

Transition of Presidential Power: Institutions and Control

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Abstract: *The transfer of presidential power in a democratic regime is carried out through the institutional mechanism of public competition in elections. In this case, the phenomenon of “democratic uncertainty” arises, since it is not known who will become the winner and take the presidency. Under a democratic deficit regime, the political leader and the ruling elite seek to ensure a controlled transfer of presidential power to maintain their dominant position in politics and economics.*

The paper considers the models and institutional mechanisms that ensure a controlled transfer of presidential power: the constitutional change of a "second person" in the state; reduction of age or the abolition of the lower age “threshold” for a presidential candidate; creation of new posts; Mexican practice “Dedaso”; change in form of governance; institutional guarantees to the outgoing president.

Keywords: *president; presidential system; authoritarian regime; authoritarian control; transfer of power; succession; inheritance; President's resignation; terms of office for the president.*

I. INTRODUCTION

In democratic regimes, the issue of transferring power is in the hands of voters. Elections are an institutional mechanism of public competition between politicians for political power, expressed in government posts. That creates a situation of “democratic uncertainty”: it is not known in advance who will win the election [1]. In states with undemocratic regimes, ruling groups try to maintain their dominant position through a controlled transfer of power. In traditional monarchical states, the controlled transfer of power was carried out for centuries using the mechanism of inheritance of royal power. The process of succession transfer of power is based on ideas about the nature of traditional legitimacy, based on ideas about the sacredness of the monarch’s power [2]. The processes of modernization and secularization undermine such ideas, which mean that other, non-hereditary mechanisms are created for the controlled transfer of power in the modern world.

This paper will examine the models and institutional mechanisms for the controlled transfer of power of the head of state in presidential systems. The scope of this paper did not allow us to include in the study the transfer of presidential power in parliamentary systems [3]. We only note that there the question of a controlled transfer of power is most often resolved through non-public intra-party mechanisms, and, therefore, is specific in comparison with presidential systems [4].

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In order to avoid negative transfer of power scenarios, presidents come up with different methods of controlled transfer of power through institutional mechanisms - formal and informal.

II. METHODS

One way to formulate models for the controlled transfer of presidential power is to turn to cases of countries with a presidential form of government. For example, the post-Soviet space provides a wide empirical material. In addition, empirical evidence from political practice in Latin America, Africa, and Asia is used in this paper. The main methodological approach of our study is neoinstitutionalism. The purpose of this paper is to formulate models of transfer of power and corresponding institutional mechanisms based on the experience of power transfer in presidential systems.

III. RESULTS AND DISCUSSION

Five models of controlled transfer of power

The institutional design of presidential systems creates certain conditions that cannot be ignored by political actors. At the same time, the presidents manipulate these conditions to maintain control over the power and the process of its transfer. In the political practice of presidential systems, five models of controlled transfer of presidential power can be distinguished.

Model 1. Inheritance.

The president transfers power "by inheritance" to one of his closest relatives - this is how authoritarian political dynasties arise outside the monarchies. This transfer of power is based on traditional legitimacy and secured in elections. The president has to choose for himself a chosen successor who should be a “trusted person” who can be trusted - this may be a president’s son, daughter or wife. The transfer of power to a relative involves low transaction costs. The balance of intra-elite relations is maintained, while the possibility of conflict situations is minimized. An important condition for the president to choose this model is the presence in the president’s family of a suitable candidate who suits the president, the ruling elite and does not cause a negative reaction from the population.

Model 2. "Leave to stay."

The essence of this model is that the president leaves his post, but continues to control the situation. However, due to his advanced age or political considerations, he is not going to return to the presidency. At the same time, a successor is selected for the presidency on the basis of reliability. The president does not completely withdraw from politics, but moves to another state post - already existing or newly created.

The outgoing president acts as an informal arbiter and controls the balance between elite groups. The new president is usually limited to informal agreements on policy issues, especially staffing. Gradually, over time, the new president becomes more independent and forms his own team. However, the departed president remains the guarantor for the old elite groups that remain "untouchable" for the new president.

Model 3. "Leave to return."

In presidential systems, there is a restriction on the tenure of a president with one or two terms. Presidents of non-democratic states usually simply remove the restriction from the constitution, ignore it, or "nullify" the deadline by adopting a new constitution or interpreting the existing constitution [5]. The model "Leave to return" will be applied if the president is faced with a time limit, but does not want to change the constitution, and age allows him/her to return to the presidency after working in another position. The outgoing president assumes the post of prime minister and returns to the post of president after the termination of the term of office of the "successor". The "Leave to Return" model is represented by the only case - the return of Vladimir Putin to the post of president of Russia in 2012. In 2008, Putin resigned as prime minister without initiating constitutional amendments and returned 4 years later.

