

# POLITICAL INSTITUTIONS AND PUBLIC ADMINISTRATION

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**Vitalii Sautonkov**

ORCID ID: <https://orcid.org/0000-0001-7592-6834>

Odesa I.I. Mechnikov National University, Ukraine

## REFERENDUM AS AN INSTRUMENT FOR EXPANDING THE POWER OF PRESIDENTS UNDER CONDITIONS OF STRENGTHENING NEO-AUTHORITARISM

Referendum as an instrument for changing the institution of presidentialism is studied on the example of states where a neo-authoritarian regime functions. The aim of the study is to prove/refute the working hypothesis that the referendum tool, which is democratic in nature, can be used for undemocratic purposes (abolition of term limits for presidents, expansion of their powers, etc.). The research was conducted on the basis of the methodology of neo-institutionalism. Cases of states with neo-authoritarian regimes, where referendums on the institution of the presidency have been held in recent decades, were selected for analysis. Particular attention is paid to referendums in post-Soviet states, where presidents, by changing the constitutions, violate the democratic principles of periodic rotation of power, as well as the principle of checks and balances. It is proved that under the conditions of neo-authoritarianism, the referendum becomes a tool through which authoritarian constitutional innovations are presented by the authorities as the result of the allegedly free expression of the will of the people. It is argued that since the beginning of the crisis of democracy (after 2006), the intensity of the use of referendums by neo-authoritarian politicians to promote their initiatives, including the institution of the head of state, has increased. Examples of neo-authoritarian states (Tunisia, Turkey, Azerbaijan, Uzbekistan, etc.) show how presidents use referendums to create the illusion of public support for themselves and their political course. The analysis demonstrates that referendums can act not only as a tool to strengthen the institution of the presidency, but also to weaken it (narrowing powers, establishing new limits on tenure, etc.). Therefore, referendum is considered both as a tool for establishing super-presidentialism and as a tool for opposing this form of government.

**Keywords:** constitutional referendum, institution of the presidency, super-presidential republic, neo-authoritarian political regime.

**Introduction.** Referendum is an important tool for the implementation of democratic innovations<sup>1</sup>, an effective means to prevent the crisis of representative democracy<sup>2</sup>. If referendums, in particular constitutional ones, are held in compliance with democratic standards, they are capable of mitigating tension/conflicts<sup>3</sup> in the state and society, strengthening political responsibility<sup>4</sup>, and guaranteeing the legitimacy<sup>5</sup>

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<sup>1</sup> Qvortrup, M. (2018). *Referendums Around the World*. Cham: Springer International Publishing.

<sup>2</sup> Setälä, M., Schiller, T. (2009). *Referendums and Representative Democracy: Responsiveness, Accountability and Deliberation*. New York: Routledge.

<sup>3</sup> Collin, K. (2014). Do Referendums Resolve or Perpetuate Contention? In: Norris, P., Frank, R.W., Martinez, F., Coma, I. (eds.) *Contentious Elections*. New York, NY: Routledge; Kersting, N., Grömping, M. (2022). Direct Democracy Integrity and the 2017 Constitutional Referendum in Turkey: a New Research Instrument. *European Political Science*, 21, 216-236.

<sup>4</sup> Le Bihan, P. (2018). Popular Referendum and Electoral Accountability. *Political Science Research and Methods*, 6(4), 715-731.

<sup>5</sup> Persson, M., Esaiasson, P., Gilljam, M. (2013). The Effects of Direct Voting and Deliberation on Legitimacy Beliefs: An Experimental Study of Small Group Decision-Making. *European Political Science Review*, 5(3), 381-399.

and effectiveness<sup>1</sup> of government. If the referendum tool is used in violation of democratic standards, the distorted voting results neutralize all its positive potential, both in states with neo-authoritarian and democratic regimes<sup>2</sup>.

**The aim** is to investigate how the referendum tool is used in states with neo-authoritarian regimes to strengthen the institution of the presidency (abolition of term limits, expansion of powers, etc.). The cases of several states with neo-authoritarian regimes, where referendums on the institution of the presidency were held, are selected for the analysis.

