

Chapter 43

Presidential system in crisis? an analysis of governability and political crises

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ABSTRACT

The 1988 Federal Constitution defined the presidential as the system of government and implemented a multi-party system. Linz (1990) argues that this combination would generate constant political crises, as it would hinder the formation of legislative majorities and lead to ungovernability. In addition, the constitutional text conferred legislative powers to the president, such as the possibility of issuing provisional measures. Mainwaring (1993) argues that minority presidents could use this power to bypass the legislature and

impose their political agenda, leading to instability between the branches. It is undeniable that since the promulgation of CF/88 political crises has been recurrent, including two presidents who had their terms of office prematurely terminated by the Legislative Branch. This study aims to analyze whether the presidential system combined with the multiparty system and the agenda powers attributed to the president are determinants to generate ungovernability and foster institutional crises within the Legislative Branch.

Keywords: presidential system, coalition presidentialism, stability of power

1 INTRODUCTION

Brazil with the promulgation of the Federal Constitution of 1988 (CF/88) had the democratic regime restored, replacing the people at the center of power and responsibility for the choice of their representatives. The presidential system was chosen by the constituents in which the presidential term has a fixed period and can only be interrupted before the final term due to *resignation, death or impeachment proceedings due to the commission of a crime of responsibility*.

In addition to the presidential system was inserted the multiparty model with wide permissibility for the creation of political parties, which makes it difficult or practically impossible for the president-elect to hold a majority in Congress with his party forcing to resort to political agreements with other associations, sometimes of diverse ideological spectrum, to succeed in governing. This model is called coalition presidentialism (ABRANCHES, 2018) or coalition presidentialism (FREITAS, 2016).

The coalition is nothing more than an agreement with other parties to implement a legislative agenda ensuring even participation in government positions to ensure governability. However, since the promulgation of the new constitutional text, the model adopted has been criticized, as authors such as Mainwaring (1993) and Linz (1990) believed that the presidential system combined with the multiparty system would generate intense political instability and lead to ungovernability.

Lameira (2019) and Carlogmano *et al.* (2019) argue that the large number of political parties with representation in Congress makes it difficult to form and manage coalitions, because the number of parties with little or no ideological affinity involved in the coalition makes their duration uncertain, and can at any time break. That is why they argue that the Brazilian model is a crisis factory.

In addition to the instabilities indicated by the multiparty system, another factor commonly associated with Brazilian presidentialism as a point of institutional crises is the legislative powers conferred on the president with the possibility of editing provisional measures with the force of law in cases of relevance and urgency (art. 62 cf/88). Faria (2018) argues that such power entails conflicts because it functions as a way for the president to impose his legislative agenda without requiring prior agreement with the Legislature and this fact has the potential to generate crises between the two powers due to the dispute over legislative monopoly.

Add to this the fact that CF/88 has not inserted mechanisms to solve recurrent political crises, because the coalitions formed do not have their continuity assured throughout the mandate and can be undone and redone during the legislature which can lead to a severe crisis of governability and culminate with the removal of the president. Because there is no provision for removal by the vote of distrust, typical of the parliamentary system, the instrument used in *Brazil is the impeached* that even being appropriate only in crimes of responsibility is an essentially political act. In recent history, two presidents have been removed from office as a result of the final judgment of *impeachment cases*, Fernando Collor de Mello (1992) and Dilma Rouseff (2016). Both failed to maintain their coalitions and were removed from office.

Thus, it is hypothesized that the presidential model adopted in Brazil is in crisis. The study is organized into three sections. In the first will be analyzed the Brazilian presidential system, with historical analysis and tracing its main characteristics. The second section brings the two main points usually suggested as preponderant to institutional crises: multi partisanship and powers of the president's agenda. Authors' studies on the theme and data obtained will be analyzed to attest to whether these factors are determinants to cause an ungovernability of presidents and generate crises between the Executive and Legislative branches. In the third section will be analyzed the crisis of the presidential system.

2 BRIEF HISTORY OF PRESIDENTIALISM IN BRAZIL AND ITS CHARACTERISTICS

Brazil, since the establishment of the republic in 1889, has adopted presidential as a system of government. The exception occurred during the 1946 Constitution, during the government of João Goulart, when the country adopted the parliamentary system, implemented by constitutional amendment No. 4 of 1961. Parliamentarism took effect until 1963 when the population, through a plebiscite, decided to restore the previous system. In this system the president accumulates the head of state and government, his power is concentrated in a single individual who performs the two functions of representative of the country in foreign relations and its administration internally (OLIVEIRA, 2021).

