T.C.
ANKARA YILDIRIM BEYAZIT UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES

INSTITUTIONAL DILEMMA IN SEMI-PRESIDENTIALISM: THE MONGOLIAN CASE

Ph. D. THESIS

Uurtsaikh BATBAYAR

DEPARTMENT OF POLITICAL SCIENCE AND PUBLIC ADMINISTRATION

ANKARA, 2023

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Supervisor
Prof. Dr. Yılmaz BİNGÖL

ANKARA, 2023

APPROVAL PAGE

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I certify that this thesis fulfils all the requirements to be deemed a doctoral thesis at Ankara Yıldırım Beyazıt University, Graduate School of Social Sciences, Department of Political Science and Public Administration.

Director of the Institute of Social Sciences Prof. Dr. Yaşar YİĞİT

DECLARATION

I hereby declare that all information in this thesis has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all materials and results that are not original to this work; otherwise I accept all legal responsibility (…/…./2023).

Uurtsaikh BATBAYAR

ACKNOWLEDGMENT

I would like to express my sincere gratitude to my supervisor Prof. Dr. Yilmaz Bingol, for his valuable advice and assistance in conducting this thesis. He is the main representative who was able to set an example not only for this study but also for my approach to the path of life. Therefore, without him, I certainly could not have completed this study. Besides my supervisor, my special appreciation goes to the jury members: Assoc. Prof. Dr. İdil Tuncer Kilavuz, Assist. Prof. Dr. Güliz Dinç, Assist. Prof. Dr. Seval Yaman and Assist. Prof. Dr. Başak Akar for their valuable comments and encouragement, but also for the hard questioning which motivated me to improve my study every hour.

Moreover, I gratefully thank the Yurtdışı Türkler ve Akraba Topluluklar Başkanlığı (YTB) for providing me with a scholarship for studying and living in the Republic of Türkiye. Thank you very much for your support, not only with the scholarship, but also with living among these people, which has given me a great opportunity to know a great culture, and meet many excellent academics, and international friends. Indeed, my sincere gratitude also goes to the National Academy of Governance of Mongolia, selected institutions, and intellectuals in Mongolia who supported me in completing this study and voluntarily participated in the in-depth interview and the process of data collection.

Last but not the least, I would like to express my sincere gratitude to my parents, family, sister, and two beautiful sons for their continuous support, patience, and happiness. Especially, to my dad Batbayar Tserendorj without your words of encouragement and all your support, I would not have been able to complete my long road toward a PhD study.

ABSTRACT

INSTITUTIONAL DILEMMA IN SEMI-PRESIDENTIALISM: THE MONGOLIAN CASE

This study examines the effect of semi-presidentialism on institutional dilemmas and instabilities in the Mongolian case. Semi-presidentialism creates different effects on the form of the state structure in the process of democratic transition and consolidation. In this context, the main argument is whether semi-presidentialism creates institutional stability and supports democracy by keeping institutional dilemmas as low as possible or, on the contrary, semi-presidentialism exacerbates institutional dilemmas, creating political instability and collapsing democracy. This system creates main four situations: cohabitation, a divided minority government, a divided government, and a unified majority government depending on the results of the presidential and parliamentary elections.

Therefore, the main research question is defined that "What are the interrelationships of the main factors affecting institutional dilemmas in the semi-presidential system?". These situations affect institutional dilemmas between the president, parliament, and government institutions. Most of the post-communist countries that experienced a democratic transition since the 1990s chose a semi-presidential system including Mongolia. The study covers four situations of semi-presidentialism that occurred in Mongolia from 1992 to 2020. Overall, institutional dilemmas led to government instability but did not lead to the retreat or collapse of democracy.

Key Words: Institutional Dilemma, Cohabitation, Divided Government, Divided Minority Government, Mongolia, Semi-presidentialism, and Unified Majority Government.

ÖZET

YARI BAŞKANLIKTA KURUMSAL SORUN: MOĞOLİSTAN ÖRNEĞİ

Demokratik kurumlar çerçevesinde ortaya çıkan sorunlardan biri de kurumsal sorun ve demokratik kurumların istikrarsızlığını etkileyen iç ve dış etkenlerden kaynaklanan istikrarsızlıktır. Devlet yapısının şekli olan yarı başkanlık, demokratik geçiş ve konsolidasyon konularında farklı etkilere sahiptir. Bu bağlamda temel argüman, yarı başkanlık sisteminin kurumsal sorunları olabildiğince düşük tutarak kurumsal istikrarı sağlayıp demokrasiyi destekleyip desteklemediği, yoksa tam tersine yarı başkanlık sisteminin kurumsal sorunları şiddetlendirerek siyasi istikrarsızlık yaratıp demokrasiyi çökerttiğidir.

Bu nedenle, ana araştırma sorusu "Yarı başkanlık sisteminde demokratik kurumların sorunları etkileyen ana faktörlerin karşılıklı ilişkileri nelerdir" olarak tanımlanmıştır. Bu sistem, cumhurbaşkanlığı ve parlamento seçimlerinin sonuçlarına bağlı olarak dört ana birlikte yaşama durumu, bölünmüş bir azınlık hükümeti, bölünmüş bir hükümet ve birleşik bir çoğunluk hükümeti oluşturur. Bu durumlar demokratik kurumlar arasında sorunlar yaratır. 1990'lardan beri demokratik bir geçiş yaşayan komünizm sonrası ülkelerin çoğu, Moğolistan da dahil olmak üzere yarı başkanlık sistemini seçti. Dolayısıyla bu çalışmaya göre 1992-2020 döneminde Moğolistan'da yaşanan bu durumlarda kurumlar arası temel sorunlar hükümetin istikrarsızlığına yol açmış ancak demokrasinin gerilemesine veya çökmesine yol açmamıştır.

Anahtar Kelimeler: Kurumsal Sorun, Birlikte Yaşama, Bölünmüş Hükümet, Bölünmüş Azınlık Hükümeti, Moğolistan, Yarı Başkanlık ve Birleşik Çoğunluk Hükümeti.

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LIST OF ABBREVIATIONS

ADB : Asian Development Bank

GECM : General Election Commission of Mongolia

IAAC : Independent Authority Against Corruption of Mongolia

IDEA : International Institute for Democracy and Electoral Systems

IFES : International Foundation for Electoral Systems

IMF : International Monetary Fund

MCP : Mongolian Civil Party

MCWGP : Mongolian Civil Will and Green Party

MDU : Mongolian Democratic Union

MFA : Ministry of Foreign Affairs of Mongolia

MNDP : Mongolian National Democratic Party

MNDP : Mongolian National Development Party

MNDSP : Mongolian New Democratic Socialist Party

MNT : Mongolian Tugrik

MoDP : Mongolian Democratic Party

MPP : Mongolian People's Party

MPR : Mongolian People’s Republic

MPRP : Mongolian People's Revolutionary Party

MRP : Mongolian Republic Party

MSDP : Mongolian Social Democratic Party

MUP : Mongolian United Party

MUTP : Mongolian United Traditional Party

New-MPRP : New-Mongolian People's Revolutionary Party

NGO : Non-Government Organization

NNP : National New Party

NSC : National Security Council

SME : Small and Medium Enterprises

ULIS : Unified Legal Information System

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INTRODUCTION

The theory of democracy considers two main streams of the state system which are parliamentary and presidential systems. In terms of separation of powers, these two systems were widespread in the democracies of the world. There are many debates in the literature among scholars about which institutional framework preeminent support democracy. Some of them have concluded that the parliamentary system is a more supportive constitutional framework for consolidating democracy than a presidential system (Lijphart, 2012; Linz, 1990, 1994; Mainwaring, 1993; Riggs, 1997). In contrast, it has usually been argued that presidential democracies are more prone to political instability and democratic breakdown than parliamentary democracies. In addition to these two theories, French political scientist Maurice Duverger first used the term semi-presidential in 1970, which was defined as a regime with a directly elected head of state whose powers are stronger than those of a president in a parliamentary regime, which explained the cases of Austria, Finland, France, Iceland, Ireland, Portugal, and Germany (the Weimar Republic). As stated by this concept, he used a definition of semi-presidentialism, characterized by:

> "(1) the president of the republic is being elected by universal suffrage, (2) he possesses quite considerable powers; (3) however, he is opposed by a prime minister and ministers who possess executive and governing powers and can stay in office as long as the parliament does not show its opposition to them" (Duverger, 1980a, p. 166).