The research was conducted on the basis of the **methodology** of neo-institutionalism. With its help, on the example of some neo-authoritarian states (primarily from the regions of North Africa, the Near East, and Central Asia), changes in the configuration of the institution of the presidency, as well as socio-political consequences caused by these changes, are clarified. This allows us to consider the problem of using referendum by heads of state to strengthen their political and legal status and prolong their tenure.

**Presentation of the main material.** Referendum, which in its content is a democratic way of changes in the state, can act as a tool that strengthens the powers of neo-authoritarian leaders. Since the beginning of the crisis of democracy and the decline in its quality (after 2006), the use of the referendum tool for non-democratic purposes has intensified. There is an increasing number of cases of neo-authoritarian leaders using the democratic instrument of referendum to realize their destructive goals. Autocratic presidents in most cases manage to use referendums to have a legal basis for the implementation of their plans. For this purpose, a whole arsenal of undemocratic methods is used: banning public debates on issues submitted to a referendum; pressure on independent media; interference in the work of referendum commissions; non-admission of independent observers; pressure on commission members, etc.<sup>3</sup> If national civil societies are weak, the opposition is persecuted, and free media are absent, then through a referendum, decisions are made that further deepen the crisis of democracy.

Tunisia, Turkey, Russia, Azerbaijan, Uzbekistan and several other countries are examples of how presidents can use referendums to undermine democratic values. This does not mean that referendum itself as a tool destroys the stability of democracy. However, it is noticeable that referendums with increasing intensity are used by neo-authoritarian politicians to promote their initiatives. This is done by autocratic presidents to create the illusion of national support for their political course among the world public, and is also justified by the intention to maintain stability, increase prosperity, etc. That is, we see a paradox – a democratic tool serves undemocratic purposes, and during the preparation of such referendums, populist rhetoric rises. This is where the nature of renewed authoritarianism (neo-authoritarianism) is manifested – to act allegedly within the limits of the legal field; formally preserve democratic procedures, such as a referendum; explain all constitutional innovations by the “will of the people”.

In terms of the institution of the presidency, questions related to the scope of powers of the heads of state and the limits of their tenure are most often submitted to constitutional referendums. Usually, autocrat presidents try to expand their powers, cancel or increase term limits through a referendum. The formal basis for this seems to be the will of the people, confirmed by the voting results. Therefore, questions arise:

1) what the consequences of holding a constitutional referendum on expanding the powers of presidents and cancelling term limits are for democracy?

2) whether the referendum tool can be used not only to strengthen the institution of the presidency, but to prevent super-presidentialism?

The scope of the president's power depends primarily on the form of government in a particular state, the historical tradition regarding the institution of the presidency. In some states (where the democratic tradition is stable), the smallest initiatives of the heads of state to expand their powers predetermine the debates, which are centred on the issues of compliance with the standards of democracy and the rule of law. While in countries where democracy is weak, there are often various explanations for the increase in the scope of the president's powers. At the same time, the reaction of the opposition and civil society often does not correspond to the probable threats, or these political actors are so oppressed by the regime that they are unable to resist.

<sup>1</sup> Bowler, S., Donovan, T. (2002). Democracy, Institutions and Attitudes about Citizen Influence on Government. *British Journal of Political Science*, 32, 371-390.

<sup>2</sup> Norris, P. (2014). *Why electoral integrity matters*. New York, NY: Cambridge University Press.

<sup>3</sup> Irisova, O. (2020). A triumphant referendum? *New Eastern Europe*, 43(5), 84-89; McCargo, D., Alexander, S. T., Desatova, P. (2017). Ordering peace: Thailand's 2016 constitutional referendum. *Contemporary Southeast Asia*, 39(1), 65-95; Reyntjens, F. (2004). Rwanda, ten years on: From genocide to dictatorship. *African Affairs*, 103(411), 177-210.

