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RATIONALIZATION OF PARLIAMENTARISM IN THE CONTEXT OF GOVERNMENTAL SYSTEMS AND ITS APPLICABILITY TO THE MACEDONIAN CONSTITUTIONAL ORDER

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ABSTRACT

Undoubtedly, the philosophical basis of the proposed new constitution should be in accordance with the understanding of democratic, liberal, pluralistic and open society. With the 1991 Constitution, it aimed to pass from socialism to democracy, to transition to a multi-party system in the light of the theory of separation of powers, and thus to a majoritarian parliamentarism. On the basis of the idea of the nation-state, it was aimed to establish a secular, democratic, rule of law and the new constitution was adopted in 1991. Countries that prefer parliamentarism, systemic blockages and weaknesses that differ from country to country during the development of the system have emerged, and techniques for strengthening the parliamentary system called rationalism have been put forward. On the other hand, it is an inevitable fact that this systematic and radical change, which has been made in the axis of the ideology of the construction of the modern state, which is being tried to be made in Macedonia, has brought along some deficiencies. Actually, it was deemed appropriate to select and make the constitutional arrangements of Scandinavian countries, which are similar to the preferred majoritarian parliamentary system and social structure, as a role model. In this context, some differences have emerged and the solution proposals to eliminate them in accordance with the spirit of parliamentarism, together with their justifications, constitute the subject of this article. First of all, the basic features of the government systems and rationalized parliamentarism techniques are explained, then the systematic deviations in the Macedonian constitutional order are determined and the legal procedures are presented as a solution, which is the subject of the article.

Keywords: Theory of Separation of Powers, Governmental Systems, Rationalized Parliamentarism, 1991 Constitution of the Republic of North Macedonia.

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1. Introduction

In this issue, first of all, various classifications made in the doctrine are examined in terms of the relations between the legislative and executive powers in the axis of the theory of separation of powers and according to the degree of separation of powers. From this perspective, the basic features of these systems, which have been subjected to traditional (classical) binary division as the presidential system, which is called the rigid separation of forces and the soft separation of forces, that is, the parliamentary government system that foresees cooperation, are explained. Afterwards, rationalized parliamentary system and implementation techniques aiming to bring functionality to the executive are explained in detail under a special title. In addition, a transparent and accountable administration was aimed through the coalition protocols to be made in advance of the qualified governments in accordance with the spirit of rationalization by detecting the systemic deviations and bottlenecks in the constitutional order of the Republic of North Macedonia, where the 1991 Constitution was drawn up. In accordance with the symmetry of the arms, solution proposals were written such that the power of termination should be given to the government.

2. Parliamentarism

The parliamentary government system, which emerged in England and has a long history, has been shaped by the conflicts and struggles between the king and the parliament. By its doctrinal definition, the parliamentary system is characterized as a moderate or flexible separation of legislative and executive powers, as well as a system in which the powers are equal and cooperate with each other and participate in the functioning of each other to a certain extent and have mechanisms to

influence each other. Generally, the legislative function is exercised by the parliament, while the executive function is exercised by the cabinet and the president or the king. (Erdoğan, 2017, pp. 453-459).

Considering the emergence of the parliamentary system through various processes until today, we can state that there are various forms of implementation. . (Deskoska, Ristovska, & Trajkvska-Hrstovska, 2021, pp. 493-497).

The first of these is expressed as the dualist (Orleanist) parliamentary system, the second as the monist parliamentary system and the third as the majoritarian parliamentary systems. Due to the active role of the president in the Orleanist type of government system, the concept of dualist or dualist system is used in the doctrine. This system, which was applied in the European continent, has the characteristics of a system applied in the period when the power held by the king was limited by the parliament, especially during the transition from absolute monarchy to limited monarchy. In Orleanist parliamentary systems, the president has a strong and effective position in terms of authority and plays the role of balance between the government, parliament and president. In addition, this government model is compared to the semi-presidential government system due to its significant overlap, with the only difference being that the president is not elected by the people. (Deskoska, Ristovska, & Trajkvska-Hrstovska, 2021, pp. 495-496).