Andrade (2018) points out that the presidential government was born in the United States of America that sought to break with the monarchy and the form of British government. This model inspired all the colonies of the American continent, as they also sought to assert their independence from European reigns. The author asserts that stability is an inherent characteristic of the presidential mandate because the duration is constitutional and can only be interrupted in extreme conditions and through a specific process, impeachment. Thus, the president's term is for a period determined in the Constitution and is independent of the will of Congress which ensures stability to the head of the executive branch.

Linz (1990) indicates that due to the fixed nature of the mandate, there is no provision for formal departures in the occurrence of insurmountable impasses between Executive and Legislative or for a situation of marked loss of governance by the head of a government that can only be removed between elections only by the drastic measure of impeachment. Freitas (2016) adds that there are no institutional means for the president to dissolve parliament, nor for parliament to unblock the president by mere political will.

In the course of this, traditionally, but there is a recent example in Ecuador that instituted "cross-death" in the 2008 Constitution. This institute allows both Congress and the president for political reasons to dissolve the other following the procedure defined in the Constitution. However, the use of this mechanism will also dissolve the Power that used it, triggering new general elections. The imposition of cross-death, however, did not remove the stability of Ecuador's presidential mandate but inserted a mechanism for resolving a political crisis among the powers of the state.

Venezuela's 1999 Constitution brought the possibility of *recall* in Article 72. The call was only possible when, at least 20% of the voters in the constituency requested the referendum, so it was only up to the population to authorize the *recall*. Therefore, the traditional idea that in presidentialism there is no way to solve political and institutional crises other than impeachment, although exceptional cases are still exceptional cases that have alternative means to resolve political impasses between the powers.

In the parliamentary model the departure of the prime minister occurs when he loses the confidence of the legislative majority, it is a process less traumatic than impeachment, because the stability of the mandate is associated with the confidence of parliament, it is the parliamentarians who, once elected, mostly appoint a prime minister, the election is indirect.

In the presidential system, in turn, the most common institutional mechanism that parliament holds to remove a president is impeachment. However, Abranches (2018) emphasizes that this institute is not equivalent to the vote of no confidence, because in presidentialism, a corresponding to this form of interruption of the mandate would be a popular *referendum*, *the recall*, which gives the voter the possibility of firing the president with whom he is dissatisfied. Therefore, only the population that elected him has the authority to remove him for political reasons.

A recent example of a *presidential recall* occurred in 2022 in Mexico, where for the first time since the promulgation of the 1917 Constitution, President Andrés Manuel López Obrador called for

popular consultation to decide on the continuity of his term. However, it is necessary to save two controversial points around this consultation. The first is the motivation of the convocation, because there was no movement of the Legislative Power for his removal, besides having in the period an approval of 60% of the population. The second is how much the participation of the electorate. Although the vast majority of voters voted against the president's departure (91.86%), the turnout was only 17.78%, a number well below what was necessary for the referendum result to be binding (40%). Thus, even if the electorate had decided to end the president's term in advance, he would not be obliged to abide by the result, as the consultation did not reach the minimum quorum required.

In Bolivia, in 2008, a referendum was held to define the continuity of the office of the president and eight governors. The referendum helped resolve a context of political confrontation between the president, Evo Morales, and governors of the wealthiest states, located in the east of the country that, according to Cunha Filho (2008), in early 2008, were facing a stalemate over the political agenda of the year which resulted in the government calling a constitutional referendum by the government, while the opposition called for referendums for the approval of Autonomic Statutes. Subsequently, the National Electoral Court (CNE) decided to suspend all referendums alleging lack of time to conduct the popular consultation and that the referendums called for approval of autonomy were the competence of Congress. The impasse followed until May 2008 when the Senate passed the Revocation Referendum Bill of Popular Mandate. According to Cunha Filho (2008) the law of call to repeal provided that the mandates would be revoked if the amount of votes against their permanence were greater than the vote obtained in the 2005 election. Evo Morales was held in office with a large lead, 67.41% of voters were against the *recall*.

Another example of a *presidential recall* occurred in 2004 in Venezuela, amid widespread friction between the powers and when the opposition obtained the minimum number of signatures to convene a popular consultation to decide whether to continue president Hugo Chávez's term. The electorate rejected the president's removal, with 59% of the votes against. In the Brazilian case, there is no *provision for recall*, the *president* will only be removed from office when committing a crime of responsibility provided for in Article 85 of the CF/88 and law 1.079/50.