After the collapse of communism, the system has gravitated more attracted to third wave democracies (Huntington, 1991b).[1] In the former communist region, about 60 per cent of regimes (18 of 30) have accepted semi-presidential systems, 30 per cent have adopted a parliamentary system and only 10 per cent have opted for a presidential system. This system

[1] In 1991, Samuel Huntington categorized three waves of democracy in his work "The third wave: democratization in the late twentieth century". The third wave began in 1974 and continued to the collapse of the Soviet Union 1990s. The countries that belong to these ideological movements and democratization cases were called as third wave countries and "young democracy". The most of them are trying to consolidate a result of democratic transition within political institutions, social and economic levels.

is not only adopted in post-communist countries but also several democracies in Africa, Asia, Latin America, and Southern Europe that have opted for this system. Alongside these regime choices of post-communist countries, some presidential or parliamentary democracies have considered and transformed into semi-presidential systems such as Armenia in 1994 and Georgia in 2004; the parliamentary Czech Republic elected its president by referendum for the first time in February 2013. In 2014, Turkey, another parliamentary country, adopted a constitutional amendment that provided for the first popular and direct election of the president (Kim, 2015, pp. 652–653). The country then transformed into a presidential system in 2018.

Semi-presidentialism is associated with the design of institutions in third wave democracies. Gerth and Mills, cited by Olsen (2007) state that democratic institutions considered not only macro-microeconomic factors and understanding of the external environment but also internal institutional design as a crucial influencing factor (Olsen, 2007, p. 106). The main reason for the inability of these institutions to cooperate is the problem of dilemmas between them. The impact of this problem is felt more in the countries of the Third-wave of democracy in the 1990s. Dilemmas between these institutions lead to mistrust to negotiate, ambiguity, inconsistencies and incentives among institutions, political instability, a low level of democratic development, and in the worst case, the collapse of democracy (Kim, 2015, p. 658). There are two-step logical arguments discussed among scholars regarding semi-presidentialism and democratic performance. First, some of them discuss and support that the semi-presidential system can lead to institutional dilemmas and gridlocks. Second, these situations influence variations in democratic transition and consolidation such as the return of democracies for new democracies (Beuman, 2013, p. xii). The main argument of the research is to cover the first step argument that semi-presidentialism exacerbates institutional dilemmas at different levels. In the literature, semi-presidentialism mainly creates four types of situations, namely cohabitation, a divided minority government, a divided government, and a unified majority government. All of these situations were associated with varying degrees of institutional dilemmas within their scope. Some scholars have found that there are more dilemmas during the situation of the divided minority government situation (Elgie, 2001; Skach, 2005). Others studied that the impact of dilemmas is much higher during the cohabitation period (Kirschke, 2007; Linz & Stepan, 1996; Skach, 2005). In the case of a unified majority, serious dilemmas are minimized (Beuman, 2013; Skach, 2005).

This thesis examines the above institutional dilemmas that have arisen from semi-presidential situations, using the Mongolian case. Mongolia is one of the third wave democracies in which the semi-presidential system generated four different political situations: cohabitation, a divided minority government, a divided government, and a unified majority government from 1992 to 2020. In terms of Mongolia's democratic experience, the main concern is the directly elected president who has legislative and non-legislative powers and is referred to as the head of state. Thus, in terms of the theoretical framework and empirical evidence, the group of scholars argued Mongolia is a semi-presidential system of democracy and has faced many challenges and institutional dilemmas due to situations of semi-presidentialism.[2]

The thesis analyses institutional dilemmas in situations of semi-presidentialism. Institutional dilemmas generally include the use of formal powers of the president as veto, executive appointments, and dismissals and informal powers such as presidential declarations and addressing messages. This shows that the magnitude of policy dilemmas increases when these powers are exercised, but not so much when they are not exercised. This study is a single-case study with a variable-oriented approach based on triangulation evidence. The triangulation supports cross-checking evidence that provides high-quality data from different research including primary sources (document analysis and the in-depth interview) and secondary sources (the literature review). Therefore, the empirical evidence was examined within the effects of semi-presidentialism. A variety of sources were used to collect interview data, including Mongolian legislation, presidential speeches, parliamentary statements, documents from international institutes research reports, journals, and news reports as well as internet platforms. In addition, interviews were conducted with key Mongolian political figures, university professors, and some members of the main political parties. In the research, serious institutional dilemmas were found after the 2004 parliamentary elections in a divided minority government, while weaker dilemmas occurred after the 1992 parliamentary elections in the situation of cohabitation. Therefore, the main argument considers the dilemmas that exist in this period of semi-presidential situations. Although it is difficult to generalize, the research examines the dilemma between the semi-presidential system and democratic institutions. However, Mongolia is one of the youngest

[2] The semi-presidentialism is tremendously criticized and supported by scholars. In Elgie's study, there were 55 countries with a constitution of semi-presidentialism around the world. All these countries have at least a basic form of semi-presidentialism in terms of constitutional design and sources.

democracies, there are many institutional dilemmas in each situation of semi-presidentialism.

Problem Statement

Many scholars have examined the theoretical and empirical implications of semi-presidential situations on the level of the dilemma between the president, the government, and the parliament within Large-n studies (Cheibub & Chernykh, 2009; Elgie, 2011; Elgie & McMenamin, 2011), Medium-n studies (Amorim Neto & Costa Lobo, 2009; Elgie, 1999; Elgie & Moestrup, 2007a; Protsyk, 2005; Sedelius & Ekman, 2010) and Small-n studies (Beuman, 2013; Moestrup & Ganzorig, 2007; Roper, 2002; Skach, 2005a). The research is conducted within a single case study so that the research design has a proper impact on controlling contextual variables that are affecting the democratic process. In this regard, scholars have studied economic development, socio-political and international influences affect democratic performance (Beuman, 2013; Norris, 2012). Therefore, the first reason to choose a single case study is that the example of one country is considered to control these factors and to focus on how the semi-presidential situations affect dilemmas and cooperation based on more detailed case studies. Second, the example of one country is more relevant to a particular field of study. As a result, more and more international research is being conducted in field research. However, they are less likely to study case studies in any country. Therefore, single case studies from one country are more likely to be excluded from some books and research articles. As a result, countries with small populations and young democracies are excluded from comparative field studies (Beuman, 2013, p. 39). Third, it is more critical in the sense that single case studies of one country represent only one country. However, it is believed that it provides more opportunities for theory-test based on the particular case, not chronological narratives. Therefore, the problem of the semi-presidential theory has a major impact on the evaluation of different hypotheses.

The study has chosen Mongolia as a case of institutional dilemmas due to the semi-presidential situations during the democratic performance in 30 years. In 1991, Samuel Huntington's work, "The third wave: democratization in the late twentieth century" was categorized into three waves of democracy in the world. The first wave began with the American and French revolutions. The second wave began after World War II and lasted until the mid-1970s, while the third wave began in 1974. He claimed that democratic

transitions belong to these three waves in terms of periods. The democratic transition in Mongolia belongs to the third wave and began in 1990 after the end of the Cold War in late 1980 and the collapse of the Soviet Union. Then the first free democratic elections were held and a majority rule was introduced to post-communist countries (Huntington, 1991b, p. 16). The third wave of democratization has been in different consequences in Central Asia. One of them is the emergence of new monarchical leaders who are not liberal, who do not resign, and who hold elections in these countries by suppressing human rights. Mongolia is different from the Central Asian and other East Asian communist regimes. For instance, compared with neighbouring Russia and the traditionally similar Central Asian Turkic republics, it has been a non-violent and peaceful transition. For example, the first democratic free elections were held in 1990, power has shifted peacefully and free from autocracy to democracy in terms of political, social, and economic transition. Therefore, it is shown that democracy was based on consensus and harmony of people. Today, in terms of legislative power, Mongolia has a parliamentary system with a single chamber which has basic democratic characteristics that a total of 76 members are elected popularly. On the other hand, Mongolia is a semi-presidential system that grants the president prerogatives that go extend beyond ceremonies and symbols (Jeffries, 2007, p. 12). Remarkably, Lijphart (2012) found that "fourteen of these democracies and more than one-third, had unicameral parliaments" and the rest have bicameral systems. Most of these countries with unicameral parliaments are smaller countries with small populations as well as all formally unitary systems (Lijphart, 2012, pp. 189–190).

Indeed, there were many challenges during the transition periods, especially for developing countries such as Mongolia. The researchers of this process are called "transitologists" who claim that all the post-communist cases have been in a process of "transition" from communism to democracy. They argue that the transition process has already been completed, and the "transition" is to be followed by yet another stage, which they call "consolidation" (Bingol, 2004, p. 43). The main issue is the transition from autocracy to the establishment of the principles of liberal democracy and the formation of institutions (Norris, 2012, p. 8). As Lijphart mentioned, the democratic transition is primarily a good thing but the consolidation and stabilization of democracy is the most important issue for procedural experiences (Lijphart, 2012, p. 50). Mongolia has not avoided this issue either, and it is reasonable to assume that it is now moving to the second stage, namely institutional strengthening and procedural issues. Mongolia has had some success in holding

legitimate, multi-party elections that meet international standards. Since 1992 and in the last 30 years Mongolia tested three main election systems: multi-member districts, single-member districts, and mixed electoral. Within these three categories, parliamentary elections have been organized by the single-member district in 1996, 2000, 2004, and 2016, by multi-member district majoritarian in 1992, 2008, and 2020, and by the mixed system in 2012 which was multi-member majoritarian and party-listed proportional. However, presidential elections in 1993, 1997, 2001, 2005, 2009, 2013, 2017, and 2021 were held in the single-member district in which the president was elected based on universal, free, and direct suffrage by secret ballot (Oyumaa et al., 2017b).