The monist system, on the other hand, still maintains its effectiveness in European countries today. Contrary to the dualist parliamentary system, in this system, the president does not play an active role in the country's politics, but has a purely symbolic position. In other words, the president consists of the office that has symbolic powers and is a symbol of the unity and integrity of the country. If we look at the system in general, the president, which is the irresponsible wing with ceremonial

powers in the executive wing, is kept in the background, and there is a structure in which the government, namely the council of ministers, is kept in the foreground, and it forms the wing that is both effective and responsible to the parliament. (Anayurt, 2020, pp. 367-368).

Majoritarian parliamentary system is also called westminister or cabinet government system in the literature. In this system, it is defined as a government model that plays an important role because there is a strong and stable government with a parliamentary majority and it holds this power throughout the legislative period. . (Lijphart & Bulsun, 2014, pp. 25-38). In this system, the executive and legislative power is combined in the government or in the hands of the prime minister, depending on party discipline. As a result, it cannot be said that the legislature is very successful in overseeing the executive. The government, which has the majority of the parliament, will have eliminated the budget control and laws as a means of control at this point.

However, practice has shown that in this system, it has evolved from the power of the legislature to oversee the executive, to the method of controlling the power of the opposition, which is in the minority within the legislature. The parliamentary government system, which is not majoritarian, has also taken its place in the literature as it is implemented. It has a field of application in countries where there is a multi-party political life. In this system, since none of the political parties can have a parliamentary majority alone, it is seen that they do this by forming coalitions. As a result, fragile and weak governments emerge and there is almost no political party that takes responsibility for the people. (Anayurt, 2020, p. 371).

In fact, there are five distinct basic principles of the parliamentary government system, and these are the basic and first feature of the system, which distinguishes it from other systems, the equality of the legislature and the executive, and the cooperation between them, the dualistic

structure of the executive, the president and the government, which constitutes the irresponsible side of the executive. It means that it is the responsible party against the legislature and that the executive has the power to terminate the legislature. (Turhan, 1989, pp. 44-55). Due to the nature and philosophy of the parliamentary system, the legislative and executive organs are equal and cooperate with each other, that is, there is a soft separation. What is meant by this is that these organs behave respectfully towards each other and do not turn into conflict. In other words, mutual interaction (balance and control) mechanisms are envisaged for the legislative and executive bodies in order to ensure this equivalence and cooperation. In particular, the executive coming out of the parliament can mean that the executive directs the legislature. So much so that the purpose of all these balance and interaction mechanisms is to provide functionality and stability to the system. While doing this, it aims to prevent the legislative and executive organs from entering the competition for supremacy and to prevent their conflicts. The proponents of this system emphasize the importance of mechanisms where it is very important that the system encourages the cooperation of actors compared to other government systems, especially compared to presidential and semi-presidential systems, that it foresees the easy formation of coalitions in line with flexible management, and that the government that loses legitimacy can be overthrown with a vote of no confidence. (Freeman, 2000, pp. 257-258).

The dualist execution or the dual (dual) executive structure is another distinguishing characteristic of the system. One side of the two-structured executive is run by the president, and the other side is run by the council of ministers, that is, the government. While the president refers to the irresponsible side that represents the unity and integrity of the country and nation with symbolic powers, the government, which is the

responsible side of the executive, is the locomotive of the executive and is equipped with the powers of executing daily politics. Although constitutional lawyers who hold the view that this feature is not important maintain its existence, the prevailing view in the doctrine is that the system should have a dualist structure in order to be defined as a parliamentary system, which is one of the most important issues. Of course, it includes the counter-signature rule, which means that the prime minister or the relevant minister will be responsible for the actions of the president. The president is the king/monarch in constitutional monarchies and the president in republican parliamentary systems. The Council of Ministers also constitutes the National Assembly wing of the executive and is also called the cabinet or government. At the head of the council of ministers, the prime minister is the first among equals (primus inter pares). (Sartori & Translator Ozbudun, 1997, pp. 138-140).

Depending on the characteristics of the country, the legislative body, namely the parliament, can be unicameral or bicameral. For example, while Italy is based on a bicameral parliament, the Netherlands has adopted a unicameral parliament. Similarly, the Balkan countries, especially the former Yugoslavia countries such as Macedonia, Serbia, Croatia, and Slovenia, work on the basis of a unicameral parliament.