The case of the 2022 referendum in Tunisia is of particular interest for study. This state is special because: 1) a revolution took place here (2010-2011), as a result of which a stable democratization of the state was expected; 2) there is a complex of problems that hinders democratization: chronic political dysfunction, economic problems, ambiguous interpretation of laws due to the absence of a constitutional judiciary, etc.; 3) for the second year in a row (since the protests on July 25, 2021), President K. Saied has been carrying out reforms aimed at expanding the powers of the head of state, narrowing democratic rights and freedoms. The fact that the “Arab Spring” began in Tunisia, the most notable democratic reforms in the Arab world were conducted there, but now the authoritarian tradition is returning, actualizes the study of this state in terms of possible consequences of the strengthening of the institution of the presidency for democratization due to the results of a referendum.

For a long time, Tunisia was positioned as a “success story” among the states where the revolutions of the “Arab Spring” took place. A few years ago, scientific studies<sup>1</sup> noted that the democratic transition of this state contributed to the creation of sustainable and effective political mechanisms for the protection of human rights, the implementation of democratic standards, etc. However, such assessments were premature. Today, the assertion that Tunisia is at a crossroads is more appropriate, since the reforms of President K. Saied have jeopardized the trajectory of this state’s movement towards democracy<sup>2</sup>. Thanks to the active support of the President of Tunisia K. Saied primarily on the part of the states that are critics of the “Arab Spring” (Saudi Arabia, the UAE, etc.), the Tunisian model of state management in 2021-2022 is rapidly transforming from a hybrid parliamentary system to a presidential model.

Since July 25, 2021, President K. Saied actually usurped power, exercising it with the help of his decrees. The head of state granted himself the right to pass laws directly, bypassing the parliament (Assembly of the Representatives of the People of Tunisia) without proper accountability. The president also secured the right to supervise the judiciary. These initiatives dealt a blow to the constitution (2014), which created the basis for the further democratization of Tunisia. President K. Saied also dismissed the prime minister, suspended and later dissolved the parliament (Assembly of the Representatives of the People). The members of the parliament were deprived of their immunity. In case of resistance to such processes, President K. Saied was ready to involve the army. The aforementioned decisions of the Tunisian president received a very critical reaction from the opposition. The world liberal-democratic public characterized them as a coup directed against the achievements of the Jasmine Revolution and the constitution.

In December 2021, K. Saied announced a plan to hold a national referendum on amendments to the Basic Law. In January-March 2022, he convened national online consultations, thus giving Tunisians the opportunity to discuss a new constitution. In May 2022, the president appointed a national dialogue commission to draft a constitution, allegedly based on the results of online consultations. However, the text of the constitution itself was published only on June 30, 2022, and an updated version was published on July 8, 2022. Therefore, only 17 days were allotted for the voters to familiarize themselves with the future Basic Law. The fact that the state media did not broadcast the position of the opposition, it was limited in every way in reporting its point of view on the content of the constitutional innovations, was not conducive to the public’s understanding of the constitutional changes.

The referendum on July 25, 2022 was a key stage in K. Saied’s plan to fill the institutional vacuum, which he had created over the past year following the suspension of parliament (July 2021), the suspension of the 2014 constitution (from September 2021) and the concentration of the executive and legislative powers in his hands. It seems that this was a referendum rather on the personality of K. Saied himself, and not on the constitutional norms, with which a significant number of voters were not familiar or did not understand their content due to the characteristics of the political and legal culture.

According to the results of the referendum, 94.6% of Tunisian citizens voted for changes to the 2014 constitution. However, the voter turnout was very low (30.5%). In order to give legal significance to the result of the referendum, the authorities removed the requirement of a minimum voter turnout at the polling station in advance. It must be noted that the low voter turnout (less than 50%) is one of the reasons for considering the illegitimacy of the process of changing the Tunisian constitution. In democratic states, such a referendum would be recognized as a failure. It is noteworthy that no constitutional referendum in the world was held

<sup>1</sup> Chehoudi, R. (2017). Tunisian Democratic Transition: Dynamics of Conflict and Reconciliation. *Journal of Advances in Humanities*, 5(1), 603.