In terms of the electoral result, the majoritarian model of democracy is implemented without any difficulties in the exercise of executive power. The main problematic issue in the consensus democracy model is the formation of cabinets. Thus, Mongolia has faced this problematic struggle for four elections of the parliament during the transitional period. As Lijphart wrote, the most majoritarian type of cabinet is one that is single-party and minimal winning that is, a one-party majority cabinet. He argued that not only the most consensual type of cabinet is multiparty and oversized but also multiparty minority cabinets belong to it. In the post-election parliamentary system, one of the problematic issues create a coalition between majoritarian and other minorities in terms of establishing a cabinet. Thus, he introduced six important theories of the coalition. There are minimal winning coalitions, minimum size coalitions, bargaining propositions, minimal range, minimal connected winning and policy-viable coalitions (Lijphart, 2012, p. 81). It is shown that maybe coalitions are good for countries where democracy is strengthened but it makes a lot of political dilemmas, struggles, bottlenecks, political accountability and lack of good governance capacity for developing countries such as Mongolia. Certainly, there are majoritarian models that closely allied parties and one-party majority cabinets have been established in 1992, 1996, 2000, 2016 and 2020. During these election years, there were not any immense severe/major political dilemmas between different parties but prevailed in the closely allied parties and the factionalized majority party. The worst example was in 1996, the first time the democratic closely allied parties won the election and had 50 of the 76 seats in parliament (Oyumaa et al., 2017a). But they dismissed their governments four times in four years due to the influence of presidential powers and the opposition party in the parliament, the last one was dismissed a year before the election. At that time, these

government instabilities were an unacceptable mistake from the communist perspective of Mongolians on that occasion.

Currently, it still matters in terms of political instability and democracy consolidation in Mongolia. Since the adoption of a new constitution in 1992, Mongolia has had 15 Prime Ministers and 20 cabinets. Seriously, only the governments of 1992 and 2000 completed an official term of four years. Thus, it is complicated to expect good results from unstable cabinets. The fundamental issues of development are political stability and policy continuity. Today, it can be seen that Mongolia lacks institutional relationships due to unstable situations and dilemmas. In the case of Mongolia, the above-mentioned institutional dilemmas are more closely linked to the relations between the head of state – the president, the legislature, and the executive. These dilemmas were interrelated over a relatively short period in the context of semi-presidential situations. Indeed, these circumstances arose as a result of the political election but were considered a major factor in the dilemmas. Mongolia's experience under semi-presidentialism illustrates the importance of looking more closely at the political dynamics driving institutional changes, as these are likely to influence the subsequent democratic outcome. It also shows, however, that semi-presidentialism can present some particular challenges for young democracies in terms of institutionally driven dilemmas due to alternative presidential and parliamentary readings of the constitutions. Finally, Mongolia is a case where a change towards a more parliament-dominated semi-presidential regime paradoxically has had negative effects that in the long term may be more damaging in the long run than presidential-parliamentary gridlock pernicious than gridlock between president and parliament – there appears to be a troubling trade-off between government stability and governance (Moestrup & Ganzorig, 2007, pp. 182–183). Therefore, the theoretical framework and empirical evidence will be discussed in more detail in the literature review.

1. THE REVIEW OF LITERATURE ON DEMOCRACY, PRESIDENTIALISM VERSUS PARLIAMENTARISM AND SEMI-PRESIDENTIALISM

There is much different research among scholars on whether the two main systems of democracy, the parliamentary system, and the presidential system, strengthen or weaken democracy by exacerbating political dilemmas or creating a climate of calm. Some scholars also argue that a parliamentary system reduces political tensions and builds democratic stability more than a presidential system and vice versa. Similarly, some scholars claim that a semi-presidential system is seen as reducing political and institutional dilemmas and promoting democracy. However, others argue that the semi-presidential system itself is at the root of all dilemmas, especially for young democracies. The literature review aims to summarize these arguments within the democratic transition and consolidation. Thus, the chapter focuses on more detailed insight into how main systems work in democratic performance. The chapter includes first, the theory of democracy and its performance, second, the presidential and parliamentary system and their main differences, thirdly, theoretical, and empirical evidence of a semi-presidential system, and finally, the conclusion of the chapter.

1.1. Origin of Democracy and its Theories

Democracy relates to the political science of the ancient Greek philosopher Aristotle. Aristotle wrote, “now it is evident that the form of government is best in which every man, whoever he is, can act best and live happily”. He stated that there are three forms of government: monarchy (one), aristocracy (few), and a majority (many). If the king is well-mannered, he can be a good ruler, but he easily will be a tyrant. If aristocracy (few) rules focus only on the interests of the rich. Then they will be an oligarchy. But if everyone is involved in a state, the exclusion of interests of all others except the poor. Ultimately, the best structure would be a mixed political government of the rich and the poor based on a constitution (Taylor, 2012, p. 25). Democracy is a very challenging issue and the question of how the people will rule themselves will inevitably arise. To answer this question, it demands to explain what the term democracy means. This term consists of two Greek words *demos* (the people) and *kratos* (to rule). Although Aristotle wrote very clearly about democracy and majority rule, it was only a form of state possibly in the age of enlightenment,

from the 18th to 19th centuries (p. 31). Democracy is one of the most achievements in human history. Since the 19th century, democracy is mostly defined that it is "governed by and for the people". First, this quote was addressed by Daniel Webster in 1830-thirty-three years before Abraham Lincoln's Gettysburg address-in which he stated of a "people's government, made for the people, made by the people, and answerable to the people." (Lijphart, 2012, p. 1). In terms of understanding democracy, Robert A. Dahl's measurements of democracy are more suitable in 1974 which are cited by Lijphart:

> "The right to vote, the right to be elected, the right of political leaders to compete for support and votes, elections that are free and fair, freedom of association, freedom of expression, alternative sources of information, and institutions for making public policies depend on votes and other expressions of preference" (pp. 46 – 47).

Similarly, "for the people" implies Dahl's eighth criterion of responsiveness by the government to the voters' preferences (p. 47). However, these measurements give opportunities to people in terms of their participation in political activities, express expressing their ideas, requesting the right policies from politicians, making requirements for public services and so forth. The most important purpose of democracy is to build a good society for the people.

Huntington (1991) categorized three waves of democracy. The first wave was introduced with the American and French revolutions. The second wave began after World War II and lasted until the mid-1970s, while the third wave began in 1974 and continued to collapse the Soviet Union. He claimed that democratic transitions belong to these three waves in terms of the periods (Huntington, 1991b, p. 16). In terms of the third wave, one of the main ideologies of these democratizations came from immense ideological changes that have been described by Fukuyama's work "The End of History and the Last Man" in 1989 and 1992. He argued that it was the end of ideology that regimes of Eastern Europe based on Marxist-Leninist ideology had given their stages to liberal democracies. For this reason, Heywood (2017) claimed that Fukuyama's idea was very optimistic and based on a classic liberal ideology that spread all over the world to establish a good society (Heywood, 2017, pp. 627–629). One of these ideological movements and democratization cases was third wave countries called "young democracy", which is trying to consolidate a result of democratic transition within social and economic levels too. In Lijphart's account regards the third wave, the democratic transition is a good thing firstly but extending and

consolidating democracy is significantly important to stabilize democracy. Table 1.1 shows these examples of democracies including Mongolia that have been democratic since 1990 and classified by year of democratization (Lijphart, 2012, p. 52).

Table 1.1. Third wave-new democracies (1990–2000)

Year of democratization	Democracies
1990	Chile, Hungary, Namibia, Poland
1991	Benin, Bulgaria, Cape Verde, Lithuania, Mongolia, Slovenia
1993	Czech Republic, Estonia
1994	Latvia, Panama, South Africa
1995	Mali
1996	Romania, Taiwan
1997	El Salvador
1998	Dominican Republic, Slovakia
2000	Croatia, Ghana, Mexico, Suriname

Source: Lijphart, 2012.

In the last two decades, scholars such as Thomas Carothers, Larry Diamond, Morton Halperin, Michael McFaul, Joseph Siegle, and Michael Weinstein, among others have become increasingly involved in supporting democracy promotion. They emphasized that deepening the principles and rules of liberal democracy is a means to ensure human rights and human security at the international level. Based on the above criteria, they found that it is a tool to limit authoritarian leaders, increase public voice and participation, oust incapable leaders, and empower elected politicians to hold appointed officials accountable to the public. It is claimed that serving the public interest and resolving political dilemmas are solved more effectively (Norris, 2012, p. 3). For this purpose and consolidation, many countries consider democratic institutions based on liberal democracy principles. Thus, democracy is the foundation to build good democratic institutions and good governance. In terms of the liberal democracy perspective, Bruce Parrott put forward the simple definition cited by Bingol:

> "A political system in which the formal and actual leaders of the government are chosen within regular intervals through elections based on a comprehensive adult franchise with equally weighted voting, multiple candidacies, secret balloting, and

other producers, such as freedom of the press and assembly that ensure real opportunities for electoral competition" (Bingol, 2004, p. 46).