In presidentialism the term has set however, an important fact is that often the elected Chief Executive does not hold with his party majority status in the Legislative Branch, which makes it difficult to implement his legislative agenda. Mainwaring (1993) states that presidential systems are generally more prone to immobilism than p-remandanistic systems, as it is common to generate minority governments and weak executive power; the second reason is that presidential systems are less able to deal with institutional problems than parliamentary systems.

It is common in Latin America that presidents have a parliamentary minority, Hochstetler (2007) analyzed that of the 40 presidential terms in South America between 1978 and 2003, 31 of them had a parliamentary minority, representing 77.5%. In Brazil, none of the presidents elected after the end of the

military dictatorship obtained a legislative majority with their parties, as noted by the data contained in table 1.

Table 1 - Representation of the party of presidents in the National Congress

Legislature	President	Party	Members	Total Members	Senators	Total senators
1987-1991	Sarney	PMDB	264		28	
1990-1995	Collor	PRN	40		3	
1995-1999	FHC 1	PSDB	66	513	14	81
1999-2003	FHC 2	PSDB	99	513	13	81
2003-2007	Squid 1	EN	91	513	13	81
2007-2011	Squid 2	EN	83	513	9	81
2011-2015	Dilma 1	EN	86	513	13	81
2015-2019	Dilma 2	EN	68	513	12	81
2019-2023	Bolsonaro	PSL	51	513	4	81
2023-2026	Squid III	EN*	80	513	8	81

Source: Own elaboration with data obtained in the House of Representatives and Federal Senate

*The PT in the 2022 elections formed a federation with the PC of B and PV that for criterion of number of parliamentarians counts as a single party

In this way, the president who does not achieve a parliamentary majority with his party will have to build alliances with other parties to transpose this minority status and not have a decision paralysis due to lack of legislative support. If he chooses not to build alliances with other parties, the president can painfully wait for the end of his term, unable to implement a cohesive policy package due to lack of support (MAINWARING, 1993).

As will be seen in the following sections, in Brazil the presidents form extensive government coalitions so as not to enter this state of decision paralysis and to be able to implement the political agenda that based their election, this form of governing is called coalition presidentialism.

3 PCOALITION RESICENCIALMAND THE EXECUTION OF THE GOVERNMENT AGENDA

Despite the independence of the presidential term, the minority president will have difficulty in approving his political agenda, because legislative proposals that require a quorum qualified as a case of complementary laws, constitutional amendments and even ordinary bills find it difficult to pass a wide debate in the legislative houses. Figueredo, Canello and Vieira (2012) argue that if presidents intend to achieve the goal of governing effectively, executing the government plan that supported their election, they will be forced to seek support from the parties and will not do so only if they expect that support can come spontaneously through legislative coalitions.

Freitas (2016) points out that the coalition can be of the legislative or governmental type, this occurs when the parties sign an agreement to integrate the government support base, divide the power occupying ministerial portfolios, in addition to the burdens and bonuses of being part of the government. While this occurs when a group of legislators vote together, there is no guarantee of permanence in future deliberations and has no institutional status. The author states that when coalitions are formed, they increase the number of seats that the Executive controls in the Legislature, so they are constituted to reduce the

numerical barrier imposed by the majority rule and seek to increase the chances of approving projects or an agenda in the legislature, therefore indicate that there is a concern about policy approval.

This form of governing is called coalition presidentialism which, according to Abranches (2018), was not an innovation of the 1988 Constituent, the author refers to its origin to the 1946 Constitution that had a multiparty environment and it was almost impossible for a party to elected its presidential candidate and, at the same time, to win a necessary majority to govern, and should negotiate a non-party coalition that represented the median interest of Congress. The self-defines coalition presidentialism as a kind of prior agreement, by which the parties are willing to support the executive's projects, under certain conditions.

Freitas (2016) understands that the coalition is a collective actor composed of divergent partisan interests, sometimes in dispute, and sometimes in agreement. Who acts, most of the time, is the coalition and not this or that party, therefore all the parties that make up the coalition participate and influence the final result of the decision-making process. The executive's agenda is not the president's agenda, but rather the agenda of the coalition, the author calls this form of government of presidentialism of the coalition, because the legislative agenda is common and formed by all who make up the coalition.

What is concluded is that in this way of governing there is no agenda of the Executive and another of the Legislative rivaling, there is an agreement with the parties that will make up the base of government support in the implementation of a single agenda.

3.1 MULTIPARTISANSHIP AND COALITION PRESIDENTIALISM

A premise used to explain why there is a need for the president to always resort to the formation of coalitions not to suffer a legislative paralysis is the multiparty model adopted in the country, because there is an excess of acronyms with representation in the Legislature, which makes it impossible for the president's party to be a majority.