<sup>2</sup> Colombo, S. (2021). *Tunisia’s Quest for Democracy: Unfinished Domestic Revolution and Regional Geopolitical Entanglements*. Roma: Istituto Affari Internazionali.

with such a low turnout, with the exception of the constitutional referendum in Algeria in 2020 (turnout – 23.1% of voters).

Actually, the Tunisian opposition considers the results of the turnout for the 2022 referendum to be insufficient for the legitimacy of the decisions regarding constitutional changes, and considers the result of the referendum to be fabricated by the election commission controlled by the president. However, the opposition groups and civil society of Tunisia failed to unite around the campaign against the constitutional innovations. The weakness of the opposition and the inactive civil society resulted in the situation in which the anti-democratic turn of Tunisia occurred.

K. Saied, as a constitutional lawyer, considered his legal initiatives necessary to save Tunisia from years of “political paralysis” and economic stagnation in the hands of a corrupt elite. The president characterized the constitution and the referendum as products of an inclusive political process based on dialogue. In fact, the process resembled more an opinion poll (non-confidential) than a tool of deliberative democracy.

The 2022 constitutional reforms grant the President of the Republic of Tunisia all executive powers and encroach on democratic mechanisms of checks and balances. This could return Tunisia to the dictatorial regime it was in before 2011. If the 2014 constitution established a presidential-parliamentary form of government, the 2022 changes abolish it. The Tunisian president will appoint and dismiss the head of government. Also, the head of state will lead the army and form the government without the approval of the parliament. Actually, it will be impossible to remove him from office. Hence, the hybrid parliamentary republic has now been replaced by a super-presidential one (as it was before 2011), and the system of checks and balances is broken.

President K. Saied used the referendum to legitimize his decisions on the constitution, not to give the people a say. However, on the eve of the inauguration in 2019, K. Saied was very critical of referendums as a tool for dictators in the Arab world<sup>1</sup>. Nonetheless, not only in the Arab world, referendums on changes to the constitution are used to strengthen the power of rulers. If we turn to the referendums conducted since 1789, in 94% of cases, the questions submitted to referendums were supported by the majority of voters<sup>2</sup>. Cases when citizens did not support proposed constitutional changes are rare, for example, in Zimbabwe (2000), Kenya (2005).

The level of political and legal culture of citizens in authoritarian states does not ensure a deep, objective analysis of government initiatives on their part. The political culture of Tunisian voters is not characterized by the dominance of liberal-democratic values. Apathy and fatigue became constant in Tunisia’s political discourse, which was plagued by corruption and economic hardship under the democratically elected government of the last decade. Formally, according to the results of the 2022 referendum, Tunisia received a new constitution, but its legitimacy is rejected by significant segments of the political elite, and the content of the norms is poorly understood by the majority of citizens.

Consequently, the events of recent years in Tunisia demonstrate the erosion of democratic standards, and many of the gains achieved by the Tunisian people after the Jasmine Revolution of 2010-2011 have been cancelled. The growing powers of the head of state only increase threats to the rights and freedoms of citizens. The results of the 2022 referendum are a significant obstacle to the development of democratic standards and values for Tunisia. K. Saied’s intention to build a super-presidential system in Tunisia, under which the head of state not only controls the executive power, but also has extraordinary leverage over the parliament and the judicial system, is obvious. The powers granted to the President of Tunisia after the amendment to the Basic Law significantly exceed the powers of heads of state in democratic presidential republics.

Having considered in detail the use of referendum to strengthen the institution of the presidency on the example of one state (Tunisia), let us turn to the cases of other states. Turkey also demonstrates how the constitutional referendum tool can be used for systemic changes in a democratic political system. Several constitutional referendums were held here in recent years (2007, 2010, 2017). In particular, the referendum on April 16, 2017 was conducted to change the text of the Basic Law of 1982<sup>3</sup>. According to its results (51.4% “in favour”), citizens gave President R. T. Erdoğan much greater powers.