Model 4. "Agreed to leave, but with guarantees."

In contrast to the "Leave to stay" model, the "Agreed to leave, but with guarantees" model assumes that the state of health of the outgoing president does not allow him/her to remain an active player in politics. However, the goals of preserving the resources of elite groups associated with the president's family stimulate the search for a reliable successor who agrees to give certain guarantees to the outgoing president. In addition, this model involves a relatively sharp transition of power from one president to another. The previous status quo collapses quickly; a new president is actively forming his/her own team, which means that elite groups have to actively fight for resources in the face of uncertainty. Institutional guarantees for the outgoing presidents reduce the costs of transferring power, confirming the arrangements for the safety of actors.

The "Agreed to leave, but with guarantees" model can be considered as a truncated version of the "Leave to stay" model. With the fast transfer of power, the control of the old elites over the new president weakens, and the most rational solution for them is to protect a minimal set of personal guarantees.

Model 5. "Go where is more power."

The president resigns as prime minister, changing the form of government. "Going to the premieres" looks like an attractive strategy in the context of the expiration of the constitutional terms of office for the previous president. Important here is the change of government to a system where the prime minister plays the main role.

Changing the form of government can be a way of preserving the power of a political leader. Faced with the problem of limiting presidential terms in the constitution, the president initiates constitutional reform, strengthening the post of prime minister and weakening the powers of a president. It should be noted that in this model there is no controlled transfer of real power. Figuratively speaking, the president "takes" power with him to a "new place."

Institutional arrangements for a controlled transfer of power
The "concern" of many leaders in the world is to ensure the continuity of power and the controlled transfer of power to the "successor". Institutional mechanisms for the controlled transfer of power are often accompanied by manipulations that are undertaken to achieve the unilateral goals of political leaders and elites, have a hidden meaning, are aimed at creating some kind of illusion (concern for the people, stability, security, etc.) and are carried out, as a rule, cleverly [6-12].

One can single out a number of institutional mechanisms that ensure a controlled transfer of presidential power.

1. The constitutional change of a "second person" in the state. The outgoing president is preparing a "second person" to transfer power to him. This can be done as an emergency mechanism for maintaining control by the immediate family or associates of the president in the event of his sudden death. So, in Azerbaijan, in 2002, by the initiative of President Heydar Aliyev, the constitution was changed so that his son could become president. The referendum adopted amendments to the constitution, which provided that if a president is unable to fulfil his duties, his powers will be exercised by the prime minister. The previous edition of the Basic Law established that the power of a president is transferred to the Chairman of the Milli Majlis. Heydar Aliyev, whose health was shaken, set the stage for a controlled transfer of power to his son. In August 2003, Ilham Aliyev was appointed prime minister. Two weeks before the presidential election on October 15, 2003, Heydar Aliyev withdrew in favour of his son, who won a landslide victory and became president.

The manipulation of the constitution made it possible for Berdimukhamedov to become interim president in Turkmenistan, and then win the presidential election. Berdimuhamedov inherited Niyazov's completely controlled government system, which he only slightly "corrected" in a secret and painless manner to remove potential rivals from politics [7-11].

2. Reducing the age for presidency or abolishing the lower "threshold" of age for a presidential candidate.

General Etienne Gnassingbe Eyadema, who created a regime of personal power in Togo and destroyed the opposition, was the president for 38 years (1967–2005), thereby setting a record for the term of the presidency on the African continent. In 2002, the Togolese constitution was amended to reduce the minimum age of the president from 45 to 35 years. This was done so that his son Faure, who was 36 years old at the time of the adoption of the amendments, could take this presidency. Although Gnassingbe had several children, as well as relatives who held various state posts, nevertheless, according to analysts, changes to the constitution were made "for Faure". In 2005, Gnassingbe Sr. unexpectedly died. According to the Constitution, the speaker of parliament was to be the acting president, who was abroad on the day of Eyadema's death. The ruling bunch took advantage of this, not letting the plane with the speaker on-board to return into the country and proclaiming Faure as the country's president. Feeling the dubious nature of these actions, a group of military initiated the election of

Faure as speaker of parliament to give the appearance of constitutionality. Parliament also abolished the constitutional rule on the need for presidential elections within 60 days after the death of the president, which opened the way for Faure to a three-year presidency (the remaining term from his father). However, as a result of internal and external pressure, Faure was forced to resign and call for the presidential election, which, however, he won not without fraud. Faure Gnassingbe was elected for a second term in 2010 and for a third term in 2015.