The president, which is the irresponsible wing of the executive, is mainly elected by the parliament in the parliamentary system, and the method of being elected by the people is not common. However, Article 80 of the 1991 Constitution of Macedonia provides for the president to be elected directly by the people. The president has powers such as appointing the prime minister and cabinet members, accepting their resignations, signing international treaties, issuing laws and sending them back to the parliament if necessary, signing decrees, and announcing the dissolution of the parliament. In the Macedonian constitutional order, the fact that the authority and mechanism of the government to dissolve the

legislature has not been established, and that the institution of self-annulment has been included instead reveals a difference at this point.

Again, due to its nature, another of the features of the parliamentary system is the importance of the counter-signature institution in the executive and responsible legal proceedings of the president, that is, the situation where his signature alone will not have legal consequences. In view of this feature, when we look at the Macedonian constitution, it is shown that there is no counter-signature institution and the president has symbolic and ceremonial powers. (Skarikj, 2015, pp. 695-700).

The Council of Ministers, which is the responsible party of the executive, emerges from the parliament. The Council of Ministers consists of a collective structure in which ministers participate under the leadership of the prime minister, who is the first among equals. In Macedonia, the government leaves the parliament, but ministers are prohibited from being members of parliament. Therefore, it is possible for the prime minister to choose the ministers who will take office in the cabinet from among the deputies in line with her own views, as well as from the outside. However, in the parliamentary system, the fact that the prime minister and ministers must have the status of deputies is stated as a requirement of the system, and even the government system chosen by external appointment is considered as contrary to the spirit of the parliamentary system. (Anayurt, 2020, p. 373).

Another essential feature of the parliamentary government system is the irresponsibility of the president. Three types of irresponsibility of the president are accepted in the doctrine, these are; political, civil and criminal irresponsibility. In the parliamentary governmental system, the president can be a hereditary monarch (such as England, Belgium, Netherlands, Sweden), the president can be elected by the people (such as Austria, Ireland, Portugal, Turkey, Macedonia) or the President elected by

the parliament for a certain term of office (Turkey until 2014, as in the case of Macedonia in the first election in 1991). The irresponsibility of the president, who has symbolic powers, maintains its importance as a generally accepted principle, based on the principle of whoever has the authority, which is one of the basic principles of public law. (Erdoğan, 2017, pp. 453-459). The general practice in parliamentary systems is the signing of a legal act by the Prime Minister or the relevant ministers as a requirement of political irresponsibility, that is, the rule of counter-signature. In principle, it means that the government, which is responsible for the irresponsibility of the president, assumes this responsibility. In terms of criminal and civil liability, heads of state are also held irresponsible in matters related to their duties. In other words, the criminal and political responsibility of the president for serious crimes such as treason or violation of the constitution is decided by the Constitutional Court with a majority of 2/3 (Statute of Constitutional Court of RNM., article 58-61).

The government's responsibility to the parliament is again one of the distinguishing features of the parliamentary system. Ministers are held accountable before parliament both for their personal duties (individual responsibility) and for the policy of their ministers (collective responsibility). (Lijphart, 1999, p. 118). The legislature carries out this control with its parliamentary questioning, general debate, censure motion, parliamentary inquiry and paramentary investigation. These control methods, which are the characteristic features of the parliamentary system, have been implemented in the same way in many countries and one of them has been the Republic of Macedonia.

The executive's power to dissolve the legislature again expresses one of the distinguishing and basic features of the parliamentary government system. The principle of equality and balance between the legislative and executive bodies in parliamentary government claims remains valid. In

the system based on this philosophy, the legislative oversight mechanisms require the executive to have a political weapon against the legislature. This balance mechanism is provided with the annulment institution and it has been described as "*symmetrical political weapon*". (Karamustafaoğlu, 1982, p. 465). The power of dissolution was conceived as the executive's means of dissolving the legislature as opposed to the parliament's power to overthrow the government. It is also described as the termination of the disagreements and conflicts between the legislative and executive, namely intimidation. The parliamentary system, as the traditional type of dissolution, has given the power of dissolution to the prime minister, who is the responsible party and head of the executive. However, in practice, in countries such as Hungary and Bulgaria, the power of termination has been vested in the president. In the case of Macedonia, however, the executive is not authorized to dissolve, and the parliament itself dissolves. In the literature, this type of termination is referred to as self-termination. Other types of termination institution that have entered the literature are the termination of the executive body, self-termination, automatic termination, mutual termination and public recall. (Anayurt, 2020, pp. 385-387). First, the type of annulment, which is the dissolution of the executive branch, constitutes the traditional and classical type. It constitutes a strong power vested in the executive over the legislature. In his philosophy lies the nature of balancing defense against legislation and responsibility. From this perspective, the institution of annulment is considered as a criterion that characterizes the system as a parliamentary government system.