<sup>1</sup> Arabi21News (2021). *Referendums are Tools of the Dictatorship. A Mockery of Saied’s Recording* <<https://arabi21.com/story/1404459/>> (2022, August, 27).

<sup>2</sup> Elkins, Z., Hudson, A. (2019). The constitutional referendum in historical perspective. In: Landau, D., Lerner, H. (eds.) *Comparative Constitution Making*. Cheltenham, UK: Edward Elgar Publishing, 142-164.

<sup>3</sup> Esen, B., Gümüşçü, Ş. (2017). A Small Yes for Presidentialism: The Turkish Constitution Referendum of April 2017. *South European Society and Politics*, 22(3), 303-326.

The president received the right to plan the state budget, appoint and dismiss ministers and judges, and issue decrees in certain areas. The president is also allowed to retain membership in a political party; the post of prime minister was abolished. Thus, there was a transition from a parliamentary to a presidential (or, in fact, a super-presidential) republic. The president in Turkey is therefore not only the head of the state, but also the head of the executive power. The proof that the head of the Turkish state received practically unlimited powers in the management of the country based on the results of the referendum is his right to issue decrees that have the force of laws.

The events of July 15, 2016 in Turkey, when there was a coup d'état attempt, made it possible for R. T. Erdoğan to “do what he wanted – to strengthen his power at the expense of the levelling of democratic institutions”<sup>1</sup>. The Venice Commission made a conclusion on this matter: the change in the constitution led Turkey to the path of autocracy and one-person regime<sup>2</sup>. In fact, Turkey is developing in the direction of a sultanate ruled by an elected sultan. After the 2017 referendum, the system of checks and balances in relation to the head of state was destroyed. After the coup d'état attempt in 2016, authoritarian tendencies in Turkey are steadily increasing<sup>3</sup>, and the referendum held in 2017 became the most important legal instrument of this destructive process. Therefore, Turkey functions within the framework of the so-called “competitive authoritarianism”<sup>4</sup>.

Constitutional referendums aimed at certain changes in the form of government were held in most post-Soviet states. Let us analyse several of them, particularly in Azerbaijan (2002, 2009, 2016), Uzbekistan (1995, 2002, 2022), Kyrgyzstan (2021), Kazakhstan (2022), Armenia (2015, 2020), Moldova (2017 attempt), etc.

Several constitutional referendums have been held in the recent history of *Azerbaijan*. Some of the raised questions concerned the institution of the presidency. Researchers rightly note a large number of abuses and falsifications during referendums in this country<sup>5</sup>.

According to the results of the referendum on August 24, 2002, the number of votes sufficient to elect the president of Azerbaijan was reduced. The powers of the head of state in the event of the president's early resignation were transferred to the prime minister. This was done to create the basis for the transfer of power from President H. Aliyev to his son (I. Aliyev). In this way, the problem of succession of power under the republican form of government was solved<sup>6</sup>.

The main changes based on the results of the referendum on March 18, 2009 concerned Clause 5 of Article 101 of the Constitution of Azerbaijan regarding the time limits for being the head of state. Until then, it was allowed to be re-elected no more than twice, but according to the results of the referendum, under the conditions of military operations, the term of the president was extended until they ended. Given that the Karabakh conflict is not settled, such constitutional innovations make power rotation impossible. Therefore, I. Aliyev has been the head of the state since 2003, besides, he actually inherited power from his father, H. Aliyev, who ruled Azerbaijan for almost three decades (1993-2003). Hence, there is an assumption that the 2009 referendum was held precisely so that I. Aliyev could nominate his candidacy for the presidential elections an unlimited number of times.

On the initiative of President I. Aliyev, another constitutional referendum was held on September 26, 2016. Among the questions submitted to it were those related to the institution of the presidency, in particular: increasing the term of office from 5 to 7 years; lowering the age limit for presidential candidates; introducing the positions of the first vice president and vice president, to whom the president can transfer power without agreement with the parliament, etc. These initiatives strengthened the authoritarian nature of the political regime of Azerbaijan, further disturbed the balance between the branches of government.

