

THE TRANSITION TO A PRESIDENTIAL SYSTEM FROM THE PERSPECTIVE OF A FUTURE CONSTITUTIONAL REFORM

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Abstract

This paper addresses the urgent need for constitutional reform in Romania, with a specific emphasis on the potential transition from a semi-presidential to a fully presidential system. The study provides a critical examination of the 2003 constitutional revision and its limited success in resolving systemic ambiguities. Despite its goal to prepare Romania for EU and NATO integration, the 2003 reform failed to eliminate legal inconsistencies and institutional conflicts, particularly regarding the balance of power between the President and the Prime Minister. Drawing from post-2003 political and constitutional developments, this research analyzes structural dysfunctions such as executive-legislative deadlocks, overlapping roles, and interpretative disputes that continue to hinder political stability. Methodologically, the paper adopts a qualitative approach, incorporating case analysis of constitutional crises, legislative proposals, and decisions of the Constitutional Court. The results indicate that the current hybrid model has led to repeated institutional blockages and public dissatisfaction, fueled by power struggles and legal uncertainties. The paper suggests that a presidential system—based on examples such as the United States—could ensure clearer executive authority, enhance government accountability, and reduce the risk of cohabitation conflicts. The implications of such a transition are relevant for policymakers, legal scholars, and public administration specialists, especially in the context of Romania's ongoing democratic consolidation. The study brings value by providing a systematic legal and political analysis of the Romanian constitutional framework, highlighting the necessity of a well-designed constitutional overhaul. This research contributes to the broader debate on modern governance, offering a forward-looking perspective rooted in institutional clarity, separation of powers, and democratic resilience.

Keywords: Constitutional Reform, Presidential System, Hybrid Model, Institutional Conflict, Public Law

1. Introduction

Constitutional reform represents an essential process for adapting the legislative framework to Romania's current socio-political and economic realities. Although revised in 2003, the Constitution still presents deficiencies regarding the separation of powers [3], institutional balance, and mechanisms for resolving conflicts among public authorities. The necessity for constitutional revision is highlighted by numerous political and judicial crises in recent years, emphasizing the Constitution's gaps and ambiguities. Key issues include jurisdictional conflicts between the president and prime minister, institutional deadlocks, and difficulties implementing Constitutional Court decisions. Another urgent aspect is the growing debate around transitioning from a semi-presidential system, inspired by French tradition, toward a presidential model similar to the American one, where presidential powers are more clearly defined and executive authority explicitly centralized.

2. Constitutional Revision of 2003

The 2003 constitutional revision represented a critical moment in adapting Romania's legislative framework to new political and social realities, as outlined in the short historical overview of Romania's Constitution [5], aiming primarily at preparing the country for integration into the European Union and NATO. Initiated by Parliament, the revision culminated in a national referendum held on October 18 and 19, 2003, with 91.1% voter approval. Significant amendments included clarifying and extending fundamental rights (such as personal data protection and freedom of information), strengthening the separation of powers principle, and adapting to European integration requirements. However, despite correcting initial errors, certain ambiguities regarding public authorities persisted, generating institutional conflicts and divergent interpretations.

3. Post-2003 Constitutional Developments

Several authors have emphasized that Romania's constitutional evolution has been marked by partial reforms and persistent ambiguities [9]. Following the 2003 revision, Romania continued adapting its constitutional and legislative framework to address new internal and international challenges. Notably, a 2019 legislative proposal aimed at further constitutional revisions was rejected by the Constitutional Court, highlighting procedural challenges and political consensus requirements. Subsequent developments underscored the necessity for additional adjustments, including popular demands for stronger legal safeguards as reflected in the 2019 referendum on amnesty and pardoning [8]. Yet political complexities hindered significant constitutional amendments.

4. Judicial and Institutional Conflicts

Institutional deadlocks and legal conflicts have become constants in Romanian politics, reflecting constitutional architecture limitations. Ambiguities regarding presidential powers, particularly concerning ministerial appointments and removals, have led to governmental crises, as highlighted in the Presidential Commission Report on the Analysis of the Political and Constitutional Regime in Romania [2]. The Constitutional Court's interventions, notably decisions on obligatory signing of appointment or removal decrees, intensified perceptions of judicial overreach into executive affairs. Furthermore, the dual role of the president—as mediator and political actor—creates structural tensions that favor conflicts over institutional cooperation.

5. Arguments for Transition to a Presidential System

Transitioning from a semi-presidential to a presidential system is recurrent in public and academic debates, addressing frequent institutional deadlocks and jurisdictional conflicts between president and government, adversely affecting governmental stability. A presidential system would clearly separate state powers, define presidential authorities explicitly, and enhance governance stability. It would eliminate complications from cohabitation between presidents and opposing parliamentary majorities, ensuring direct

electoral accountability for executive decisions. Adopting such a system could align Romania with Western models demonstrating superior institutional stability.

6. Conclusions and Recommendations

Enhancing citizen participation in democratic processes is essential for effective governance, as highlighted by Basu's analysis of citizen engagement in smart city initiatives [14].

The arguments presented underline the urgent necessity for constitutional revision to address current challenges and strengthen Romania's rule of law, as emphasized in the President's Constitution Day address [4]. This need has been repeatedly emphasized in public discourse and presidential messages, particularly on Constitution Day [12], and during parliamentary solemn sessions dedicated to this occasion [13]. Such statements reflect a growing awareness of the necessity for constitutional clarity and reform.

Resolving jurisdictional conflicts, limiting emergency ordinances, ensuring judicial independence, and increasing citizen participation in democratic processes require well-founded constitutional reform. Adopting a presidential system inspired by functional democratic models would enhance governance stability and efficiency, reducing institutional deadlocks. Thus, constitutional reform is not merely an option but an urgent necessity for modernizing and consolidating the Romanian state, achievable through broad public consultation and political consensus.

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