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THE CONCEPTUAL APPROACHES TO THE PROBLEM OF INTERACTION BETWEEN DEMOCRACY AND THE SYSTEM OF CHECKS AND BALANCES

The article explores the relationship between democracy as a functional characteristic of the form of government and the system of checks and balances as an institutional mechanism for the separation and limitation of powers. In democratic states, the effective functioning of representative institutions is closely linked to the need for legal and political mechanisms that prevent the concentration of power in the hands of a single branch or official. The article analyzes how the system of checks and balances can both strengthen and complicate the implementation of democratic principles, particularly transparency, accountability, and citizen participation in decision-making. The historical and theoretical foundations of the concept of separation of powers and the system of checks and balances are examined, including their development in the works of C. Montesquieu and J. Locke. The interdependence between the system of checks and balances and democracy is evident. The system of checks and balances constitutes an integrated set of powers among the branches of government, enabling them to restrain and balance one another. In turn, democracy is a form and method of organizing power that ensures the balancing and limitation of authority across different branches. The separation of powers and the system of checks and balances contribute to the expansion and qualitative deepening of democratic foundations in society, ensuring that democracy is exercised as fully and consistently as possible. The study employs systemic, comparative, and institutional methods. The practical significance of the work lies in the potential application of its findings to enhance the effective functioning of checks and balances in democracies, particularly under conditions of political polarization, crises of public trust, and threats of authoritarianism. The results obtained contribute to a deeper understanding of the checks and balances system within emerging models of democracy in the 21st century.

Key words: checks and balances, democracy, separation of powers, consensual democracy, majoritarian democracy.

Аліна Войчук. КОНЦЕПТУАЛЬНІ ПІДХОДИ ДО ПРОБЛЕМИ ВЗАЄМОДІЇ ДЕМОКРАТІЇ ТА СИСТЕМИ СТРИМУВАНЬ І ПРОТИВАГ

Стаття присвячена дослідженню взаємозв'язку між демократією як функціональної характеристики форми держави та системою стримувань і противаг як інституційним механізмом поділу та обмеження влади. У демократичних державах необхідність ефективного функціонування інститутів представницької демократії тісно пов'язана з потребою в юридичних та політичних механізмах, які перешкоджають концентрації влади в руках однієї гілки або посадової особи. У статті аналізується, як система стримувань і противаг може як зміцнювати, так і ускладнювати реалізацію демократичних принципів, зокрема прозорість, підзвітність, участь громадян у прийнятті рішень. Розглянуто історико-теоретичні засади виникнення концепції поділу влади та системи стримувань і противаг, зокрема її розвиток у працях Ш. Монтеск'є та Дж. Локка. Взаємозв'язок системи стримувань і противаг та демократії очевидний. Система стримувань і противаг є інтегрованою сукупністю повноважень органів різних гілок державної влади, що дає їм змогу урівноважувати й обмежувати одна одну. У свою чергу, демократія є формою і методом організації влади, яка забезпечує урівноваження й обмеження повноважень різних гілок влади. Поділ державної влади та система стримувань і противаг сприяють розширенню та якісному поглибленню демократичних основ суспільства задля того, щоб демократія здійснювалася з найбільшою повнотою й послідовністю. У дослідженні використовуються методи системний, порівняльний, інституційний. Практична значущість роботи полягає у можливості застосування її висновків для забезпечення ефективності функціонування системи стримувань і противаг в демократіях, зокрема в умовах політичної поляризації, кризи довіри та загроз авторитаризму. Отримані результати сприяють детальному розумінню системи стримувань і противаг у нових моделях демократії в ХХІ столітті.

Ключові слова: система стримувань і противаг, демократія, поділ влади, консенсусна демократія, мажоритарна демократія.