Mainwaring (1993) explains that in the presidential system there is no means to ensure that the president will have majority support in Congress, because often the personality of the candidate is decisive in presidential campaigns and the winner does not need to come from a majority party. The author states that in some countries candidates from small parties can successfully run for president, being elected despite having little support in Congress, which can lead to fierce struggles between Executive and Legislative.

Abranches (2018) states that the choice of the Constituent That drafted the CF/88 by multiparty presidentialism materializes in coalition presidentialism. Multiparty governments are marked by an intrinsic tension, that is, the need to unite parties with diverse preferences around a single governmental agenda (FREITAS, 2016).

Oliveira (2021) says that Brazil opted for a presidential, federative, proportional and multi-party model. The president, in this system, can not elect a majority in Congress and in this way it is necessary to

build alliances, conducting the coalition with those who will support the policies of his government. The following table shows the formation of coalitions in the period of redemocratization:

Table 2 - Government Coalitions

Coalitions	Início of the coalition	Coalitionf im	Coalition parties	Number of Seats in the Chamber	Parties with representation in the Chamber
Sarney	06/10/1988	14/03/1990	PMDB - PFL	313	9
Collor I	15/03/1990	12/10/1990	PRN - PFL	119	9
Collor II	13/10/1990	31/01/1991	PRN - PFL - PDS	151	19
Collor III	01/02/1991	14/04/1992	PRN - PFL - PDS	168	19
Collor IV	15/04/1992	30/09/1992	PRN - PFL - PDS - PTB - PL	212	19
Itamar I	01/10/1992	30/08/1993	PFL - PTB - PMDB - PSDB - PSB	268	19
Itamar II	31/08/1993	24/01/1994	PFL - PTB - PMDB - PSDB - PP	296	19
Itamar III	25/01/1994	31/12/1994	PFL - PMDB - PSDB - PP	275	19
FHC I	01/01/1995	25/04/1996	PSDB - PFL - PMDB - PTB	289	18
FHC I	26/04/1996	31/12/1998	PSDB - PFL - PMDB - PTB - PPB	396	18
FHC II	01/01/1999	05/03/2002	PSDB - PFL - PMDB - PPB	348	18
FHC II	06/03/2002	31/12/2002	PSDB - PMDB - PPB	232	18
Squid I	01/01/2003	22/01/2004	EN - PL - PCdoB - PSB - PTB - PDT - PPS - PV	219	19
Squid I	23/01/2004	31/01/2005	EN - PL - PCdoB - PSB - PTB - PPS - PV - PMDB	319	19
Squid I	01/02/2005	19/05/2005	EN - PL - PCdoB - PSB - PTB - PV - PMDB	296	19
Squid I	20/05/2005	22/07/2005	EN - PL - PCdoB - PSB - PTB - PMDB	299	19
Squid I	23/07/2005	31/12/2006	EN - PL - PCdoB - PSB - PTB - PMDB - PP	357	19

Squid II	01/01/2007	01/04/2007	EN - PR - PCdoB - PSB - PTB - PMDB - PP - PRB	311	21
Squid II	02/04/2007	27/09/2009	EN - PR - PCdoB - PSB - PTB - PMDB - PP - PDT - PRB	348	21
Squid II	28/09/2009	31/12/2010	EN - PR - PCdoB - PSB - PMDB - PP - PDT - PRB	323	21
Dilma I	01/01/2011	01/03/2012	EN - PR - PCdoB - PSB - PMDB - PDT - PP	326	22
Dilma I	02/03/2012	02/10/2013	EN - PR - PCdoB - PSB - PMDB - PDT - PP- PRB	316	22
Dilma I	03/10/2013	31/12/2014	EN - PR - PCdoB - PMDB - PDT - PP- PRB	286	22
Dilma II	01/01/2015	18/03/2015	EN - PMDB - PCdoB - PDT - PR - PRB - PP - PROS - PSD - PTB	328	24
Dilma II	19/03/2015	16/03/2016	EN - PMDB - PCdoB - PDT - PR - PRB - PP - PSD - PTB	319	24
Dilma II	17/03/2016	30/03/2016	PT-PMDB- PDT- PCdoB-PR- PP-PSD- PTB	298	24
Dilma II	31/03/2016	12/04/2016	PT-PCdoB- PDT-PR-PP- PSD-PTB	231	24
Dilma II	13/04/2016	11/05/2016	PT-PCdoB- PDT-PR- PSD-PTB	186	24
Fear	12/05/2016	30/08/2016	PMDB- PSDB-PR- PRB-PSD- PTB-DEM- PPS-PP	313	24
Fear	31/08/2016	17/05/2017	PMDB- PSDB-PR- PRB-PSD- PTB-DEM- PPS-PP	309	24