Nevertheless, today many countries belong to different forms of state regimes except democracy in terms of empirical evidence. Obviously, the main purpose of a regime is the result of development. It depends on several structural factors such as economic and social conditions, ethnic structure and dilemma, geographical location, natural resources, accumulation of human and physical capital, the historical course of the colonial administration, religious dominance and so forth. Thus, democracy refers to the free market, trade, economic development and human development indexes. Rapidly growing countries such as Brazil, India, and South Africa improved in this matter since the mid-1990s, following democratic regimes, increasing investment and trade, and improving domestic stability and living standards. Likewise, most of the democratically developed countries have good indexes concentrating on the three fundamental dimensions of "life expectancy, knowledge and wealth" (Norris, 2012, p. 144). It is a more precise indicator of development because it is more broadly accepted among social scientists (Lijphart, 2012, p. 58). From a simple observation of the two countries' cases, it is evident that the human development index has immensely changed in North and South Korea, which started from the same levels in the 1970s. Yet, currently, millions of North Koreans are starving to death due to long-term malnutrition and poor living conditions, and one in three girls suffers from malnutrition, while South Koreans live 14 years longer. These examples of the two Koreas' human development indexes can be seen in many international organizations' reports. Conversely, every democratic regime is unsatisfactory and does not improve the human development index. The authoritarian regimes have made significant progress in human development under the effective economic growth of China that has lifted a large number of people out of poverty, Singapore's one-party regime is building an orderly and prosperous society. It continued including Egypt's Mubarak and Morocco's Mohamed IV among others (Norris, 2012, pp. 12-13).

Moreover, democracy provides religious tolerance in society. It is shown that many democracies accept minority religions and give them the right to celebrate their religious holidays. But some non-democratic regimes control extremely high in this matter (Stepan, 2011, p. 121). Talal Asad (2006) claimed that in the full part of a democracy, different religious beliefs share values that enable citizens to have a common political life. These

values reflect the unity of the state that represents them. Without shared values, it is impossible to be integrated, without integration no political stability, without some measure of stability no justice, no freedom, and no tolerance (Asad, 2006, pp. 494–526). Moreover, democracy provides freedom of speech based on a liberal mind and individual rights. As Robert Dahl stated the most valuable thing is to ensure human rights and human security in a democratic regime. In a way, democratic governments should avoid many factors such as pressuring others to speak, publish, or express their views freely (Norris, 2012, p. 15). Not only free press is important for consolidating democracy but also these pillars are merely significant components such as civil society, private enterprise economy, and independent trade unions (Heywood, 2017, p. 83).

Today, there are many currents of scepticism that the consequences of democratic governance and its strengthening are inevitable. For example, proponents of state-building initiatives have advocated strengthening a good governance. This may be derived from democracy supporters see the central government as part of a problem rather than a function of meeting social needs and supporting development goals (Norris, 2012, p. 4). Democracy and good governance have been discussed as very similar in practice. It reflected the belief that good governance should include the values and principles of liberal democracy. Therefore, this concept needs to be corrected. In Pippa Norris's account, the numerous branches of research have led to intellectual divisions. Thus, scholars of public administration have turned their attention to the importance of public service delivery. Contrarily, scholars of international relations consider more on the capacities of the state such as the protection of security by military force and issues of international and civil dispute. Development economists emphasize the term governance in prosperity and property rights. Conversely, comparative political analysts focus on the democratization process and the transition of regimes.

While these divisions in the field of research are not rigid, it is obvious that there will be duplication at the academic level, but isolation within the social sciences has worsened intellectual divisions. Unfortunately, these divisions have influenced international organisations. For example, several international organizations such as the World Bank, International Monetary Fund (IMF), Transparency International, and the Global Integrity Project have been working to encourage good governance. Other organizations have focused on developing and strengthening democratic institutions such as the International Institute

for Democracy and Electoral Systems (International IDEA), the International Foundation for Electoral Systems (IFES), Amnesty International, Human Rights Watch, the Open Society Institute for Human Rights, Civil Society, and Independent Information. These organizations have implemented a program aimed at expanding civil society and independent media. Except for the United Nations Development Program, the United States Agency for International Development, and the United Kingdom's Department of International Development, very few development agencies have sought to reduce this gap by investing in both sides of democratic governance (Norris, 2012, p. 35). Ultimately, in countries that from a democratic transition to a consolidation process have strengthened the combination of liberal democracies and state-building initiatives through reducing institutional dilemmas, good governance can achieve development and sustain their results.

Likewise, this study does not dismiss the claim that these issues influence democratic performance, the main consideration of the study is on democratic institutions, or, more accurately, the internal institutional design of executive-legislative relations. It does not argue that executive-legislative relations have a larger explanatory influence than other issues on democratic performance. However, the study tests the effects of four situations of semi-presidentialism based on the primary and secondary data analysis in terms of the single case study. This approach forms part of the new institutionalism in the literature, democracy depends not only on economic and social conditions but also on the understanding of the internal structure of political institutions (Olsen, 2007, p. 106). Thus, the hypothesized effects of situations on the level of institutional dilemmas between the legislative and the executive were examined under the democratic system.

1.2. Forms of Government: Parliamentarism and Presidentialism

There are main two mainstreams in a democracy which are presidentialism and parliamentarism. They are opposite structurally related to how these models set out rules for the appointing and dismissing of government. Nonetheless, in contemporary times it is more problematic in terms of functional differences. Sometimes parliamentary systems may function as presidential ones while presidential systems may function as parliamentary ones (Albert, 2009, p. 531). In the literature, there are several debates between scholars that which institutional framework supports democracy preeminently. Most of them have provided assumptions that parliamentarism supports a more constitutional framework for

consolidating democracy rather than presidentialism (Lijphart, 2012; Linz, 1990, 1994; Mainwaring, 1993; Riggs, 1997). Moreover, some scholars highlighted that presidential democracies are more prone to the instability of politic and collapsing democracy in transitional countries than parliamentary democracies (Cheibub, 2007; Power & Gasiorowski, 1997). Thus, these systems have main differences structurally and functionally.

Lijphart (2012) states that there are three important differences between these two mainstreams. First, in parliamentarism, the prime minister is accountable to the legislature in the sense that the prime minister and his or her cabinet depend on the confidence of the legislature, which can be removed by a vote of no confidence or censure.[3] In presidentialism, the head of government is elected for a constitutional term and, under normal circumstances, cannot be forced to resign by a vote of no confidence in the legislature. However, it may be possible to impeach the president who initiated the criminal case. The second difference between presidential and parliamentary governments is that the president is elected popularly or through a popularly elected presidential electoral college, and the prime minister is selected by the legislature. The third difference is that the parliamentary system has a collective or collegial executive branch, while the presidential system has a one-person, non-collegial executive branch. The prime minister's position in the cabinet may vary from equality with other ministers, but cooperation in decision-making is relatively high. On the contrary, members of the president's cabinet are merely advisers to the president and lower-ranking officials. The most important decisions in the parliamentary system must be made by the Cabinet as a whole, not just the prime minister; The most important decisions in a presidential system of government can be made by the president on the advice of the government or not (Lijphart, 2012, pp. 106–107).

Likewise, Mainwaring and Shugart (1997) expressed five elements in terms of differences between the two mainstreams. First, the presidential system creates the issue of "dual legitimacy". In a presidential system, the president and the legislature are elected by the popular and oversee the executive. So when these two institutions are led by opposing political forces, "Who is more legitimate to speak on behalf of the people based on principles of democracy: the president or the majority of parliament who oppose his policies?". If these

[3] Lijphart explained different official titles in parliamentary systems, the head of government as prime minister, premier, chancellor, minister-president, Taoiseach (in Ireland), and even "president" (in Botswana). The study generically terms the prime minister, and his or her cabinet.

institutional dilemmas exaggerate to a greater extent in this situation, either the president or the prime minister may seek military assistance to seize all power. In parliamentarism, however, there are no "dual legitimacy" problems, as the legislature creates executive power. If a parliamentary majority supports a change in policy direction, it is viable to dismiss the government by passing a no confidence vote. Second, presidentialism is too "rigid" to deal with the complex relationship between the executive and the legislature or political dilemmas. In terms of the institutional nature of presidentialism, both the president and the legislature are elected for a fixed term and have independent offices and existences. This feature of the institution is believed to create "rigidity" which means that it is not viable to respond to changing political situations in presidentialism. The legislature and the executive may be at risk of dispute and violence, which could lead to the illegal overthrow of the regime since the president cannot be replaced by someone who wants to compromise with the opposition. The parliamentary system, contrary, allows for the dismissal of the executive, thus preventing the political crisis from turning into a regime crisis.