The self-termination (self-annulment) institution, which constitutes another type of annulment institution, has been generally accepted as a natural consequence of the fact that the legislature has an independent existence and identity, which can take place in parliamentary systems. It

means that the parliament, not by the executive but on its own initiative, decides to end its existence without any outside interference and before the end of the legislative period, and resorting to elections, that is, to the arbitration of the people. Various measures have been taken to prevent abuse as a form of practice around the world. So much so that some constitutions provide for a certain period of time, in other words, the parliament cannot use its right to dissolve before a certain period of time has passed after the establishment of the parliament (for example, according to the 1992 Constitution of the Republic of South Africa, the power of termination cannot be exercised before three years). In addition, there are constitutions that stipulate that the power of termination can be used with a 3/5 or 2/3 majority. In the 6th paragraph of Article 63 of the 1991 Constitution of the Republic of Macedonia, it is regulated that "The Assembly can dissolve itself in line with the decision to be taken by the absolute majority of the deputies".

3. Presidentialism

While examining the presidential system, Sartori emphasized three distinctive features of the president based on his position. He formulated it as the president to take office by popular vote, to have a fixed term of office, and to have a monist or monist structure of the executive. (Sartori G. , 1997, p. 115). The single-headed (structured) executive body; constitutes the main distinguishing feature of the presidential system. Unlike the parliamentary system, the executive branch does not have two wings in the form of the president and the prime minister, but it is clear that the presidential system essentially has a monist structure. In the parliamentary system, the powers shared between the president and the prime minister are under the control of the president in a single unit in the presidential system. The element of having a monist structure is described

by constitutional lawyers as a necessary but not sufficient condition of the system. (Anayurt, 2020, p. 398).

The President has the power to elect his own cabinet as the most authoritative unit. He does not need anyone's approval when appointing and dismissing the secretaries (ministers) he wants to work with. In other words, the secretaries serve under the president and are only responsible to the president. Secretaries have the position of senior bureaucrats who are assigned and authorized on certain issues within the presidential government system, and there is no collective body relationship between them. Due to the nature of the system, namely the principle of strict separation of powers, these secretaries are not members of the legislature, and since the government structure does not exist in the parliamentary system, institutions such as votes of confidence and no-confidence are not included in the system. (Markovic, 2012, pp. 183-187).

According to the generally accepted understanding, on the basis of the presidential system; It is expressed as a system in which the existence and continuity of the executive does not depend on the legislature. It should also be taken into account that there are some exceptions to the subject. For example; in South Korea, the president, who is elected by popular vote, elects the prime minister and submits it to the legislature's approval. In this example, the prime minister and his cabinet need the trust of the legislature. (Uluşahin, 2007, p. 4).

Another example that can be given is the American presidential system. In the American system, the cabinet formed by the president is submitted to the Senate's approval, and this has become a custom, since the Senate, which was submitted to its approval, generally does not exercise its refusal power.

The President is elected directly by the people; It is one of the main features of the system. The president, who is the head of the executive, is

directly elected by the people. This feature is one of the most important features that distinguish the presidential system from the parliamentary system. The election of the president by the people shows that the president is in a position independent from the legislature and her existence is not dependent on the legislature in the presidential regime. (Akçalı, 2007, p. 61). Accordingly, the president cannot be removed from office by a vote of no confidence in the legislature before his normal term of office expires. This shows that the executive does not have any responsibility before the legislature.