Fear	18/05/2017	31/01/2019	PMDB-DEM-PSDB-PR-PRB-PSD-PTB-PP	300	24
Bolsonaro	01/01/2019	19/11/2019	PSL	52	30
Bolsonaro	20/11/2019	31/12/2021	without coalition	IN	24
Bolsonaro	01/12/2022		PL-PP-Republicans-PTB-PSC	188	23
Squid III	01/01/2023		B-PV-SOLIDARITY-PSOL-REDE-PSB-AGIR-AVANTE-PROS PT-PC	122	19*

Source: Own elaboration with data obtained from the legislative database of CEBRAP and The Chamber of Deputies.

* It is considered 19 parties, because PT, PC of B and PV; PSDB and Citizenship; and PSOL and Rede formed party federations.

The data attest that in this period after the military dictatorship, two parties led the presidential contests, Workers' Party (PT) and the Brazilian Social Democracy Party (PSDB), this on the ideological spectrum on the right and the one on the left. The analysis of table 2 shows that the coalition formed in Sarney's government was composed of two parties that together held 313 federal deputies. In Bolsonaro government its last coalition was formed by five parties with 188 federal deputies.

In Lula III the coalition formed in the elections had ten parties and elected 122 federal deputies. This reflects the dissipation of party representation existing in the House of Representatives, because in the Sarney government 9 parties had representatives, while in the Bolsonaro government this number rose to 30 and currently 19 parties have representatives in the Federal Chamber. This reinforces the president's need to form a coalition with several parties, as well as having the role of managing it in order to keep it cohesive for as long as possible.

In the Bolsonaro government there was, at first, a multiparty coalition. Only his party, the Social Liberal Party (PSL), formed the basis of the government. The Brazilian Labor Renovator Party (PRTB), the vice president, did not elect any federal deputy. However, according to data extracted from the Congressional Radar twelve parties followed the nomination of the leader of the government in 90% or more of the votes (PSL, Patriota, DEM, PSC, Novo, PSDB, MDB, PP, Republicans, PL, PSD and PTB) even the majority declaring to be independent to the government, which showed there was a legislative-type coalition at the beginning of the government.

In 2022 it is noticed that the formation of a government coalition, after the party exchanges that occurred at the beginning of the year, including the president after two years without a party, joined the Liberal Party (PL). Another fact that made clearer the scenario of the formation of a government coalition

was the occupation of ministerial positions in government by the PL, PP, Republican and PTB parties, in addition to declaring support for the government and the re-election of the president.

In addition, it is extracted from the data presented that some parties are present in the government coalition in governments with different ideologies. The PMDB (current MDB) was present in 24 of the 34 coalitions formed; the PP (current Progressives) was in 17 coalitions; and the PTB was in 20 coalitions. Another fact that draws attention is the presence of the PL, party of former President Bolsonaro who declares to be ultra-right, participated in the coalitions formed in the first government of Lula (PT), including occupying the vice presidency. This demonstrates the physiological character of these parties that made up the support base of ideologically different governments. Logo, ideological factors are not determinant for a party to integrate or stop integrating the coalition. In this way, the president will need to use other mechanisms to attract the parties to his coalition.

Chaisty, Cheeseman and Power (2015) conducted a study in which 51 parliamentarians elected to the 2015-2018 legislature, 31 (61%) pointed to ministerial allocation and 11 (22%) indicated budgetary control as effective tools for the president to use in the formation and administration of his coalition, which corroborates the previous argument that ideological character is not determinant for some parties to join the government coalition.

Lameira (2019) states that the progressive increase in the number of parties makes it difficult to form coalitions and their management, but in the governments of Lula and Temer there were broad and heterogeneous coalitions and both had a good management, ensuring a good relationship between President and Parliament. Therefore, the extent of the coalition does not in itself indicate that there will be difficulty in governing.

Coalition presidentialism brings some institutional problems due to the ideological fragility with which they are formed. Abranches (2018) states that, due to its singularities, mainly the dependence of the Presidency of the Republic on an extremely heterogeneous grand coalition, requires agile mechanisms of institutional mediation and resolution of conflicts between the powers, but these mechanisms are not present in the legislative process and in the current electoral rules. Carlogmano *et al.* (2019) point out that this system has behaved like a crisis factory, as it does not stimulate transparent political relations, personalizes power in the figure of the president and does not maintain open institutional channels of relationship between executive and legislative powers.

