The President of the Republic is elected by universal suffrage on an alternative basis for five years with the right of only one reelection. The winner in the election takes an oath to the House of Representatives. He materializes the will of the people, protects national unity, the principles and goals of the revolution, is the supreme commander of the armed forces (art. 104–111) [11].

While in office, the President cannot conduct private business. He has the following powers: he represents the Republic on the international arena, sets the date of the parliamentary elections and referendum, appoints a person to form a government, issues a decree on the composition of the Cabinet of Ministers, implements the general policy of the state, appoints the members of the National Defense Council, signs the law, appoints and dismisses senior civil servants, officers of the armed forces and police, establishes military titles, makes awards, approves decrees of parliament's contracts and agreements, declares a state of emergency and general mobilization. While the House of Representatives on holidays, the President issues decrees with the force of law, which are subject to approval at the next parliamentary session. He has the right to request a report from the Council of Ministers on its activities. Without the President's approval, the death penalty cannot be enforced. The President forms the Advisory Board of qualified specialists. He may be accused of treason and actions that threaten the sovereignty of the country. The allegations should be made by half of the House of Representatives and supported by two-thirds of the votes (art. 117–119, 122–123, 125–126) [11].

The Council of Ministers is the Government of the Republic of Yemen and the highest executive and administrative power of the state. The prime minister and ministers must meet the same requirements as members of parliament, be at least 30 years of age, and the Prime Minister is not less than 40 years old. The Government is collectively responsible for its activities before the President of the Republic and the House of Representatives, and before joining its members take an oath to the President of the Republic. The powers of the government include participation with the President of the Republic in defining the common areas of domestic and foreign policy, drafting eco-

conomic development and budget, drafting laws, approving agreements and covenants before submitting to parliament, and implementing measures to protect the security of the state. The President of the Republic and the House of Representatives may bring to justice members of the government for any crime (art. 127, 129–130, 137) [11].

Since government members are collectively and individually responsible before the House of Representatives and the President, the form of government of Yemen is defined as a presidential-parliamentary republic.

2.4. The specifics of the status of presidents in the Arabian parliamentary-presidential republics

The first Constitution of Iraq was adopted in 1970, which was amended by the Basic Laws of 2000 and 2005 of the Constitution of 2005, stipulates that the bodies of the Federal Legislature are the Council of Representatives and the Council of the Union. The Council of Representatives is elected by a direct universal suffrage and secret vote and is intended to represent all segments of the population. The term of office of the Council is four years. The President of the Republic convenes the Council for the session by his decree, which holds two sessions per year with a total duration of eight months (art. 52, 54, 55) [12]. Council of Representatives has the following powers: adopts federal laws; supervises activity of executive power; elects the President of the Republic; ratifies international treaties; approves the appointment of the head and members of the Federal Cassation Court, the Chief Prosecutor's Office and the head of the Department of Court Inspections; the ambassadors, the Chief of the General Staff of the Army, and his deputies, assigns the rank of generals and higher, the head of the intelligence service on the proposal of the Council of Ministers. The Chamber hears the President of the Republic, on the basis of a request approved by a majority, dismisses the President of the Republic by an absolute majority after his condemnation for violation of the oath, the Constitution or treason by a federal court. Members of the Council of Representatives have the right to make requests to the Prime Minister and ministers and to express their lack of confidence. They approve a declaration of war and the a state of emergency on the proposal of the President of the Republic and the Prime Minister (art. 58) [12]. The Council of Representatives may be dissolved by an absolute majority of votes on the basis of a requirement of one third of its members or on the proposal of the Prime Minister approved by the President of the Republic [1; 2]. The Council of the Union is a legislative body consisted of representatives of districts and provinces. Its election and conditions of activity are regulated by law (art. 62) [12].

The executive branch consists of the President of the Republic and the Council of Ministers. The President of the Republic is the head of state and a symbol of national unity. It embodies the sovereignty of the country, guarantees commitment to the Constitution, protection of the independence of Iraq, unity and security of its territory. The candidate for the President must be Iraqi at birth, meet the conditions of election and

be not less than 40 years of age, have a good reputation, political experience, be honest, conscientious, equitable and devoted to his homeland, not to be accused of moral crimes (art. 63–65) [12]. The Council of Representatives elects the President of the Republic for this position by a two-thirds majority. The president takes the same oath, with which members of the Council of Representatives take office. The President occupies his post for four years and can be reelected only once (art. 67–69) [12].

The President of the Republic exercises the following powers: grants clemency on the recommendation of the Prime Minister, except for those accused of private litigation, international crimes, terrorism, financial or administrative corruption, and crimes against individual rights; signs international treaties and agreements after their approval by the Council of Representatives; signs laws approved by the Council; convenes newly elected Council of Representatives in session; awards orders on the recommendation of the prime minister; accredits ambassadors; issues presidential decrees; approves death sentences; carries out the supreme command of the Armed Forces. The Council of Representatives should elect a new President within 30 days of the date of the vacancy art. (70, 72) [12]. The President of the Republic proposes a candidate for the post of Head of Government, proposes to form the Cabinet of Ministers and prepare a government program approved by a majority of the members of the Council of Representatives. A candidate for the Prime Minister must meet the same requirements as a candidate for the President of the Republic, and have a graduate degree. The same requirements are for candidates for ministerial positions. The whole structure of the government brings the same oath as the President. The Prime Minister, as a direct representative of the executive branch, is responsible for the general policy of the state, is the Supreme Commander of the Armed Forces, manages the work of the government and presides at its meetings, has the right to remove ministers from office with the consent of the Council of Representatives (art. 73–76) [12].