The independence of the organs and the failure of the executive to rely on the trust of the legislature; Another essential element of the presidential system, which distinguishes it from the parliamentary system, is the establishment of the system on the basis of the principle of rigid separation of powers. I think that it would be appropriate to consider the independence of organs as being independent in their functions and in the relations of the organs with each other in the main task. In particular, the fathers of ideas who established the system in the USA acted with the thought that it would be right for both organs to be directly elected by the people, with the idea of making equals within the check and balance mechanisms of the forces. Hatta bir adım ileri gidilerek, sistemi anlamlı kılmak adına farklı tarihlerde seçilmelerini öngörmüşlerdir. (Shugart & Samuels, 2003, p. 15/1). It is clearly seen that there is a separation at the source of the powers, since the president is not directly elected by the legislative body, but by popular vote, and that both the legislative and executive organs derive their legitimacy directly from the people. Although the term of office of the president, who is elected by the people, is certain from the very beginning, he continues to serve until the end of the specified term. It is not necessary for the president to rely on the confidence of the legislature to remain in office during this specified period. Because of her failure to rely on the confidence of the legislature,

the president cannot be removed from office on the basis of a vote of no confidence in the legislature, until she has served her term determined at the beginning of the election. (Lijphart, 1988, p. 45).

The independence of the organs in their duties, that is, their functional independence, constitutes one of the main distinguishing elements of the presidential system. The legislative and executive functions are carried out in full and rigid independence, and the legislative function is carried out by the parliament, that is, by the Congress in the USA. Parliaments can be bicameral or unicameral, therefore, it is not a necessary condition for the legislature to consist of a single or bicameral parliament. The head of the executive, namely the president and the ministers (senators) under his administration, cannot participate in legislative activities in any way. It is not possible to propose or be involved in legislation, only the right to speak in Congress once a year is possible under the name of a message, through which it communicates its goals to members of Congress. On the other hand, the legislature cannot participate in the executive activities in any way.

The founding fathers envisaged that in this system, on which the principle of strict separation of powers was based, the organs would never be able to terminate each other's duties, and they foresee the necessity of mutual understanding and cooperation in order to endure each other and maintain their unity. Duverger likened this situation to "*marriage without the right to divorce*". (Anayurt, 2020, pp. 401-403).

The presidential system is seen by various authors as a more stable system of government compared to other systems, and this is stated as the stability of a democratic system necessitates the existence of stable governments. (Uluşahin, 2007, p. 78). Parlamenter sistem içerisinde yürütmenin yasamanın güvenine ihtiyaç duyması ve yasama organında yaşanacak sandalye değişiklikleri hükümeti önemli ölçüde

etkileyebilmektedir. This situation is seen as an obstacle to the stable continuity of the government. However, the absence of such shaky situations in the presidential system ensures the continuity of the government's democracy and the stability of the system. In line with the different perspectives of various writers, some sympathize with the presidential system and see it as an important factor for the continuity of governments, while others have a dislike for the presidential system, arguing that the resolution of any conflicts that may occur in the presidential system is possible through undemocratic methods.

4. Rationalized Parliamentarism

Although the parliamentary system is a system that has managed to preserve its essential elements until the 20th century, there are countries that are applied in its classical form as well as countries that are implemented in different ways. Therefore, it is envisaged to add some institutions to the system in order to add dynamism to the parliament and especially to stabilize the government, which is the responsible wing of the executive, and to make it sustainable. In the literature, all of these institutions are expressed as a rationalized parliamentary system. (Kuzu, 2017). Boris M. Guetzevitch, who introduced this concept to the legal literature, drew attention to the necessity of taking the following measures under the concept of rationalization for situations that do not have an absolute majority in the parliament or have been lost over time. These, respectively, are to give power and stability to the government, to prevent the government from being easily overthrown, to ensure the establishment of minority governments (the state of not having a sufficient majority), and to enable minority governments to continue their existence. (Guetzevitch, 1938). Therefore, the main purpose of the rationalized

parliamentary system is to strengthen the executive and increase the productivity dynamism of the legislature. (Yücel, 2009).

In this respect, Akartürk, drawing attention to the importance of the strengthened parliamentary system, makes the following definition, which includes the distinctive and basic features of the system; "A pluralist and participatory democracy understanding prevails, governmental stability and efficiency is preserved, an effective parliamentary control is carried out, a strong council of ministers is under the leadership of the prime minister against an impartial President with symbolic powers, a transparent and accountable administration is valid in public administration, and the state is in every state. He defined a strengthened parliamentary system for the political order in which all kinds of actions and transactions are subject to a strong and effective control by the independent judiciary. (Akartürk, 2021, pp. 98-106).

Based on the definition, the author wanted to bring clarity and measure to the subject by revealing the basic elements of the system. Thus, the actors of the strengthened parliamentary system (election of the president, the council of ministers and the prime minister, the level of duty and authority), the constitutional guarantees of government stability and efficiency, the strengthening of parliamentary control, the strengthening of pluralist and participatory democracy, a transparent and accountable administration and the integration of all these elements. It has characterized the distinctive features of the system by including the elements of ensuring the independence of the judiciary and strengthening the judiciary so that it can exist. (Akartürk E. A., 2010).