Thus, the combination of extensive multiparty coalitions, the heterogeneity of the parties that compose it and the absence of institutional mechanisms that allow the mediation of possible conflicts leads to uncertainties about the duration of these agreements. Faria (2018) states that the party fragmentation and heterogeneity of the actors involved in the coalition makes the duration of any interparty alliance unpredictable. The departure of coalition parties may leave the president again in a minority status, as occurred in Dilma Rouseff's second term, when the PMDB, the largest party in the coalition, left the

government's support base to join the opposition and be one, if not the main, actor in the impeachment process.

Therefore, the multiparty system, while leading to a need to build party alliances in order to govern, brings the danger of institutional crises, because such agreements are ideologically weak. Conforme will be observed throughout this study that this model associated with other elements has the possibility of creating unavoidable institutional crises that end up leading to the deposition of presidents.

3.2 EXECUTIVE AGENDA POWER. ULTRAPRESIDENTIALISM

The personalization of power in the figure of the president is another factor pointed to the occurrence of institutional crisis in this system. Mainwaring (1993) points out that in most Latin American countries presidents have most of the ability to implement policies; they can often veto specific parts of laws passed by Congress; and can initiate legislation through "decree-laws" used, according to the author, so that presidents can bypass Congress when they have minority status. Therefore, according to this premise, this power of agenda may lead to conflicts between executive and legislative and even the construction of parallel legislative agendas.

The Federal Constitution of 1988 gives a strong power of agenda to the Executive. Figueiredo and Limongi (2007) make a parallel with the Federal Constitution of 1946 to prove this argument, because it practically deprived the Executive of proactive and unilateral powers, while in the current constitution the Executive concentrates broad powers to establish the agenda of legislative works. Abranches (2018) points out that the Constitution of 1946 only authorized the president to exclusively institute administrative bills for the creation of ministries, public offices, careers of the public service and give salary increases for functionalism.

In the current Constitution, the Executive Branch has the possibility to present: draft budget laws, bills on tax matters, constitutional amendments, edit delegated laws, request urgency of bills, impose restrictions on budget amendments of Congress and edit provisional measure (MP).

Faria (2018) states that the Constitution is responsible for the concentration of powers in the Presidency of the Republic, because it confers on the Brazilian executive legislative prerogatives that allow the almost monopoly of the decisive process by the head of government, asserts that Brazilian presidentialism has the monocratic executive typical of classical presidentialism and the legislatively dominant Executive of parliamentary systems, without, however, the flexible mechanisms of crisis-solving of governance that parliamentarism offers.

Abranches (2018) states that the current Constitution has clouded the legislative powers of the Executive with the insertion of provisional measures, successors to the decree-law of the military period. Figueiredo and Limongi (2007) state that the provisional measure is the most powerful legislative instrument available to the Executive, as it guarantees the president the unilateral power to *change the status quo*, since it comes into force immediately.

The legislative prerogatives conferred on the Executive Branch indicate a centralizing character attributed by the CF/88 to the president in the implementation of a legislative agenda, therefore, the costs for its ineffectiveness are attributed entirely to him, as it also reinforces an imbalance of strength between the powers.

Faria (2018) indicates that this Brazilian ultrapresidentialism contains in itself the seeds of its destruction, because the confusion of contradictory practices and principles presidentialists and parliamentarians is unsustainable and at a certain moment one of them claims political supremacy for itself. In addition, the author states that the constituents of 1988 chose to centralize the decision-making process in the president, strengthening the executive branch to the detriment of the Legislative Branch in order to overcome difficulties imposed by the multiparty system. Therefore, there is a defense that this great power of agenda of the executive, especially with the inclusion of provisional measures causes a conflict between the powers, because their excessive use indicates an imposition of the agenda of the Executive Branch.

It is a fact that all presidents have edited a large amount of provisional measures throughout their governments, as can be found from the table below.

Table 3 - Provisional measures issued in each government and approval rate

Presidents	MPV Edited	MPV Converted into Law	Approval Rate (%)
Sarney	115	107	93
Collor	85	66	77,6
Itamar	141	72	51
FHC I	157	106	90,7
FHC II	209	184	88
Squid I	240	217	90,4
Squid II	179	149	91,1
Dilma I	145	108	74,5
Dilma II	59	45	75,8
Fear	144	83	57,9
Bolsonaro	226*	118	52,21

Source: Own elaboration with data obtained from the Federal Chamber

*Measures issued until 31/12/2021, because MPVs issued in 2022 are still under consideration by the National Congress.