Third, the position of president is indivisible, making it unsuitable for coalition formation and democratic stability. The presidential rule has a "winner-take-all" outcome. It introduces a strong element of the zero-sum game in democratic politics. The president merely represents his or her political party. Thus, the presidential party "takes it all" and the defeated party "loses everything". The presidential election makes politics a zero-sum game and encourages centrifugal polarization among voters. In contrast, the parliamentary system promotes power-sharing politics. A majority party which has fewer seats in the legislature is pushed to share power with another party depending on the situation. Fourth, the presidential system is seen as allowing the president to abuse his legal authority. Due to that, the president is the elected representative of all people. It tends to link with disregard for the opposition, sometimes disrespectful and even hostile relations. The existence of a president does not depend on the trust of the legislature, which means that institutional dilemmas are always latent. Finally, a "political outsider" further complicates the effective relationship between the executive and the legislature who are not recognized or supported by a political party and sometimes has no governmental or political experience, usually based on the hostility of leading politicians. They are more likely to connect the chief executive officer in the presidential system and possibly to lead the effects of instability. However, individuals elected by direct popular vote are less dependent on political parties and more likely to rule in populist and anti-institutionalism ways (Mainwaring & Shugart, 1997, pp. 450–451).

Moreover, Lijphart (2012) identified additional parliamentary and presidential contrasts based on empirical evidence. First, the separation of powers in presidentialism not only implies the independence of the legislature and the executive but also the rule that one person cannot serve both at the same time. Conversely, parliamentarism means that the executive institution depends on the confidence of the legislature and members of parliament can be members of government. Many parliamentary systems, especially those in the former British colonies including the United Kingdom, have an almost absolute requirement that members of the government be members of the legislature. On the other hand, it cannot combine government membership with parliamentary membership in several countries such as Luxembourg, the Netherlands, and Norway. However, members of the government can and do participate in parliamentary debates. The rule of inadequacy emphasizes the independent status of the chamber, which tends to strengthen the government's power over parliament but cannot be considered a minor change in the form of parliament.

Second, the main difference between a presidential system and a parliamentary system is that the president does not have the power to dissolve the legislature, but the prime minister and his cabinet can do. One exception on the Presidential side is that the French President has the power to dissolve the National Assembly. Another exception is the Israeli resignation in 1996-2003, which is an example of mutual dismissal and new elections for both. There is a wide range of alternatives for a parliamentary system. In many British and British-inspired systems, the power to dissolve is almost unlimited, and this is the prerogative of the prime minister. In Germany and several other countries, parliaments can be dissolved only under exceptional circumstances and not by executive decision. In Norway, parliament is elected for a four-year term and cannot be dissolved at all. The executive has a clear influence on whether it does or does not have power over the legislative. However, this is not the main difference between the two systems.

Third, the parliamentary system often has a dual executive branch. It is a symbolic and ceremonial head of state with little power called a monarch or president. However, the prime minister is the head of government and has most of the executive power in conjunction with the cabinet. The usual rule in the presidential system is that the president exercises both the head of state and the head of government. However, there are major exceptions on both sides. Botswana has a prime minister who is the head of state and the head of government. He or she, therefore, has the official title of “president”, elected by the legislature. Another

example is democratic South Africa, where the first head of government was President Nelson Mandela, who was not a president in the presidential system, but a head of government and head of state in the parliamentary system. If the prime minister of Israel, who was directly elected between 1996 and 2003, can indeed be considered the president of the presidential system, then Israel is an example of a dual presidency instead of a single executive. In addition to the prime minister, there was a president who was the head of state. Another example of the dual executive is in principle consistent with the presidential form of government where a prime minister is directly elected in the Netherlands. The plan, which was widely debated between the 1960s and 1970s, elected the prime minister for a four-year term, without parliamentary confidence, but not changed the monarchy. In fact, such a "prime minister" would be the head of the government during the presidency, but not the head of state, because the monarch will continue in office. Yet, it is not an essential distinction between the presidential and parliamentary forms of government (Lijphart, 2012, pp. 113–115).

The diversity of empirical findings in the literature is still debatable as to which of the parliamentary and presidential systems contributes to consolidating democracy, or which president or prime minister has more power. Linz (1994) concluded that the separation of power that defines presidential rule encourages presidential institutions to govern against each other. In a presidential system, political instability can lead to regime instability because the president does not have an effective mechanism to regulate the executive and the legislature gridlocks. Thus, it is "no coincidence that in some of these situations, the military intervenes as a moderator" (Linz, 1994, p. 7). In a parliamentary government, the structure of the executive-legislature relationship is "hierarchical" because the executive is subordinate to the legislature (Shugart, 2006, p. 353). The legislature can prevent the resignation of the government, exacerbate institutional dilemmas, and further democratic instability. Several empirical quantitative studies have tested Linz's thesis that parliamentary systems are more conducive to democracy than presidential systems. Stepan and Skach (1993) confirmed that parliamentarism encourages a more constitutional framework rather than presidentialism for consolidating democracy. Parliamentary systems have some characteristics that they described:

> "It's a greater propensity for governments to have majorities to implement their programs; its greater ability to rule in a multiparty setting; its lower propensity for

executives to rule at the edge of the constitution and its greater facility at removing a chief executive who does so; its lower susceptibility to a military coup; and its greater tendency to provide long party-government careers, which add loyalty and experience to political society" (Stepan & Skach, 1993, p. 22).

Likewise, Przeworski, Alvarez, Cheibub, and Limongi (2000) conducted a comparative study on two systems and their regime changes and stabilities in "Democracy and Development: Political institutions and well-being in the world, 1950-1990" and analyzed historical observation of 141 countries. They concluded that:

"The presidential democracies are less durable than parliamentary ones. This difference is not due to the wealth of the countries in which these institutions were observed, nor to their economic performance. Neither it is due to any of the political conditions under which they functioned. Presidential democracies are simply more brittle under all economic and political conditions" (Przeworski et al., 2000, p. 136).

In a similar vein, Maeda (2010) found that parliamentarism is more supportive of democracy but presidentialism is characteristically more prone to democratic collapse. In his account, there are two modes of democratic breakdown whose risks are influenced by different factors. The risk of exogenous terminations is "cases where democratic governments were thrown out by forces outside of the government, typically by the military". However, the risk of endogenous terminations is "cases where democratically elected leaders made their political systems undemocratic" (Maeda, 2010, p. 1135). His finding was associated with the long-standing notions that "governments with high legitimacy deter military coups and that people's discontent erodes the government's legitimacy". Economic growth affects democratic durability by lowering the chance of a military coup. Thus, presidential governments, in contrast, have a higher chance of endogenous termination than parliamentary governments. He concluded that "presidents in presidential systems are more likely to become authoritarian than prime ministers in parliamentary systems. Dilemmas with other governmental institutions that may arise due to separation of powers which persuades presidents to achieve their goals based seeking unconstitutional measures to achieve their goals" (p. 1141).

On the contrary, some scholars disagree with Linz's argument that presidentialism is characteristically more brittle for the predictions of consolidating democracy in transiting

countries than parliamentarism (Power & Gasiorowski, 1997; Cheibub, 2007). Cheibub (2007) recognizes presidential democracies are unstable because they tend to exist in countries that have experienced military dictatorships. It is determined by military or civilian dictatorships in a democracy. If democracies are based on military dictatorships, which are more unstable than civilian dictatorships. Thus the factual dilemma of presidential democracies is not all regarded as "institutionally flawed" but it depends on existing societies where democracies of any type are likely to be unstable (Cheibub, 2007, p. 3). Similarly, Power and Gasiorowski (1997) concluded that the "failure rates of democracies between presidentialism and parliamentarism are nearly identical" in the third world between 1930 and 1995. They examined Linz's hypothesis concerning the superiority of parliamentary institutions as they relate to democratic survival by using a dataset of the political regime change (Power & Gasiorowski, 1997, p. 137). Equally, their findings dismiss the hypothesis of Mainwaring and Shugart that presidentialism and multi-partyism constitute a difficult combination (Mainwaring & Shugart, 1997).

However, Power and Gasiorowski's study examines the institutional influences on the survival or collapse of democracy. Reich (2002) emphasized that in fact, "semi-democracies" emerged in many third wave democracies in which the politics of rival parties coexist with executives who rely heavily on authoritarian practices (Reich, 2002, p. 1). Interestingly, Sing (2010) defined that presidential systems fail due to ineffective legislatures that are unable to keep civil oversight over the military. Moreover, it was influenced by an unfavourable United States foreign policy. These findings were based on an original dataset containing 85 countries in the world between 1946 and 2002 (Sing, 2010). Then, he rejected both Linz's (1994) argument and Cheibub's (2007) claim that military legacy clarifies the breakdown of presidential democracies. It is stimulating that as Lijphart wrote the United States president's preeminent power is over foreign policy and the fact that the superpower status of the United States means that have to be made many crucial decisions in this area (Lijphart, 2012, p. 116). Lastly, some research has questioned the validity of concepts like "presidentialism" and "parliamentarism" (Cheibub et al., 2013; Fortin, 2012). Then, the explanatory power of the concept is open to question within the institutional variation in the presidential system.