Rationalized parliamentarism, in its simplest and shortest definition, is "*a parliamentarism that includes legal instruments to give power and stability to governments that do not rely on a solid parliamentary majority*". (Gözler, 2016, pp. 255-257).

In particular, the strengthening of the parliamentary system or the rationalized parliamentary system, to significantly eliminate the systemic bottlenecks, political and power conflicts and crises that have arisen over time, to stabilize the unstable administration of the governments that do not have a significant majority in the parliament and generally coalition governments, to increase the dynamism of the parliament and to significantly increase the operability of the system. referred to as a trend. (Tanchev, 1993, p. 33).

The tools applied to ensure the stability and effectiveness of the government are envisaged, and the first of these is the *constructive vote of confidence* (proposition) procedure. In the parliamentary system, one of the methods that terminates the government's mandate is the motion of no confidence given to the prime minister, and as a result, the method envisaged by dismissing the prime minister and the government. Therefore, since this power that belongs to the parliament is regulated so that the deputies can use it whenever they want, there may be abuses. In order to prevent such situations and to stabilize the government, a *constructive vote of confidence* method has been developed. According to this procedure or mechanism, in order for the prime minister to be overthrown by the parliament with a vote of no confidence, the deputies have to elect a new prime minister by absolute majority, that is, the parliament cannot dismiss the current prime minister unless the new prime minister is elected and appointed by the president. Akartürk, one of the famous constitutionalists for this method, "to do to break". (Akartürk, 2021, p. 140). On the other hand, Anayurt, on the same philosophical basis, used the phrases "first to establish, then to take over" in their works. (Anayurt, 2020, p. 391). The *constructive vote of confidence* mechanism was regulated in Article 67 of the 1949 Federal German Constitution and took its first form of implementation. In the following periods, the Spanish Constitution (art. 113), the Polish Constitution (art. 158) and the Belgian

Constitution (art. 94) included regulations envisaging similar mechanisms. Thanks to this mechanism, the overthrow of the existing government will be made more difficult and the uncertainty after the fall of the government will be prevented, provided that the new prime minister is determined.

Constructive vote of no confidence, which is one of the most important methods of the rationalized parliamentary system to provide stability to the government, regulates the vote of confidence method under the pressure of termination, which is a second measure or regulation or method for cases where it is ineffective. Thus, the government, which does not hold the parliamentary majority, but cannot be overthrown when a new prime minister cannot be elected, will remain weak and will not be able to have much effectiveness. While this is the case, the power of termination given to the president can be a solution to the deadlocks to be experienced. (Akartürk, 2021, p. 141). Article 68 of the 1949 Federal German Constitution regulates this procedure, and according to this article, if the majority of the Bundestag deputies and the President do not accept the request for a vote of confidence, the President can dissolve the Bundestag within 21 days upon the request of the prime minister. In this way, it is expressed as a method of forcing the parliament to give a vote of confidence to the prime minister by putting pressure on the President with the power to dissolve the parliament.

Another method envisaged to strengthen the hand and effectiveness of the executive before the legislature is the guillotine method introduced by Satori, or in other words, the method called either accept the bill or overthrow the government. (Sartori G. , 1997, pp. 214-219). This method retains its importance as a procedure that allows the government, which the parliament cannot overturn, but which does not have the necessary majority, to enact laws. This method is regulated by paragraph 3 of Article

49 of the Constitution of the V. French Republic. According to the article regulation; "*The Prime Minister may take the responsibility of the government before the National Assembly for the adoption of a text, after deliberation in the Council of Ministers. In this case, if a motion of no confidence has not been submitted according to the previous paragraph within 24 hours, this text is deemed to have been accepted by the National Assembly*". As a result, the guillotine method has been considered as a method (method) that facilitates the passing of the laws necessary for the government, which does not have a parliamentary majority, to use the executive power, and thus aims to increase its efficiency. (Gözler, 2016, p. 257).