The Cabinet of Ministers plans and implements the general policy of the state and develops general state plans, issues rules, instructions and decisions on implementation of laws. He prepares a draft state budget, a final financial report and development plans, presents to the Council of Representatives for the approval candidates in deputy ministers, ambassadors and other special-ranking officials, the chief of the general staff of the army, his deputies, generals, the director of the intelligence service and the heads of security institutions, conducts international negotiations and signs them. The National Intelligence Service is subordinated to the Cabinet of Ministers. The Prime Minister and ministers are collectively and personally responsible for their activities before the Council of Representatives. The President of the Republic holds the post of Prime Minister in the event of its vacancy (art. 77, 78, 80, 81) [12].

The federal Supreme Court is financially and administratively independent judicial body. It covers judges and experts of Islamic law and secular legislation, controls the compliance with the laws of the Constitution, interprets its provisions, makes decisions on matters arising from federal laws, conclusions, rules, instructions and procedures

adopted by the federal authorities. This court decides on allegations against the President of the Republic, the Prime Minister and the ministers, approves the final results of the general parliamentary elections, resolves disputes between the federal judiciary and the judicial authorities of regions and provinces that are not part of the region. The decisions of the Federal Supreme Court are final and mandatory for all authorities (art. 89–91) [12].

A. Sukharev and the authors called the form of government of Iraq a super presidential republic [13], which was fully in line with reality from the perspective of the Constitution of 1970. The Iraqi constitution of 2005 replaced the election of the President of the Republic by universal suffrage with the election of the parliament and transferred a significant part of his powers to the Prime Minister and the Council of Representatives, which gives grounds for qualifying the form of government of the country as a parliamentary-presidential republic. According to the constitutional characteristics of the powers of the Presidents of Lebanon and Somalia, who have the same status as the President of Iraq, their forms of government are also the parliamentary-presidential republics [14; 15].

CONCLUSIONS

Consequently, the constitutions of the Arab republics provides four different types of republican rule in which the presidents have different status and different powers: the super presidential republic, the presidential republic, the presidential-parliamentary republic and the parliamentary-presidential republic. In the Arab states, the status of the president is inextricably linked with the form of government. The super presidential form of republican rule is actually an independent, uncontrollable in practice by the legislative or judicial branches of power form of government, the main point of which is hypertrophied presidential powers. In the vast majority of cases, the super presidential republic envisages a totalitarian or, in the extreme case, an authoritarian political regime. The Arab super presidential republics include the Algerian People's Democratic Republic, the Republic of the Sudan, the Syrian Arab Republic, and the Union of Comoros.

The presidential republic is characterized by the personification of the president's institution. In it, the president heads the executive powers, independently issue decrees having the force of law. The general sign of the relationship between the legislative and executive power in the presidential republic is the lack of responsibility of the government before the parliament, as it is only responsible to the president. The head of state with a presidential form of republican rule does not report politically to anybody. Even the procedure of impeachment is the removal of the president from the authorities not because of the ineffectiveness of his policy, but for the commission of a crime. The only mechanism of political responsibility of the executive power in this case is the election. The Presidential republics are the Arab Republic of Egypt, the Islamic Republic of Mauritania, the Republic of Djibouti and the Tunisian Republic.

A mixed form of republican rule combines elements of the presidential and parliamentary republics. A mixed form of republican rule is characterized by a clearly expressed bicefal system of executive power. There is a peculiar combination of elements of parliamentary and presidential democracy. In this system, the mechanism of substantially mitigating the peculiar defects inherent to the parliamentary and presidential forms of the republican government is laid down: for the first one – instability of the government, frequent government crises and detentions, for the second – a tendency to excessive personalization of state power, depending on the person of the president and his usurpation. The mixed republics are the Presidential-parliamentary Republic of Yemen, as well as the Republic of Lebanon, the Republic of Iraq and the Somali Democratic Republic, which are parliamentary-presidential.

The forms of government, in which the absence or presence of legislative bodies do not play a decisive role because the head of state – the monarch or the president – occupies a central place in the system of government of the Arab states, is due to long-lasting historical traditions. The constitution establishes the prerogatives of the head of state, his decisive role in defining the state policy and in appointing and dismissing senior civilian and military officials responsible to him. The powers of the executive authorities are reduced to consultation and recommendations for the head of state. In the republics, the bill before being submitted to the parliament is subject to approval by the president; therefore, in fact, the president holds legislative powers. The upper chambers, as a counterweight to the lower chambers, are formed from politicians loyal to the head of state. Subordination of the opposition to the head of state is carried out by the dissolving parliaments, the definition of electoral districts, and the reservation of seats in the parliament by religious and ethnic minorities. All this reflects bounded under the content of the constitution the state government and the practice of constitutional regulation of social relations. The author notes that the length of the article did not allow at least to briefly highlight the role of Islam and Sharia, as well as the significance of historical traditions in determining or changing the forms of government of a state that affect the status of the president.

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