The success rate (provisional measures converted into law) has always been higher than 70% in all governments, even in the second government of Dilma, who while still in power and maintained his government coalition, had a conversion rate higher than that of the first term. The exceptions observed are Temer and Bolsonaro, which had a rate of less than 60%.

However, it is not possible to infer that these high approval rates mean an imposition of the agenda of the executive branch, because, according to Figueredo and Limongi (2007), if there is an opposition of the majority of legislators to an MP there are means to reject them. In addition, they point out that the constitutional powers of the Executive, together with the centralized structure of the Legislature, allow coordinated actions of the president and party leaders, especially in majority coalition governments, so that it can neutralize individual behaviors of parliamentarians and, therefore, facilitate the approval of the legislative agenda of the coalition.

Thus, the power of agenda conferred on the president is not identified as being an element that generates institutional crisis between the Executive and the Legislature due to the possibility of imposing the will of the president or his legislative agenda when he does not have a parliamentary majority. First, because it has already analyzed in previous lines that in the coalition presidentialism adopted in Brazil there are no conflicting legislative agendas, because this is formed between the executive branch and the parties that make up the governing coalition.

In addition, the subject matter of the provisional measure must find support in parliament to be approved leading to its rejection or until it expires by the expiry of the deadline. Therefore, the matters dealt with in the provisional measures should cover matters defined together with the coalition.

4 THE CRISIS IN THE PRESIDENTIAL SYSTEM

To affirm that the multipartisanship and legislative powers assigned to the president alone make the system ungovernable is not supported by the data presented and empirical works analyzed. However, it is not possible to reject the hypothesis that institutional crises between the executive and legislative branches are not recurrent, since two of the five presidents elected since the redemocratization had their mandates early interrupted by the Legislative Branch.

Abranches (2018) questions the full functionality of the institutional regime, when there are two impeachments in thirty years. In addition, the author states that the possibility of using this mechanism to fend off presidents is very high when the coalition disperses, like Collor and Dilma. This fact demonstrates that the Brazilian presidential system does not offer less traumatic means to solve the crisis between the powers than impeachment.

During the post-military dictatorship period, Brazil experienced a period of political stability, especially in the governments of Fernando Henrique Cardoso, Luís Inácio Lula da Silva and in the middle of Dilma Rousseff's first term. This stability associated, according to Amorim Neto (2016), with the economic performance that occurred thanks to the monetary stabilization that stemmed from the real plan launched in 1994 made Brazil combine five elements that had never been experienced at the same time: democratic political regime, relative political stability, economic growth, considerable poverty reduction and international prestige.

From the middle of Dilma Rousseff's first term, Brazil began to live with economic, popular, political crises and a fall in international representation. Unemployment in 2022 ating is 8.7%; the country's return to the hunger map, 5% of the population has severe food insecurity; gross domestic product has shown low growth, and Brazil experiences a recession between 2014-2016; and since 2013, the country ends the year with a primary deficit in public accounts. Added to these questions are the effects not yet fully measured of the pandemic caused by COVID-19 in all aspects mentioned.

In times of economic crisis , responsibility falls on the figure of the president and raises the rejection rate, which, according to Lameira (2019), has given rise to a necessary condition for the falls of

Dilma and Collor, the discredit of the president. It states that the impossibility of these presidents in circumventing the economic crisis, corruption scandals, widespread popular rejection and, mainly, a majority legislative opposition have created the necessary conditions for dismissal. According to the author, the lack of parliamentary support favored the replacement of the president by another that returned the standard of cooperation between the Executive and Legislative.

The burden of the economic and political crisis is attributed mainly to the president and his party, the responsibility for the political failure of the government is not shared with the parties that are members of the government coalition. Tavares (2017) states that any crisis in the Administration is the president's problem, subjecting him to public overexposure, which causes erosion to the democratically conquered electoral locker. In times of great instability the parties can only withdraw from the government base and let the president take on the full political burden of the crisis.

The departure of the so-far allies can be explained by the fragile ideological connection of some components of the coalition, since the political cost of staying in government may be too high and more interesting to build alliances to integrate the coalition of a new government, when the removal of the president becomes inevitable. This path was trodden by the PFL and PTB in Collor's impeachment; and the PMDB, PP, PR, PSD and PTB in the impeachment of Dilma Rousseff. All these parties were part of the governing coalition of the government that succeeded.