Another method is the block voting method, or in other words, the "*accept or reject*" method. The law-making process, which is the primary duty of the legislatures, is slow, since there are situations that affect the fate of the whole country and the nation due to its nature. Therefore, speeding up the adoption process of the laws and ensuring the internal consistency of the laws. The legislature is left to vote on the bill submitted by the government as a whole, not on individual articles, and it is seen that it provides convenience to the government by envisaging voting on the basis of either accept or reject. (Akartürk E. A., 2010, p. 142).

While the powers vested in the executive branch within the framework of the rationalized parliamentary system provide convenience, there are some constitutional lawyers who draw attention to the fact that the legislature also needs to ensure this integrity. In this direction, it is stated that it would be appropriate to take some measures in order to ensure integrity and to prevent parliaments from falling behind. The first of these can be described as measures or methods to ensure the effective functioning of the parliament. Since the taking of both laws and other decisions is made according to a certain process and a certain procedure, the slow and slow functioning of the parliaments comes to the fore. In this

context, in the work of Anayurt, limiting the meeting and speaking times in commission work, adopting the electronic voting method in order to obtain faster and more reliable results, easing the conditions for the parliament to convene easily and taking decisions, in other words, reducing the quorum for meetings and decisions, a decree having the force of law in the executive. Such a method has been envisaged in order to increase the efficiency of the legislature and to ensure integrity with the executive by making arrangements such as giving the legislative body the power to enact the right to issue some decisions, automatic termination in case the legislature cannot take some decisions. (Anayurt, 2020, pp. 394-395).

Finally, in our opinion, the establishment of protocols and the announcement to the public so that political parties that will aspire to power, which are trying to be developed especially for countries where coalition governments are common, are established and announced to the public, is an appropriate and accurate determination. Considering the large number of political parties such as Macedonia, the diversity of ideologies and ethnic differences, and the constitutional and political conjuncture, the formation of coalition protocols and their announcement to the public, in accordance with the principle of transparency and accountability, based on the fact that coalition governments have an executive function. We believe that it will be appropriate to place it on the ground. (Akartürk, 2021, p. 143).

At this point, the efforts of different political parties to form a government express the generally accepted situation as the weakness of the coalition governments at the point of accountability and responsibility of the coalition parties to the voters and the nation. Therefore, the existence of the coalition protocol will be important in terms of the

transparency of the coalition process and the responsibility of the political party that does not comply with the protocol.

Secondly, since government policies regarding the country's problems will be determined in the protocol, it is aimed to prevent the collapse of the coalition in the smallest crisis. Considering the aforementioned factors, we believe that dealing with such a regulation in the constitutional dimension and making such a regulation in the countries governed by coalition governments will have a positive effect on the system.

5. Conclusion

It is seen that the 1991 Constitution of the Republic of Macedonia includes the institution of "*self-dissolution*" or "*auto-dissolution*", which is held by the parliament. In other words, the Republic of Macedonia, which has adopted this system, which is one of the characteristic features of the parliamentary government system and where the executive is given the power to dissolve the legislature in return for the vote of confidence held by the legislature, envisages the parliament to take a more important and powerful position in the authority scale with its self-dissolution authority.

Article 63, paragraph 6 of the 1991 Constitution of the Republic of Macedonia is regulated as "*the parliament can dissolve itself in line with the decision to be taken by the absolute majority of the deputies*". It was also stated that if the government was overthrown by a vote of no confidence, early elections would be held. However, it is inevitable that the government, which holds the majority of the deputies, can use this trump card in order to extend the term of office, and the drawbacks we have mentioned may arise. Considering the abuse situation and in order to prevent this, it is one of the issues that should be discussed on making

changes within the framework of the additional rules determined by the UK.

In Macedonian state tradition and political history, the possibility that the president was preferred by the people, not the parliament, is expressed, as an effect of the existence of the monarchy order and being under the rule of the Kingdom, that is, the presence of the culture of the Kingdom, and on the other hand, in terms of not being a tool for the political bargaining of the deputies within the parliament. Regarding the formation of the cabinet, the president cannot appoint the prime minister without the proposal of the parliament, the dismissal of the cabinet is only possible with a vote of no confidence or a no-confidence vote.