Ultimately, there are strong theoretical arguments against the presidential system. Yet, empirical evidence is disputable on parliamentary and presidential democracy due to many

strong arguments supporting and criticizing both systems. Overall, scholars support the notion that parliamentary democracies live longer than their presidential democracies (Lijphart, 2004, p. 102). This conclusion is merely associated with the basic assumption that presidentialism is more brittle to institutional dilemmas than parliamentarism. But in parliamentary systems, the combination of proportional representative and parliamentary government leads to weak and unstable cabinets (Lijphart, 2012, p. 298). As noted above, during the third wave of most democracies, the newly independent states moved to a semi-presidential form of government (Reich, 2002, p. 1). Therefore, it can be considered what is the level of institutional dilemmas between these theoretical arguments and empirical evidence in a semi-presidential system.

1.3. Concept and Theoretical Framework of Semi-Presidentialism

Scholars clarified the main characters and differences between the presidential and parliamentary systems. Then, they conduct many research that which system supports consolidating democracy or which one does not support transition and consolidation of democracy within the theoretical and empirical research. Yet, some scholars who attempt to define semi-presidentialism found the results of theoretical frameworks and their situations. This section will examine the concept and theoretical framework of semi-presidentialism. Then, it will describe what situations arise as a result of semipresidentialism and how it will influence institutional dilemmas.

1.3.1. Theoretical Framework of Semi-Presidentialism

The concept of a semi-presidential system was first written in 1960 by Maurice Duverger. He considered the 1958 French Constitution to include both parliamentary and presidential regimes (Duverger, 1960, p. 686). However, as Colton and Skach noted, in 1962 the constitution was amended, and the head of state was elected through a direct election. “The French enjoyed consolidated presidential and legislative majorities in the National Assembly for two continuous decades after the first direct presidential election in 1965” (Colton & Skach, 2005, p. 124)” Then, Duverger (1966) wrote the regime of the Fifth Republic of France resemblance the regime that has been in the Weimar Republic (Duverger, 1966, p. 492). In 1970, the term was suggested by him and should be called “semi-presidential”, the form of government intermediary between presidential and parliamentary

systems. This system has a directly elected president whose powers are stronger than a president in a parliamentary system and a prime minister is the head of government who is composed of their ministers and can be dismissed by parliament. Then, he defined semi-presidentialism as characterized by the main three elements: "(1) the president of the republic is elected by universal suffrage, (2) he possesses quite considerable powers; (3) he has opposite him, however, a prime minister and ministers who possess executive and governmental power and can stay in office as long as the parliament does not show its opposition to them" (Duverger, 1980b, p. 166).

In the end, his definition came to the attention of political scientists and received widespread debate and support for semi-presidentialism. Since then, many studies have cited the results of semi-presidentialism in works of literature within the theoretical and empirical evidence. In the literature on semi-presidentialism, there are different points of scholars based on their confusions, paradoxes, disagreements and so forth. The definition of Duverger has been widely supported (Linz, 1994; Mainwaring, 1993; O'Neil, 1993; Pasquino, 1997), sceptic (Shugart & Carey, 1992; Lijphart et al., 1993; Merkel, 1996), and criticized (Bahro et al., 1998). However, a group of scholars are still sceptical of the concept of a semi-presidential system. Shugart and Carey (1992) originally considered Duverger's concept to be "misleading", replacing their "premier-presidential" concept in which the president is not necessarily the "chief executive", but rather must coexist with a premier, who is head of the government (Shugart & Carey, 1992, p. 23). Their second concept was a "president-parliamentary" in which "the popularly elected president appoints and dismisses the cabinet ministers, they are subjected to both parliamentary and presidential confidence and the president has the power to dissolve parliament or legislative powers or both" (p. 24). Lijphart first was doubtful to use the semi-presidentialism term, but he has adopted it due to using the term increasingly. He claimed that if the president is the head of government, it is mainly a presidential system, if the prime minister assumes this role, it moves to a parliamentary system. The Fifth Republic of France has been not fully presidential, but a semi-presidential regime (Lijphart et al., 1993, pp. 307–308). Soon Lijphart (1997) wrote that "most systems that appear semi-presidential can be classified either as mainly presidential or as mainly parliamentary; hence the semi-presidential category becomes a nearly empty cell" (Lijphart, 1997, p. 127). In other words, Lijphart highlighted a semi-presidentialism is characterized by a popularly elected president and a prime minister dependent on a parliament. He uses presidential powers in his empirical research in which most "semi-presidential" systems are

subsumed under parliamentary systems in his classification of democratic systems. Then in this context, he asked that "Who is the real head of government?" (Lijphart, 2012, p. 110).

Klaus von Beyme was ambiguity ambiguous to use this term. Beyme (1973) understands semi-presidentialism as a mixed system of *Mischform* between presidential and parliamentary regimes. He provides the French Fifth Republic along with the Weimar Republic as the two leading examples of this hybrid system *Zwittergebild*. Besides, the parliament can dissolve the cabinet. The president has a power which may dissolve the national assembly and thus, enforce loyalty from the parliamentary majority. Therefore, the French system is a presidential system, where the president is the head of the executive and the legitimate power of the president is given by universal suffrage. The cabinet is dependent upon both the president and parliament, which may lead to a diverse range of situations (Beyme, 1973, p. 381). However, he soon agreed with scholars that semi-presidentialism was about to create a new form of a democratic regime and that the semi-presidential system was "basically a sub-type of the parliamentary regime". The French case is "closer to a parliamentary regime than an authentic presidential system" (Beyme, 2001, p. 15). Likewise, many scholars consider the semi-presidential system to be subspecies that are divided into two traditional forms: parliamentary and presidential. They often use the example of The Fifth Republic of France and the Weimar Republic. Ultimately, David Bell (2004) explains that the French system is presidential. This is because the president is the head of state and the head of the executive branch (Bell, 2004, p. 535).

There is also a group of scholars who have come up with their definitions from many angles in support of the importance of the Duvergerian approach. These scholars explain the semi-presidential system mainly in terms of the presidential powers and the institutional design. O'Neil (1993) wrote about semi-presidentialism as a system in which executive power is divided between a president and a prime minister, whereby the president has significant executive powers (O'Neil, 1993, p. 197). Mainwaring and Shugart (1993) asserted that presidential powers are vital in semi-presidentialism and defined a regime thus, "(1) the president is elected by popular vote, (2) the president names a premier who is head of government, (3) the premier and cabinet depend on the confidence of the legislature alone, and (4) the president has meaningful political powers, usually including the power to dissolve parliament" (Mainwaring, 1993, pp. 202–203). Likewise, Linz (1994) insisted that a popularly elected president coincides with a premier, who is appointed by the president but

who depends on the confidence of parliament. Meanwhile, the president can dissolve parliament. In his definition, he indirectly includes the notion of presidential powers in the interpretation of semi-presidentialism, which is defined to consider a dual executive situation (Linz, 1994). However, Pasquino (1997) defined that three main elements must be considered semi-presidential if "(1) the president of the republic is directly or indirectly elected by a popular vote; (2) the president of the republic has the power to appoint a prime minister and, within limits, to dissolve parliament; (3) the prime minister is subject to an implicit or explicit confidence vote by parliament". He continued that whether defined or redefined, this regime designs a dual authority structure (Pasquino, 1997, p. 130). Likewise, Skach (2005) claimed that there are two key features which are a dual executive and the unequal legitimacy of a semi-presidentialism. Many countries have the constitutional characteristics in common "first, the head of state is a directly or indirectly elected president with a fixed term of office and second, the head of government is a prime minister, usually appointed by the president, and who is responsible to the legislature". Thus, an outstanding feature of this system is:

> "Semi-presidentialism is the existence of two executives. Executive power is shared between the president and prime minister and sharing by definition excludes a neat division of power, leading to ambiguity. Moreover, the legitimacy, accountability and responsibility of the two executives are fundamentally different. The prime minister emanates from the legislature and is responsible to it, whereas the president has greater autonomy from the legislature and can survive without its approval. This autonomy sets up incentives for the president to push his agenda, even if it means invading the prime minister's domain" (Skach, 2005, pp. 13–14).

In terms of institutional, classification of regime types, Anckar (1999) used four criteria that two of which are related to the presidential powers vis-à-vis government: powers in the government formation process and powers to act independently of the government. Two further criteria are related to the presidential powers vis-à-vis parliament: the dissolution power and the legislative veto power. Table 1.2 shows these powers that the presidential power over the cabinet can be strong (the president may appoint the cabinet and act independently of it), moderate (the president has at least one of the powers) or weak (the president does not have the powers at all). The same logic holds for presidential powers over

parliament. The regime is semi-presidential if the president has either a moderate or strong power towards the government and parliament (Anckar, 1999, pp. 258–259).