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<sup>1</sup>Ахмедова, Е. Р. (2017). Конституційний референдум у Туреччині 2017 року: вплив на європейське майбутнє країни. *Південноукраїнський правничий часопис*, 2, 147.

<sup>2</sup> Council of Europe (2017). *CDL-AD(2017)005-e. Turkey – Opinion on the amendments to the Constitution adopted by the Grand National Assembly on 21 January 2017 and to be submitted to a National Referendum on 16 April 2017* <[https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)005-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)005-e)> (2022, August, 25).

<sup>3</sup> Yılmaz, Z., Turner, B. S. (2019). Turkey's deepening authoritarianism and the fall of electoral democracy. *British Journal of Middle Eastern Studies*, 46(5), 691.

<sup>4</sup> Castaldo, A. (2018). Populism and Competitive Authoritarianism in Turkey. *Southeast European and Black Sea Studies*, 18(4), 467-487.

<sup>5</sup> Altman, D. (2011). *Direct Democracy Worldwide*. Cambridge: Cambridge University Press, 96.

<sup>6</sup> Valiyev, A. (2002). Referendum in Azerbaijan: Next Victory of Azeri President. *The Central Asia-Caucasus Analyst*. <<https://www.cacianalyst.org/publications/analytical-articles/item/7016-analytical-articles-caci-analyst-2002-9-11-art-7016.html>> (2022, August, 31).

Increasing the presidential term to 7 years strengthened the executive branch of power. The independence of the parliament and the judiciary were significantly limited. It was anti-democratic to introduce the position of vice presidents, who are not elected by anyone, but under certain circumstances these officials are empowered to rule the state. In total, 29 amendments to the text of the Constitution of the Republic of Azerbaijan were put to the vote.

The Azerbaijani authorities secured themselves against the low turnout at the polling station: the participation of only 25% of voters was enough for the legitimacy of the voting results. Notably, when H. Aliyev held a referendum in 2002, the voter turnout threshold was 50%. In general, very little time was allocated to the preparation of the referendum, which was obviously intended to prevent debate in parliament and among the public. On the eve of the referendum, several protest actions against the referendum, agreed with the authorities, were conducted. However, as soon as the police detained the participants during one of these actions, further protest actions were not held. This leads to the idea of the weakness of the Azerbaijani civil society and currently unwillingness to consistently fight for democratic values and standards.

Azerbaijan is an example of a state where the president has concentrated broad powers, and the removal of restrictions that prevent the unlimited re-election of the president was another step back from democratic transformations. Thus, this state can be characterized as a republic with an informal dynastic rule of one clan.

In *Kyrgyzstan* a constitutional referendum was held on April 11, 2021, as a result of which the form of government was changed. 85% of voters supported the transition to a presidential republic, although the level of awareness of the content of such an innovation was extremely low, especially outside the capital. The mixed form of government (semi-presidentialism) was thus transformed into a presidential republic. This form of government is close to the authoritarian-style “crownpresidentialism”<sup>1</sup>. Thanks to the referendum, the political power of the Kyrgyz president was strengthened, presidents were allowed to run for a second term, and the parliament was weakened (the number of deputies was reduced from 120 to 90). The president not only became the head of the executive branch of government, but also received the authority to appoint almost all judges and heads of law enforcement agencies.

Such changes occurred despite the fact that during the period of independence, Kyrgyzstan demonstrated a significantly higher political activity of the population compared to other Central Asian states, and went through several revolutions (2005, 2010, 2020). Currently, there is a high probability of the growth of authoritarian tendencies in the management of the Kyrgyz state. There is a risk of further retreat from those democratic achievements, which, although they were insignificant, but in comparison positively distinguished Kyrgyzstan from most of Central Asian states.

