

DOI 10.36074/logos-04.04.2025.049

## THE FEATURES OF THE SYSTEM OF CHECKS AND BALANCES IN ITALIAN REPUBLIC

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The system of checks and balances is a fundamental principle in the functioning of a democratic state, ensuring equilibrium among the branches of government and preventing the concentration of power in a single authority. The Constitution of the Italian Republic, adopted in 1947 [4], provides for the separation of powers into legislative, executive, and judicial branches. Each branch is equipped with instruments to influence the others, thus guaranteeing mutual restraint and cooperation within a rule-of-law framework.

Italy is a parliamentary republic, and its system of checks and balances possesses certain specific characteristics. The President of the Republic has primarily representative functions. According to Article 87 of the Constitution of the Italian Republic on 1947, the President is the guarantor of national unity and the representative of the State. The President plays a key role in the formation of the executive branch: they appoint the President of the Council of Ministers and, upon the latter's proposal, the ministers (Art. 92 of the Constitution of the Italian Republic on 1947) [4]. Additionally, the President may preside over meetings of the Council of Ministers when participating in them (Art. 93 of the Constitution of the Italian Republic on 1947) [4]. In relation to the Parliament, the President has the power to convene the first session of newly elected chambers (Art. 62 of the Constitution of the Italian Republic on 1947) [4], to dissolve one or both houses with the consent of their presidents (Art. 88 of the Constitution of the Italian Republic on 1947) [4], to sign laws, and to return them to Parliament for reconsideration with a reasoned veto (Art. 74 of the Constitution of the Italian Republic on 1947) [4]. In the judicial sphere, the President appoints five out of fifteen judges of the Constitutional Court (Art. 135 of the Constitution of the Italian Republic on 1947) [4] and presides over the High Council of the Judiciary, which supervises judges (Art. 104 of the Constitution of the Italian Republic on 1947) [4].

The Italian Parliament is bicameral, consisting of the upper house – the Senate – and the lower house – the Chamber of Deputies. It exercises elements of the system of checks and balances. The Parliament elects the President of the Republic in a joint session of both chambers with the participation of regional delegates (Art. 83 of the Constitution of the Italian Republic on 1947) [4]. In cases of high treason or serious constitutional violations, the Parliament may initiate impeachment proceedings against the President (Art. 90 of the Constitution of the Italian Republic on 1947) [4].

Regarding the executive branch, the Parliament exercises oversight by granting a vote of confidence after the government's formation and may withdraw it at any time, resulting in the government's resignation (Art. 94 of the Constitution of the Italian Republic on 1947) [4]. By passing legislation, the Parliament defines policy directions, oversees the execution of the budget, and may establish parliamentary inquiry commissions with powers equivalent to those of the judiciary (Art. 82 of the Constitution of the Italian Republic on 1947) [4]. In the judicial field, the Parliament also plays an important role, as it appoints five judges to the Constitutional Court (Art. 135 of the Constitution of the Italian Republic on 1947) [4], thereby contributing to balance within the justice system.

The Government of Italy, headed by the President of the Council of Ministers, implements the political program approved by the Parliament. Through the right of legislative initiative (Art. 71 of the Constitution of the Italian Republic on 1947) [4], the government influences the legislative process. Moreover, in urgent situations, the government may issue law-decrees with immediate legal force, which must be confirmed by Parliament within 60 days (Art. 77 of the Constitution of the Italian Republic on 1947) [4]. Although the President formally appoints the government, political realities require consideration of the parliamentary majority, which grants the government effective influence over the President. In the judicial field, the Minister of Justice is a member of the High Council of the Judiciary (Art. 105 of the Constitution of the Italian Republic on 1947) [4], yet lacks authority to interfere with judicial decisions, thus safeguarding judicial independence.

The judiciary in Italy is independent and autonomous, as guaranteed by Articles 101–113 of the Constitution of the Italian Republic on 1947. The Constitutional Court serves as the highest body for constitutional review and determines the constitutionality of laws (Art. 134 of the Constitution of the Italian Republic on 1947) [4]. Through this function, the judiciary exercises influence over both Parliament and the Government by annulling unconstitutional acts.

The judiciary indirectly influences the President in the context of impeachment proceedings under Article 90 of the Constitution of the Italian Republic on 1947 [4], where the final decision regarding constitutional violations lies

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with a judicial authority. With regard to the executive, courts may annul administrative acts of the government if they infringe upon laws or citizens' rights. This form of control is exercised through both administrative courts and the Constitutional Court.

Although the system of checks and balances in Italy is well-structured and balanced, it reveals certain gaps in the effectiveness of interbranch oversight. In order to enhance democratic mechanisms within the system of checks and balances, several reforms are necessary: strengthening parliamentary control over government decrees to prevent their excessive use; improving the impeachment procedure for the President by ensuring transparency and feasibility in cases of constitutional violations; guaranteeing the full independence of the judiciary, especially in relation to the Ministry of Justice, by reducing political influence over appointments to the High Council of the Judiciary; and expanding mechanisms of public oversight, including open parliamentary hearings and public access to judicial decisions.

In conclusion, the system of checks and balances in Italy is the result of a complex historical and political evolution. The constitutionally enshrined balance among branches of power ensures democratic development and institutional stability. However, modern challenges call for the refinement of this system, considering the dynamics of the political process and the public demand for transparency, accountability, and effective governance.

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