So, we believe that it would be appropriate to apply the model applied in England. The fact that it has been foreseen that it can only be applied in two cases by the "*Fixedterm Parliaments Act"* is a positive example in this regard. In the first case, it is regulated that the early election proposal is approved by 2/3 of the number of deputies, and in the second, it can be put into action in case the government requests a vote of confidence but fails to receive a vote of confidence and a new government cannot be formed within 14 days. In particular, the fact that the governments in Macedonia act as a coalition reveals the necessity of a similar arrangement. In this way, it will be possible to prevent abuse of the termination institution. Similarly, while there is no annulment power as regulated in the Norwegian Constitution, in Sweden, early elections are conditional, that is, the newly established National Assembly is elected to complete the term of office of the previous Assembly. (Boyunsuz, 2014, p. 46). Leif Lewin, on the other hand, points out the prevalence of minority or coalition governments, based on the number of political parties that aspire to form a government, and describes this type of government system as "*minority parliamentarism*". (Lewin, 1988, 21(3), pp. 195-206).

It is seen that the requirement for the executive to be in a dualist structure was included in the 1991 Macedonian Constitution. Considering the way and source of his appointment, it is clear that there is a condition that the government leaves the parliament and can take office after receiving a vote of confidence. Another of the basic conditions is the responsibility of the executive before the legislature. We believe that the absence of the counter-signature rule in the legal proceedings of the President and the absence of the relevant minister or prime minister's obligation to sign as the responsible wing stem from the fact that the President has symbolic and ceremonial powers. Another fundamental and essential feature of the parliamentary government system, the executive's power of annulment against the legislature, appears as an unforeseen element in the Macedonian constitutional order. Although the reason is not known clearly, the opinion that the executive should be given the authority to dissolve the legislature against the legislative confidence vote mechanism within the framework of symmetric arms, which is in line with the philosophy of the parliamentary system, would be correct. Since the rationalized parliamentary system and its implementation techniques, which have been discussed before, have been explained in detail, it will not be discussed again, and only suggestions will be contented here.

In line with the information given above, the stipulation in the Macedonian Constitution of "*constructive vote of confidence* ", which is an effective technique for the situations in which this technique is ineffective, and which is an effective technique, in which these regulations, in which certain techniques are envisaged, are envisaged, in the Macedonian Constitution, in terms of the country's government system, ensure stability and We believe that it will make a positive contribution to securing the event. The *constructive vote of confidence* procedure refers to the procedure in which the deputies elect a new prime minister by an absolute majority so that the prime minister, who is the

responsible wing of the executive, can be overthrown by the parliament with a vote of no confidence.

Especially, the fact that the multi-party system is established in the Macedonian political scene and that no political party can have a legislative majority alone causes the government to be composed of different political parties. Only in this way is it possible to form a coalition government with a parliamentary majority. In this direction, coalition governments have an important place in Macedonian political life as a requirement of conciliatory and pluralist democracy.

This system brings with it political differences of opinion, which are influenced by ethnic, ideological and cultural polarizations. When the issue is approached from a doctrinal from this perspective, it is observed that the accountability of the government is difficult and the political parties in the coalition actually avoid responsibility by putting the responsibility on each other. Another issue is that the meetings held behind closed doors during the establishment of the government are far from public and are likely to bring along some crises. These crises and bottlenecks have brought with them the fact that it is essential to take some measures in order to establish stable and effective governments. Based on the suggestions of the constitutional lawyer Akartürk, which he correctly stated in his work, we think that the creation of "*coalition protocols*" and their announcement to the public will contribute positively to the effectiveness and stability of the coalition governments in the solution of the country's main problems. In this context, the parties that are likely to form a coalition government will share the negotiations and the results of the negotiations with the public before forming the government, and in the event that an agreement is reached as a result of these negotiations, the signing and public disclosure of the coalition agreement will express the understanding of transparent and accountable management. These

regulations, which are aimed to bring efficiency and stability to the executive, are aimed to make two main positive contributions. Based on the principle of transparency, it is possible for political parties to comply with the coalition protocols they have signed and to prevent the collapse of the coalition as a result of crises and disagreements that may arise in line with the policies of the government regarding the country's problems and to ensure this. (Akartürk, 2021, p. 143). In line with the information and solution proposals given above, we believe that blockages in the Macedonian constitutional order can be prevented, as well as rationalized parliamentarism techniques and systemic deviations will be resolved. We reiterate the view that the inclusion of coalition protocols is a positive step in terms of conciliatory democracy and will contribute significantly and positively to the effectiveness and stability of coalition governments.

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