

**SECTION 20.**

PHILOSOPHY AND POLITICAL SCIENCE

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## **THE SYSTEM OF CHECKS AND BALANCES IN IRELAND**

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The system of checks and balances in Ireland is a fundamental principle of the democratic system, which ensures a balance between the branches of government and prevents the concentration of powers within a single branch. The system of checks and balances in Ireland is implemented through clearly defined constitutional provisions governing the interaction between the President, the Dáil, the Government and the judiciary.

The President of Ireland is the head of state, who is elected by direct election for a term of seven years and is vested with appropriate powers. Article 13 of the Constitution of Ireland of 1937 states that the President of Ireland, on the advice of the Dáil Éireann (the lower house of parliament), appoints the Taoiseach, meaning the head of government or prime minister [1]. The head of state also appoints other members of the government on the proposal of the Taoiseach with the consent of the Dáil Éireann. The President of Ireland is empowered to dismiss members of the government on the advice of the Prime Minister or in the event of a vote of no confidence by Dáil Éireann (Article 13 and Article 28, Section 9, Clause 4 of the Constitution of Ireland of 1937) [1].

The President of Ireland constrains the legislative power through influence over the legislative process and the dissolution of Parliament. Article 26 of the 1937 Constitution of Ireland states that after a bill is passed by both houses of parliament, the president must sign it for it to become law. However, if the President believes that the bill contradicts the Constitution, they have the right to refer it to the Supreme Court for a constitutional review [1].

On the advice of the Prime Minister, the President of Ireland may dissolve the lower house of Parliament. However, if the Prime Minister has lost the support of the majority in Dáil Éireann, the President has the right to refuse dissolution (Article 13, Section 2, Clause 2 of the Constitution of Ireland of 1937) [1].

The President of Ireland appoints judges of the Supreme Court, the Court of Appeal, and all other judges (Article 35, Clause 1 of the Constitution of Ireland of 1937) [1].

The Parliament of Ireland is bicameral. The lower house is called Dáil Éireann, and the upper house is Seanad Éireann. The interaction between Parliament and the Government occurs as follows:

1. The lower house of Parliament may express a vote of no confidence in the government or specific ministers, leading to their resignation (Article 28, Clause 10 of the 1937 Constitution of Ireland) [1].

2. The government must obtain the approval of the lower house for the state budget and financial bills.

Parliament has the power to remove the President through impeachment. Article 12, Clause 10 of the Constitution of Ireland of 1937 states that the head of state may be removed from office for improper conduct. One of the houses of Parliament must introduce a resolution, which requires a two-thirds majority vote for approval. If one house brings charges, the other transforms into a judicial panel. To remove the President, a qualified majority of deputies is required, meaning no less than two-thirds of the votes [1].

The Government of Ireland is endowed with the following elements of the system of checks and balances concerning other branches of state power. The Government can influence Parliament in the following way: the head of government may recommend to the President of Ireland the dissolution of the lower house of Parliament.

The government advises the President on matters of domestic and foreign policy. Article 13, Clause 9 of the Constitution of Ireland of 1937 states that the President of Ireland exercises their functions and powers only on the advice of the government [1].

The government submits judicial candidates for appointment by the President. It also ensures the enforcement of judicial decisions through the appropriate authorities.

The judiciary of Ireland plays a key role in ensuring the rule of law and maintaining the balance between branches of government. Its influence on the President, Parliament, and Government is realized through the following mechanisms:

- review of the constitutionality of laws passed by Parliament. The judiciary, particularly the Supreme Court of Ireland, has the authority to examine laws for compliance with the Constitution. If a law contradicts the Constitution, the court may declare it invalid;

- judicial oversight of executive actions. Irish courts have the authority to review the legality of actions and decisions taken by the government and its

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agencies. Citizens may challenge administrative decisions, and courts may annul such decisions if they exceed legal authority or violate human rights;

- protection of citizens' rights and freedoms. The judiciary safeguards constitutional rights and freedoms against potential violations by the legislative and executive branches of government.

Thus, the system of checks and balances in Ireland is an effective mechanism of power separation that ensures the stable functioning of democratic institutions. Although Ireland has experienced periods of political instability, the system of checks and balances prevents excessive concentration of power.

**REFERENCES:**

[1] Constitution of Ireland in 1937. URL: <https://www.irishstatutebook.ie/eli/cons/en/html>