Problem statement. In contemporary political research, the search for an effective balance between the democratic will of citizens and institutional mechanisms for limiting power remains a key issue. Democracy, as a form of

governance, implies broad public participation in the decision-making process based on the principles of electivity, openness, and accountability. At the same time, the preservation of stability, the rule of law, and the prevention

of abuse of power require the implementation of a system of checks and balances – a complex of legal and institutional instruments ensuring mutual oversight among the branches of power.

The relevance of this study lies in the necessity to understand how, in democratic states, the system of checks and balances contributes to or, conversely, complicates the effective functioning of democratic institutions. Particular attention is given to analyzing how this interaction affects the legitimacy of political decisions, the stability of political processes, and public trust in authorities.

Review of research and publications. Among the numerous studies addressing the interaction between the system of checks and balances and democracy, the works of such scholars as V. Bortnikov, O. Skrypniuk, H. Burrows, V. Tsvietkov, and M. Holovaty deserve special mention.

The aim of the article. The aim of this article is to identify the key mechanisms of interaction between democracy and the system of checks and balances, and to analyze the conditions under which this interaction enhances democratic processes.

Presentation of the main research material. Democracy is a form of organizing and exercising power in society. It is a dynamic and evolving phenomenon in its essence, content, and scope. Democracy has undergone a long and complex historical development. History testifies to the continuity and preservation of certain elements of various democratic institutions. Even the most radical Marxists advocated the use of such institutions in the interest of socialism, which highlights the social value of democracy, the fundamental components of which retain enduring significance.

Democracy is typically viewed as a form of social organization, a political system, and a form of state and its essence. Democracy cannot be understood outside its social context or explained solely through ideological constructs. The forms and institutions of democracy, from a socio-historical perspective, differ little in their external features. The organization of power is always secondary to its content. Democracy (popular rule) is a political phenomenon and thus does not exist in a “pure” form in social reality. It is a multifaceted social phenomenon that should be analyzed through the lens of politics. At the same time, as a method of organizing and exercising power in society, democracy contains components – such as parliament, opposition, multiparty systems, civil rights and freedoms, legality, and humanism – which grant it political, legal, and ethical value. These components must be examined not only institutionally but also from a socio-dynamic

perspective. Without an understanding of the nature and social value of democracy, it is difficult to explore its relationship with the system of checks and balances, and the dependency of effective state functioning on the existence and efficacy of democratic institutions [4, pp. 321–322].

By its nature, democracy is an inherently societal form of organizing and exercising power and governance – a structuring process of power realization and an enabler of a system of checks and balances. The content and forms of social processes depend on the economic conditions of life, the level of material, technical, and spiritual culture, and the maturity of society – just as objective factors determine the maturity of democracy and the effectiveness of checks and balances. Their interdependence is inevitably manifested in the activities of social institutions, and in the methods and means of achieving social goals.

One of the core doctrines of democracy – the functional separation of state power – contains the idea of maximizing the effectiveness of each branch of power and the state mechanism as a whole.

The concept of the separation of powers was thoroughly developed by Montesquieu in 1748 in his work *The Spirit of the Laws* [10]. He wrote: “To establish a moderate government, one must combine the various powers, regulate them, make them act, restrain them, and balance them, so to speak, by setting one against the other – this is a masterpiece of legislation that chance rarely produces and prudence rarely allows to be carried out” [10, p. 45]. Montesquieu aptly described the separation of powers as the art of “combining and redistributing ballast” [10, p. 49]. He viewed the concentration of different branches of power in the hands of one person or body as unacceptable: “When the legislative and executive powers are united in the same person or body... there can be no liberty... nor is there liberty if the power of judging is not separated from the legislative and executive powers” [10, p. 103].

The division of power implies mutual balance. Otherwise, either governmental paralysis or dictatorship and the loss of political freedom will occur. “To prevent abuse of power”, wrote Montesquieu, “it is necessary that power should be a check to power” [10, p. 104]. Active functioning of each branch of power minimizes the risk of usurpation and autocratic rule – thus setting a fundamental criterion for democracy.