Referendums aimed at strengthening the institution of the presidency were held in *Uzbekistan* (1995, 2002, 2022). Thus, on March 26, 1995, the referendum resolved the issue of extending the term of office of President I. Karimov. These powers were supposed to terminate at the end of 1996, but “at the request of the people” it was decided to skip the next elections, and I. Karimov entered a third term without elections. The neo-authoritarian nature of the political regime in Uzbekistan is confirmed not only by the lack of democratic periodic rotation of power, but also by the fact that the turnout for the referendum was as high as 99.3% of voters, of which 99.6% supported the continuation of the presidency of the current head of state I. Karimov.

The referendum on February 27, 2002 was about increasing the term of office of the head of Uzbekistan from five to seven years. Again, thanks to various illegal actions, a remarkably high turnout was ensured on the day of voting – as many as 91.6% of Uzbek voters cast their ballots. 93.7% supported the extension of the term of office. In this way, the referendum as a democratic tool turned into a tool of autocratic politicians.

The next constitutional referendum is also scheduled for 2022. On August 1, 2022, the “public discussion” procedure was completed and voting is expected in the near future. A large number of changes are planned (over 200, 6 new articles), and with such a number of them, it is obvious that the voting will be package (for all changes together). In particular, it is proposed to introduce changes to Article 90 in the part of increasing the term of office of the head of state from five to seven years. Also, the adoption of the new constitution will automatically allow the current president Shavkat Mirziyoyev to run for office again.

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<sup>1</sup> Partlett, W. (2021). Kyrgyzstan’s 2021 Constitution: A Brief Comparative and Historical Analysis. *Melbourne Legal Studies Research Paper*, 944 <<https://ssrn.com/abstract=3834766>> (2022, August, 30).

Otherwise, his second presidential term would end in 2026. Here similarities with the 2020 referendum in the Russian Federation can be seen.

In some states, referendums were held not to expand the powers of the head of state, but to narrow them. At first glance, this is a positive process, but it is important that the results of the referendum are then properly implemented. There are also hidden motives for holding a referendum. Let us turn to the cases of Armenia and Kazakhstan.

In *Armenia* a constitutional referendum was held on December 6, 2015, which resulted in the transition from a semi-presidential to a parliamentary system of government<sup>1</sup>. It would seem that the narrowing of the powers of the president, the transition to a parliamentary republic testify to the democratization of any state. However, in the case of Armenia, the political dynamics are different. The likely reason for the referendum was President S. Sargsyan's intention to extend his powers as prime minister after two terms as head of state. If the Armenian constitution forbids running for the post of president a third time, then under the conditions of a parliamentary republic, S. Sargsyan, as prime minister, could potentially head governments multiple times. Such schemes have already become commonplace for politicians who try to bypass constitutional restrictions in order to continue their stay in power in one or another position. Therefore, the political processes in Armenia testify that a referendum can be conditioned by political interests, and not by the needs of the people. The people, due to their low political and legal culture, are only used by the authorities to give legitimacy to their undemocratic plans.

In *Kazakhstan* a constitutional referendum was held on June 5, 2022. It became one of the consequences of large-scale protests at the beginning of 2022. It is noteworthy that referendums are not often held in Kazakhstan. The last one was held back in 1995 and related to the extension of the presidential powers of N. Nazarbayev. In 2022, the turnout was over 68%; more than 77% of voters supported the proposed changes. The voted amendments should change more than a third of the current constitution. There were many critical objections to the procedure of this referendum: low awareness of the population about the content of the proposed changes to the constitution; the impossibility of conducting critical discussions on referendum issues; voting "for" or "against" for all amendments at once, and not for each separately, etc.