Table 1.2. Regime types and characters

		Presidential position visa-a-vis parliament		
		Strong	Moderate	Weak
Presidential position visa-a-vis government	Strong	Semi-presidentialism	Semi-presidentialism	Balanced regime
	Moderate	Semi-presidentialism	Balanced regime	Semi-presidentialism
	Weak	Balanced regime	Semi-presidentialism	Semi-presidentialism

Source: Anckar (1999, p. 258)

Likewise, many scholars claim that semi-presidentialism is associated with the institutional stability of new democracies in terms of specific forms (Elgie, 2005; Samuels & Shugart, 2010; Shugart, 2006; Shugart & Carey, 1992). Elgie (2005) defined semi-presidentialism as "the situation where a popularly elected fixed-term president exists alongside a prime minister and a cabinet who are responsible to parliament". His definition leaves out "the presidential powers" as a discriminatory property of semi-presidential regimes. Elgie (2005) suggested three different types of relationship in semi-presidentialism cited by Pasquino: "(1) presidentialized semi-presidentialism characterized by the supremacy of the president, (2) balanced semi-presidentialism, and (3) parliamentarized semi-presidentialism characterized by the existence of ceremonial president who does not challenge the role and powers of a prime minister" (Pasquino, 2007, p. 16). Then, he (2005) evaluated that highly presidentialized semi-presidential countries tended to be negative, parliamentarized semi-presidential countries with a ceremonial president have to tend to be positive and balanced semi-presidential countries are unclear. These regimes have managed the democratization process, while others have ended up with failures (Elgie, 2005, p. 110). His definition has generally been used by scholars on semi-presidentialism as standard, common or universally accepted (Cheibub & Chernykh, 2009; Neto & Strøm, 2006; Schleiter & Morgan-Jones, 2009). Elgie and his followers were supported by academics approaching semi-presidential regimes from a principal-agent perspective. They illustrate that semi-presidential regimes have a distinct formal constitutional structure as well as a

specific pattern for the chain of delegation, which shapes "the pattern and scope of potential variation in the de facto control of semi-presidential governments" (Neto & Strøm, 2006; Samuels & Shugart, 2010; Schleiter & Morgan-Jones, 2009). In these studies, the criterion of presidential powers is not an initial issue in relevant cases but will be the main criterion in terms of subtypes of semi-presidentialism (Siaroff, 2003, p. 292).

Some scholars combine the institutional features of semi-presidentialism with political variables (party), especially concerning the relationship between the president and the parliamentary majority. In political practice, presidential powers are operationalized not just in terms of formal constitutional powers but also in terms of the political constellation. Sartori (1994) stressed that popularly elected president and prime minister share the executive power, which is defined as "dual authority" within the main three criteria:

> "(1) The president is independent of parliament, but is not entitled to govern alone or directly and therefore his will must be conveyed and processed via his government; (2) The prime minister and his cabinet are president-independent in that they are parliament-dependent: they are subject to either parliamentary confidence or non-confidence (or both), and in either case need the support of a parliamentary majority; (3) The dual authority structure of semi-presidentialism allows for different balances and also for shifting prevalence of power within the executive, under the strict condition that the 'autonomy potential' of each component unit of the executive does subsist" (Sartori, 1994, p. 132).

1.3.2. Subtypes and Situations under Semi-Presidential Systems

As noted above, Shugart and Carey (1992) considered further subtypes of semi-presidentialism into "premier-presidential" and "presidential-parliamentary" systems based on the presidential power to dismiss the government. They stated that the main distinction between these two subtypes is that the head of state is empowered to dismiss the head of government and his or her cabinet in presidential-parliamentary systems. This particular situation treats the instability of government and unstable regimes while the president and parliament are of opposing political tendencies (Shugart & Carey, 1992, p. 125). At the root of the problem is the president's nomination to appoint a prime minister in the presidential-parliamentary system. If the president and parliament are in dilemma, the parliament can dismiss the prime minister, but cannot appoint him or her. Then, it creates an "appointment

and dismissal game" due to the asymmetrical power balance. As president, he or she can appoint his favourite candidate as prime minister, but he can be dismissed by parliament if the parliament does not support him. If it will continue in a conflictual way between the presidential and parliament can lead to regime instability.

In premier-presidentialism, this type of game does not exist but it requires more consultation on the appointment of the prime minister and cabinet members between the president and parliament. This formula of democracy can lead to the parliament can dismiss the government prematurely. The presidential power is to propose the appointment of a prime minister, and the fate of the cabinet depends entirely on parliament. Thus, if the parliament does not approve the nominated candidate by the president, both sides will have to compromise to avoid cabinet instability. In premier-presidentialism, a prime minister is acceptable by both parliament and the president (Shugart & Carey, 1992, pp. 120–121). Similarly, Merkel argued that semi-presidentialism should be further divided into two subtypes: "presidential-parliamentary" and "parliamentary-presidential". These subtypes are characterized by a dual executive, constituted by a directly elected president along with a prime minister nominated by the president and elected by parliament (Merkel, 1996, pp. 77–78). Obviously, these intra-executive and dual legislative have tensions in many areas. One of the most vital areas for a semi-presidential system is institutional dilemmas essentially in terms of the constitutional framework. These categories are constitutional rules and procedures, but on the other hand, they are considered to be circumstances arising from elections.

It affects to create institutional dilemmas in terms of four main situations that arise from the semi-presidential system: cohabitation, a divided minority government, a divided government, and a unified majoritarian government (Linz, 1994; Linz and Stepan, 1996; Skach, 2005, Beuman, 2013). These situations are more common in third-wave democracies. Skach (2005) introduced a little differently that three subtypes occur in semi-presidentialism due to the interaction of constitutional rules and procedures: the consolidated majority (the president and prime minister enjoy the same majority in parliament), a divided majority (the prime minister has a majority, in contrast to the president) and a divided minority (neither the president nor the prime minister has a majority). She asserted that these situations arise from a country's voters and party system characteristics in the result of elections (Skach, 2005, p. 15).

1.3.2.1. Cohabitation

The first situation is cohabitation which was defined that "the situation where a president from one party or coalition shares power with a prime minister from an opposing party or coalition". Under cohabitation, the cabinet doesn't include representatives from the president's party (Elgie, 2004, p. 328). Skach (2005) wrote that cohabitation is usually in the French literature and referred to as the divided majority, "conveying the idea that two non-compatible fellows are forced to live together" (Skach, 2005, p. 17). In cohabitation, theoretically, both the president and the prime minister can be enjoyed by the legislative majority. Empirically, the prime minister should be more enjoyed by the legislature. As for the president, depending on constitutional stipulations and conventions, support that the president is allowed to choose the prime minister from the majority party or coalition with the most seats. Moreover, cohabitation can lead to an inability or even aggravation of decision-making, leading to political and constitutional crises. Legislative paralysis is when the president uses his powers to delay or hinder a decision or action. Thus, scholars warn that dilemmas between political actors can lead to constitutional crises and illegal use of their powers, especially in the area of defence. Skach (2005) warned that:

> "There is a legislative majority to support the government, some continuity and government viability is expected. Yet, this subtype is more prone to conflict than consolidated majority government (unified majority government). If the president has her agenda and is not willing to yield to the prime minister, as is most probable when the ideological (or other) cleavage separating the legislative majority and the president is deep, or when the president is determined to exercise her powers fully, then the tensions in the model may lead to conflict. In this case, the president often retains access to decree and emergency powers and direct command of the armed forces. A president may use these powers to counter-balance the prime minister's legislative majority" (p. 17).

Linz and Stepan (1996) feared that the presidential party is not represented in the cabinet which is associated with the instability of democracy. In this case, cohabitation pushes the prime minister and the president into a struggle for power. It can lead to an inability or even aggravation of decision-making, leading to political and constitutional crises. Legislative paralysis is when the president uses his powers to hinder a decision or action. Thus, scholars warn that dilemmas between political actors can lead to constitutional

crises and illegal use of their powers, especially in the area of defence. A semi-presidential system is characterized by a policy dilemma between two democratic institutions. In addition, they stated that dilemmas between the president, the legislature, and the executive institutions are less likely to threaten democracy when they respect each other and do not intend to remove the other. But when the system is delegitimized, supporters of one or the other component do not feel the political system they wanted if their institutions do not take prevail. Therefore, in this case, one of the branches of the legitimized rule structure disappeared or closed, threatening the democratic system that is endangered and suffering (Linz & Stepan, 1996, pp. 286–287). This is especially evident during cohabitation. Thus, some scholars reveal the causal relationship between cohabitation and the breakdown of democracy.