A question arises because of the above: why have the other presidents who had high popular rejection and/or faced economic crises also not been removed from office? Lameira (2019, p. 189-190) analyzes as follows:

the majority legislative opposition, in fact, is crucial to explain impeachments. Presidents who did not have the support of the legislative majority, due to some event or set of events, became targets of a strategic party alliance whose purpose was to remove him from office. This means that this collective action was only possible because there was no legislative shield to protect its mandate or because that existing shield dissolved from the desertion of the related parties.

Thus, it is inferable that several factors need to be linked to the removal of a president, but certainly the loss of his base of legislative support is predominant for the outcome. In the current Constitution the president to be tried for common criminal offenses or for a crime of responsibility must have the complaint admitted by two-thirds of the members of the House of Representatives, which represents 342 of the 513 parliamentarians.

Take as the basis the Temer government, his coalition remained virtually unchanged during his term, only the PPS left the support base, but still maintained the number of 300 deputies, therefore, held a legislative protection that can bar the establishment of impeachment, even with high government disapproval rate, economic crisis and allegations of corruption. This did not occur with Dilma and Collor who saw their coalitions dissipate and legislative opposition grew.

In the Bolsonaro government, several requests for impeachment were also formulated as a result of crises triggered against the Powers of the Republic, especially the judiciary, and the conduct of the pandemic resulting from COVID-19 by the Federal Government, but none of these requests prospered.

Former President Bolsonaro was elected and did not formally constitute a government coalition, having the PSL and PRTB, parties of the president and vice president respectively as members of the governing base, and the PSL elected 52 federal deputies and the PRTB did not elect any, so the scenario was difficult for the president to approve legislative measures and even constitute a legislative shield to bar any request for impeachment.

However, Rodrigo Maia, president of the House of Representatives in the first two years of the current legislature and who received several requests for the initiation of the impeachment process, said that there were not enough votes to start the process and therefore did not authorize follow-up to any of the requests. This is explained by the fact that at the beginning of the presidential term there was a convergence of at least twelve parties (PSL, Patriota, DEM, PSC, Novo, PSDB, MDB, PP, Republicans, PL, PSD and PTB) that voted following the guidance of the leader of the government (90% or more of the votes), which demonstrates an affinity with the agenda, legislative coalition, associations and did not place them as declared opposition to the government.

In this way, it protected him from possible impeachment requests for the absence of votes. Some of these parties later formally joined the governing coalition that came to rely on the PL (current party bolsonaro), PP, Republicans and PTB that, according to data from the website of the House of Representatives, formed a block with 188 federal deputies, enough to bar any requests for impeachment. In addition, the mayor, who has the prerogative to start the process, is a member of the PP, the party that made up the government base, and did not express political will to start the process.

However, this legislative protection may even prevent the removal of the president, but does not ensure good governance and success in the approval of legislative measures, see that Bolsonaro had the second lowest conversion rate of MPs of all presidents analyzed.

Despite the fact that the presidential system is not ungovernable, institutional crises between the powers arising from the characteristics of the presidential model that led to the removal of two presidents are frequent, because the stability of the presidential term is not guaranteed as long as the president cannot maintain his legislative support base together. The president who has a strong legislative opposition even without committing any crime of responsibility has the continuity of his mandate threatened.

5 FINAL CONSIDERATIONS

The paper proposed to analyze whether the presidential system combined with the multiparty system and a broad legislative power granted to the president adopted in Brazil promotes ungovernability and is a cause for the occurrence between institutional crises between the legislative and executive branches.

It remains proven that the system is fully governable, because the president can form coalitions with various parties that make up the Legislature and negotiate a joint agenda with members of the coalition to be implemented. All the presidents used this expedient and had high success rates of the proposed legislative measures, as observed in the cited works and the data analyzed.

However, although the system is not ungovernable, it is unfunctional to prevent and resolve institutional crises, because the coalitions formed are fragile and there is no guarantee of maintaining their continuity throughout the government, and can at any time be undone and leave the president isolated and at risk to have his mandate early interrupted.

The only mechanism to remove presidents in advance is impeachment that is only appropriate when the chief executive commits a crime of responsibility. There is no capable and effective instrument for resolving political crises between powers such as the "cross-death" instituted in the Constitution of Ecuador or the *recall present* in the Constitution of Mexico.

A country that in just over 30 years since the redemocratization has witnessed the early removal of two presidents cannot be attest to as fully functional, because political crises tend to be constant due to a heterogeneous society such as the Brazilian society and it is urgent that there are means of solving these crises or by improving the existing system with the insertion of constitutional mechanisms capable of solving them in a less traumatic way or regime change. The fact is that political crises without efficient means to overcome them tends to weaken democracy.

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