3. Creation of new posts to ensure the continuity of power.

In 2016, in the referendum mentioned above, the posts of the First Vice President and Vice Presidents were created in Azerbaijan. According to the current constitution, with the early resignation of the President of the Republic of Azerbaijan from office until the election of a new President, the powers of the President are performed by the First Vice-President (paragraph 1, Art. 105 of the Constitution of Azerbaijan). Previously, there was a norm in the constitution according to which the powers of a president who cannot fulfil his functions are transferred to the prime minister (this rule, as we noted above, was introduced in 2002 specifically for Ilham Aliyev). In 2017, Mehriban, the wife of President Ilham Aliyev, became the First Vice President. Thus, a road was open in the country to turn it into a neo-monarchy. One point is noteworthy: vice-presidents are not elected by the population (as vice-presidents are elected together with the president, for example, in the USA) or parliament, but are appointed by the president, which opens up a wide scope for the head of the state to choose people who are trusted and close to him.

4. A specific mechanism for the transfer of power, which consists of the announcement by the outgoing president of his successor ("finger pointing" - in the Mexican version) and the creation of conditions for the presidential position of the named successor.

The dominant party can act as a powerful institution for the transfer of power even under the conditions of the presidential regime [8- 9-14]. The most well-established mechanism - dedazo has existed for decades in Mexico. Since the Mexican constitution of 1917 contained a restriction on the election of one and the same person in one term, six years later the president was forced to transfer power to "safe hands". For this, a mechanism was created in accordance with which the outgoing president "pointed a finger" at his successor. Then this candidate was officially nominated by the ruling Institutional Revolutionary Party (IRP) and won the presidential election. Dedazo began to take shape in the 1920s: the first president to "point his finger" was Plutarco Elias Calles (presidency in 1924–1928).

However, in connection with political reforms in Mexico (changes in the electoral system, party financing rules, etc.), the role of the Dedazo institute gradually began to weaken, and in 2000, for the first time in the 70 year period of one party's rule, it was not the IRP candidate who won the election.

5. Change in the form of government with a change in the balance of relations between the branches of government and a change in the scope of powers of the president and prime minister.

Two options for such a change are possible: changing the presidential form of government to parliamentary or semi-presidential with a very weak president; change of

parliamentary system to presidential one [10-13]. The goal of the transition to a parliamentary system is to change the balance of power in favour of the prime minister, whose post is held by the outgoing president. The head of state becomes a nominal figure, and real power is concentrated in the hands of the prime minister, who usually represents the party having the majority of votes in parliament. If the president who is retiring from his post is hindered by the restriction on the term of this post (usually two), then there are no restrictions on the post for the prime minister. The idea of "moving" from the chair of the president to the chair of the head of government was popular among post-Soviet politicians. A reverse transition is also possible - from the parliamentary to the presidential system, as was the case in Turkey under Erdogan. The regime creates institutional mechanisms for changing leadership positions - from the prime ministerial to the presidential. This process is accompanied by an increase in the power of the head of state, which gives him additional benefits.

6. Institutional guarantees to the outgoing president.

By the first his act, the acting Russian President Vladimir Putin provided guarantees to outgoing President Boris Yeltsin. The decree of the acting President of the Russian Federation dated December 31, 1999 No. 1763 "On guarantees to the President of the Russian Federation, which ceased to exercise his powers, and to members of his family" contained a list of legal, social and other guarantees. A year later, this Decree evolved into the Federal Law dated February 12, 2001 No. 12-FZ (as amended on July 21, 2014) "On guarantees to the President of the Russian Federation, who has ceased to exercise his powers, and to members of his family."

IV. SUMMARY

The institution of "succession" is inherently undemocratic and contradicts the principles of electiveness and succession of power, and its control over society. To ensure a controlled transfer of power, a regime creates special institutional mechanisms that allow its leader to achieve the goal of political transfer. Of course, a lot depends on informal mechanisms and agreements within the ruling elite, but institutional measures cannot be discounted - changes to the constitution and legislation, the creation of new institutions, the change of the rules of the political "game".

V. CONCLUSION

The models discussed above and the corresponding institutional mechanisms that ensure a controlled transfer of power in presidential systems provide the ruling elite with certainty and confidence in the political future. Fear of democratic uncertainty creates incentives for the search for institutional solutions that allow the elite to maintain control over power. As we have shown in this paper, the set of such decisions is quite large: from the mechanisms of "inheritance" to the "invention" of new posts in the state apparatus. The political practice of presidential systems shows that the inventiveness of presidents and their political advisers has not exhausted itself, which means that new models of controlled



transfer of power will appear and this topic of research in political science will not lose its relevance.

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