John Locke and Montesquieu are considered the founding fathers of the theory of separation of powers. It is noteworthy that their main works – Locke’s “Two Treatises of Government” (1690) [9] and Montesquieu’s “The Spirit of the Laws”

(1748) [10] – were published over half a century apart. Their ideas, however, significantly differ. While Locke based the division of power on the nature of functions each branch performs – i.e., functional specificity – Montesquieu emphasized the nature of power itself. While not rejecting the functional approach, Montesquieu stressed the imperative role of separation for the preservation of liberty. He described legislative, executive (in civil matters), and executive (in civil/criminal law enforcement) powers – the latter being referred to as judicial, noting that “in a strict sense, the judiciary is not even a power” [10, p. 184]. Over time, Locke’s functionalism and Montesquieu’s imperative doctrine were synthesized into the institutional concept of normative separation of powers.

The concept of “modern democracy” requires some clarification. The phenomenon of democracy gained its foothold in Western Europe, the United States, and certain developed countries of other regions, founded on the ideals of liberalism and political democracy. These countries are characterized by relatively high levels of economic development and “a predominance of what may be called Western culture and values, including Western Christianity” [6]. Despite differences in economic power, cultural diversity, and political structures, they share a common adherence to core democratic values such as liberty, justice, equality, effective market economy, rule of law, and religious tolerance.

Today, the majority of scholars emphasize the need for a critical rethinking of contemporary democratic practices. As noted by Ukrainian experts in the field of strategic studies, “the current model of socio-political organization, which dominates in most developed countries, has essentially exhausted itself. The established forms of European democracy are increasingly demonstrating their inability to effectively fulfill their societal functions and to adequately respond to the fundamental challenges of the present” [2, p. 14].

French political scientist M. Dogan, who thoroughly studied the phenomenon of the sharp decline in trust toward political institutions in Western societies, concluded that this reflects “not a disappointment in the principles of democracy per se, but an aspiration toward a deepening of democratization and aligning democratic practices with the realities of modern life and the needs of the contemporary individual” [5, p. 67].

Democracy, compared to other types of societal regulation, is more capable of self-development and of maintaining balance within society. This is due, firstly, to the fact that a democratic regime is determined by the

development of the mass consciousness of the democratic majority of a country. Voters, through their electoral behavior, political discussions, and expression of opinion, can influence the political process in a direction favorable to them. Secondly, democracy benefits the broadest segments of the population in modern democratic countries – the middle class, whose well-being is based on private enterprise and who, with few exceptions, tend to support moderate politicians rather than ideologically extreme fanatics whose actions may lead to unpredictable consequences and may not align with legality and stability. Thirdly, the democratic order includes time-tested mechanisms for constructively resolving disputes and conflicts: the presence of checks and balances, the alternation of party coalitions in power, the legal operation of opposition, etc. All these contribute to social stability and political equilibrium in the country and help adversaries reach societal consensus [1, p. 16].

A form of democracy in which political power, under certain mechanisms of checks and balances, is concentrated in the hands of the majority is known as majoritarian democracy. The system in which the power of the majority is limited and shared on the basis of consensus among all societal groups is called the system of proportional representation or consensus democracy. According to Arend Lijphart, the differences between majoritarian and consensus democracies depend on such characteristics as the principle of organizing executive power, the specifics of relations with the executive and legislative systems, the type of party and electoral systems, and the nature of interactions between state structures and civil society institutions.

Majoritarian democracy is typically characterized by the dominance of the executive branch over the legislative (with the executive formed by the single party that wins elections), a two-party system, the one-dimensionality of this party system (the two main parties differ only in strategies and tactics on socio-economic issues), a disproportional electoral system, and a pluralist system of special interest groups. The most typical representatives of majoritarian democracy are countries like the United Kingdom and New Zealand.

Majoritarian democracy prioritizes electoral voting. As the majoritarian principle entails vote counting and emphasizes determining the will of the majority, it inherently leans toward equality in political participation. A disadvantage of the majoritarian system is its insufficient consideration of minority interests. Since majoritarian democracy favors collective decisions legitimized through elections, it

provides limited opportunities for individuals or groups outside the majority.