The results of the vote are expected to end the period of the super-presidential republic established by N. Nazarbayev. Thus, Kazakhstan will become a presidential-parliamentary republic. Nonetheless, at the time of conducting our research, the question of whether the results of the referendum will be properly implemented remains open. Such processes occur under the condition of dialogue between the state and civil society, and this is problematic due to the fact that a closed political system existed in Kazakhstan for a long time. For decades, Kazakhstan functioned as an authoritarian and corrupt political system, and to break it requires political will, first of all, from the current head of state, Q.-J. Toqaev. There are fears that the autocracy may be preserved after the results of the referendum. Thus, the referendum itself was held to improve Q.-J. Toqaev's image both in Kazakhstan and in the countries of liberal democracy. Currently, Q.-J. Toqaev announced the holding of extraordinary presidential elections in the autumn of 2022 (the next elections were to be held in 2024). It is also known that the current president recommends limiting the term of presidential authority to one seven-year term without the right to re-election, supposedly to reduce the risks of monopolization of power. There is currently no reason to predict the development of events in Kazakhstan according to such a scenario, given the large complex of problems in the field of human rights, corruption, lack of transparency of governance, pressure on the opposition, etc.

Rarely, but there are examples when the presidential initiative to hold a referendum to increase the powers of the head of state is opposed by the people, the parliament, the constitutional court, or other actors. Thus, in 2017, the President of Moldova I. Dodon (2016-2020) initiated the holding of a referendum. One of its issues was an increase in the powers of the head of state, in particular the right of the president to dissolve parliament and call early elections. This announced the intention to change the form of government in Moldova from a parliamentary republic (functioning since 2000) to a presidential one. However, on July 27, 2017, the Constitutional Court of Moldova, in the course of consideration of the appeal of the Liberal Party of Moldova, found the holding of a referendum on the expansion of presidential powers to be unconstitutional. Instead, I. Dodon accused the Constitutional Court of being politicized and violating the citizens' right to free expression of their will by its decisions.

The analysed national cases prove that referendums are not held in a political vacuum, but reflect the political situation in a particular country. As a matter of fact, in autocracies, referendums mainly perform

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<sup>1</sup> Paturyan, Y. (2015). The 2015 Referendum in Armenia. *East European Quarterly*, 43(4), 293-301.

the function of legitimizing undemocratic government decisions and have the task of preserving such a political order for a long time<sup>1</sup>.

**Conclusions.** World experience shows that the inherently democratic tool of referendum can be used both under conditions of democracy (to strengthen it) and under non-democratic regimes (to provide pseudo-legitimacy to government initiatives). There is an increasing use of a referendum by autocracy-minded presidents in an attempt to strengthen their positions of power or to prolong their stay in this or another high-ranking government position (primarily the prime minister). Neo-authoritarian leaders use a referendum to justify their long-term stay in power, the growth of powers, and the actual usurpation of power, as if it were a free expression of the will of the people. If referendum is solely a tool for prolonging the tenure of a particular president as the head of state, such a democracy can rightly be considered simulative.

Attempts to provide a legal basis for their authoritarian initiatives are typical of modern neo-authoritarian leaders around the world, because almost all of them try to maintain their dominant positions as long as possible within the legal field. Thanks to this, a positive perception of reforms is formed among many citizens, a certain level of trust in the head of state is preserved. The expansion of powers of the president in neo-authoritarian states is traditionally presented by the authorities as the result of a supposedly free expression of the will of the people, to which there can be no reservations.

The analysis shows that referendums can be held not only to strengthen, but also to reduce the power of the head of state, that is, to counter super-presidentialism, to transit from a presidential republic to a parliamentary or mixed one. Simultaneously, this can occur within the framework of true democratization, or it can only be determined by current interests of the ruling elite.

The analysed cases of states prove that democracy is not built in one moment (thanks, for example, to a people's revolution), but it takes decades or even centuries. In order for democracy to be stable and democratization not to begin, it is not enough just to prescribe the rights and freedoms of citizens in normative legal acts. Much more is needed than a formal declaration of democratic standards. Strict observance of the principle of separation of powers, inadmissibility of usurpation of power by the head of state, public control over the actions of the government are the most important for the acquisition of democratic standards of stability and irreversibility. Under such conditions, constitutional referendum as a political decision-making tool will serve its main purpose – the people's will to support/reject government initiatives on pressing issues, especially such debatable ones as the scope of the head of state's powers and limits on the head of state's tenure in power.

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