Consensus democracy, in contrast to the majoritarian model, is characterized by a balance between the executive and legislative branches (with the executive formed on the basis of multi-party coalitions), multidimensionality of the party system (parties differ not only in socio-economic strategies but also in their approaches to religious, foreign policy, and other issues), more or less proportional electoral outcomes (as a result of a proportional voting system), and a corporatist system of relations between special interest groups. The country that most closely approximates the ideal type of consensus democracy is Switzerland [7, pp. 49–50].

A variation of consensus democracy is consociational democracy, the mechanism of which was elaborated by A. Lijphart in his book “Democracy in Plural Societies” (1997) [8]. It is a form of societal organization “that entails structured interaction among the main units (ethnic, religious, or cultural communities that make up the polity), where none are left in a state of prolonged isolation” [8, p. 56].

The consociational model has practical relevance in pluralistic societies where political and social divisions largely coincide with the “boundaries” of other social cleavages—economic, territorial, linguistic, cultural, national, religious, etc. Political associations in such societies are shaped by these realities and represent the interests of corresponding societal segments. The primary method of political problem-solving is dialogue. Elites are open, and thus conflicts are exceptions rather than the norm.

In such democracies, power is formed on the basis of coalition. The presence of an opposition is an essential attribute of the political process. With a sufficiently broad coalition, the interests of different groups are implemented through mutual veto power over decisions. One of the key features of this type of democracy is the artificial enhancement of the representation of small groups within the societal structure, allowing them to defend their interests more effectively and prevent majority hegemony. Countries where consociational democracy functions successfully include Switzerland, Belgium, the Netherlands, and Austria. Among newer countries, Arend Lijphart includes South Africa, the Czech Republic, Slovakia, and India.

A. Lijphart identifies the following features of consociational democracy: grand coalition, segmental autonomy, proportionality, and the right of veto. A grand coalition and segmental autonomy maximize each segment’s influence in decision-making through two channels: by

participating with other segments in decisions on general issues and by establishing exclusive rights to decide on matters where general agreement is not required. The minority’s right to veto is most effective when limited to issues of cultural, religious, and linguistic rights and autonomy [8, pp. 28–29].

For countries that are transitioning or have recently transitioned to democracy, Lijphart argues that consensus democracy is more attractive than the majoritarian model, primarily because it ensures better representation and protection of minority rights. This is particularly important considering that the 1990s were marked not only by a surge in democratization globally but also by a decade of intensified ethnic conflict. These conflicts, as is well known, are more likely to intensify in countries just beginning their democratic journey than in those where democracy is already well established. Therefore, there are strong grounds to believe, according to the scholar, that the significance of consensus democracy in the modern world will continue to grow [7].

All these aspects of participation correlate to varying degrees with the concept of consolidated democracy, which implies coordination of efforts by the entire community both “vertically” and “horizontally”. Participation and coordination are only possible with the presence of institutions, structures, and mechanisms for such interaction, as well as subjective factors such as experience, professionalism, trust in partners, and high morality.

Conclusions and prospects for further research. Thus, the interrelation between the system of checks and balances and democracy is evident. The system of checks and balances is an integrated set of powers of different branches of government that allows them to balance and limit each other. Democracy, in turn, is a form and method of organizing power that ensures the balancing and limitation of the authority of different branches of government. Naturally, the forms and means of implementing this balance and limitation are not absolute or sufficient in themselves; they are conditioned by the democratic foundations of society. The level of democracy is an indicator of the efficiency, culture, and ethics of governance and the civilized implementation of its functions. In turn, the separation of powers and the system of checks and balances contribute to the expansion and qualitative deepening of the democratic foundations of society, so that democracy can be realized as fully and consistently as possible. At the same time, they may become instruments of bureaucratized democracy or, worse, totalitarianism and a “strong power” regime.

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