1.3.2.2. Divided Minority Government and Divided Government

A second challenging situation is a divided minority government in semi-presidentialism. Skach (2005) insisted that "a divided minority government is potentially the most problematic subtype of parliamentarism. Moreover, a divided government is the most problematic subtype of presidentialism" in terms of the effect of a situation. This situation is not often distinguished in the literature. Here, neither the president nor the prime minister nor any political party or coalition enjoys having a substantive majority in the legislature. So, since there is no certain majority, it means that it is led to an uncertain scenario that includes increasing the possibility of interference by the president as the party coalition and the government change, the immunity of the legislative institutions weakens, the instability of the government increases, the change of the government cabinet due to the minority reaches its peak, and the president tries to use his powers to the limit of the constitution, and so forth. As a result, chaos is a fundamental factor that affects the creation of society. In terms of the presidential position, "the president is frozen in this scenario for his full term or until a majority in the legislature can be formed". Thus, the president pushes to call for the early election of the parliament. However, in a situation where the political party itself cannot control the political majority, and there is an anti-party president, this problem will become even more difficult (Skach, 2005, pp. 17–20). It is also influenced to push the coalition government. Thus, a divided minority government and a divided government create similar effects that form a coalition government.

The third situation is a divided government, which is believed to exacerbate more institutional dilemmas. Shugart (1995) used the term divided government which refers to "a situation in which a legislative majority is held by a party or pre-election coalition that is different from that of the president". From this point of view, it can be seen "as a form of the coalition government" (Shugart, 1995, p. 327). Unlike cohabitation, the presidential party is represented in the cabinet. It is also deemed to be a perilous situation due to the president's party is the sole party that competes for a real majority. Then it provides the president with opportunities that he or she tries to accumulate his legislative and executive powers, which will lead to hyper-presidentialism (Lijphart, 2004; Pasquino, 2007). Thus, an institutional dilemma is expected to take place between the president and the parliamentary majority. Even occurs between the parliamentary majority and the prime minister due to presidential influences. In other words, "political and institutional degeneration" is created on the result of in which presidential ambitions first and concentrating power on a president (Pasquino, 2007, p. 25). Thus, during the divided government, the president played an active role between the parliament and the government to increase his political power. It pushes the situation that the president and prime minister become more political allies (Beuman, 2013, p. 146). Indeed, the result is often considered to be a lack of accountability and conspiracy. In this case, while the president is the de facto party leader, the government's accountability to parliament reduces due to subordination between the prime minister and the president (Duverger, 1980b; Samuels & Shugart, 2010).

1.3.2.3. Unified Majority Government

The fourth situation is a unified majority government. This form of situation is created when the president and prime minister and parliamentary majorities belong to the same political force. In this situation, most scholars are predicted that the president and prime minister have a little conflictual level. Skach (2005) argued that a unified majority government is the main subtype to reduce institutional dilemma, this subtype allows a great opportunity for both the parliament and the government to accomplish their agenda (Skach, 2005, p. 15). Because it influences the chances that governments will be more stable due to an increasing legislative majority. Elgie (2001) wrote:

> "Unified majority government is one where the party represented in the executive is supported by more than 50 per cent of the deputies in parliament, whereas a divided

minority government is where the governing parties are supported by less than 50 per cent of the same". There may also differences on the occasion of two branches of government in terms of political nature that "must derive from divided parties, not divided government" (Elgie, 2001, p. 6).

However, Skach (2005) warned that the unified majority government is not immune to dilemmas if "the president and prime minister are from different factions within the majority, a dilemma may increase". This is because the main dilemma arises from the semi-presidential constitution, which divides the executive into two. In particular, personal differences play a crucial role that who should direct government between the president and the prime minister. If the president has a leadership role, dominates the legislature and executive. Or, a president may decide to dominate "because he loses confidence in his prime minister and doubts his capacities" (Skach, 2005b, p. 16). Thus, if the president is a partisan leader, he tries to accumulate too much power in the executive and the legislative which is the main risk of a unified majority government (Beuman, 2013, p. 173). This complexity provides him or her with a "tunnel" to becoming a dictatorial leader. Yet, Skach concluded that "a unified majority government is the least risk-prone for the democratic breakdown because the potential for the institutional dilemma is minimized, and so then is the system blame that could accompany such conflict" (Skach, 2005, p. 16).

1.4. Empirical Evidence of Semi-Presidential Effects

Scholars have drawn their conclusions from many aspects of the semi-presidential system and focused on power-sharing, the level of presidential power, and the relationship between democratic institutions and the strengthening of democracy. Linz (1994) insisted that some forms of semi-presidentialism may encourage democratization in which the president was a figurehead and the system resemblance a parliamentary system in terms of functionality. Linz and Stepan (1996) reiterated it in terms of cohabitation in the Poland case, power struggles for the executive played a crucial role which threats to vulnerable new democracies (Linz, 1994; Linz & Stepan, 1996). On the contrary, Sartori (1994) argued that a more semi-presidential system strengthens democracy. Perhaps the semi-presidential system was new to young democracies at the time, but much research and argument have been made in this area. Azevedo and Nijzink (2007) stated that the semi-presidential system is a flexible system that stabilizes democracy within the case of Guinea-Bissau. Since there

is an advantage of semi-presidentialism in their theory, this system tends to distance the president from everyday politics as far as possible. The case of Guinea-Bissau, however, has not yet achieved this beneficial effect (Azevedo & Nijzink, 2007, p. 156).

Shugart and Carey (1992) and Elgie (2005) claim that the semi-presidential system has many variations that exist in several forms both institutionally and behaviourally rather than forms a coherent group or the rubric of semi-presidentialism. For example, cohabitation affects instability in the subtype of president-parliamentary regimes where in this system president selects and sacks the prime minister like in Russia and Guinea-Bissau. Then, presidents easily resign their prime ministers during a dilemma or disagreement with the policy. So intra-executive dilemmas will not occur practically when their relationship is hierarchical. Thus, the premier-presidential subtype pushes intra-executive dilemmas under the cohabitation situation. In contrast, there are institutional dilemmas between the president and the parliament that may disturb president-parliamentary democracy. It is observed in political practice that president-parliamentary democracies are more unstable in Africa and Central Asian Turkic Republics than premier-presidential regimes in Eastern Europe (Shugart & Carey, 1992; Elgie, 2005). Elgi (2011) studied the comparative effects of two main subtypes and demonstrated that there is a worse performance of constitutions in countries with president-parliamentary than in countries with premier-presidential counterparts. He concludes that "under president-parliamentarism, the president and the parliament have tried to govern against each other, in contrast, under premier-presidentialism there has been a greater degree of cooperation". Thus, in terms of democratic consolidation, premier-presidential democracies exist longer than their president-parliamentary counterparts due to being less susceptible to the institutional dilemma (Elgie, 2011, p. 35).

Elgie and Schleiter (2011) focused on the impact of institutional variation during the semi-presidential system. Their research supports that premier-presidentialism is more conducive to democracy than presidential-parliamentarianism (Elgie & Schleiter, 2011, p. 23). Moestrup (2007b) argues that parliamentary systems perform significantly better than semi-presidential systems and that there is no significant difference between semi-presidentialism and presidentialism based on thirty-eight countries' cases of the third wave of democracy (Moestrup, 2007b, p. 38). In contrast, Hiroi and Omori (2009) concluded that parliamentarism performed worse than presidentialism and semi-presidentialism was more effective than presidentialism (Hiroi & Omori, 2009, p. 500). However, the research

conducted in the last decade has focused on qualitative-oriented from the bottom up, there is a real risk that academic attention will shift to topics that are easier to study in the field, such as studies of voting behaviour and ideology, and away from institutions, such as presidentialism, parliamentarism and semi-presidentialism (Elgie, 2016, p. 13). One of them is Beuman's study of semi-presidentialism in Timor-Leste. She (2013) examines the effect of elite-level institutions relative to informal institutions and non-institutional factors in the single-country case of Timor-Leste (Beuman, 2013).

Samuels and Shugart (2010) insisted that a popularly elected president does make a big difference. They found that "the popularly elected president is important for control over the distribution of the spoils of office and/or the policy process, party behaviour and organization will tend to mimic the constitutional structure, giving rise to 'presidentialized' parties". On the other hand, these parties exhibit incentive unsuitability between their parliament and government (Samuels & Shugart, 2010, pp. 15–16). Contrary to them, Tavits (2008) argues that a directly elected president does not have much influence on political outcomes because "constitutional powers are the most important aspect of the opportunity structure" (Tavits, 2008, p. 51). She argues that the incentives for presidential activism will be greater when political consensus is low, notably during periods of cohabitation or divided government, and when other political institutions are weak, particularly during periods of coalition and minority government (Tavits, 2009, p. 39). In the case of Slovakia, "the president was not elected by universal suffrage but was able to dismiss the prime minister by the public discontent and considering himself above parties" (p. 40).

Azevedo and Nijzink (2007) demonstrated a case of Guinea-Bissau that however, Viera (the former president of Guinea-Bissau) hadn't any particular political support from his former party, his return to power pushed "are clear indications of a growing personalization of the presidency that could be an obstacle to the survival of democracy" (Azevedo & Nijzink, 2007, p. 156). Cadoux (2007) argued that the direct election of the president tends to the personalisation of power undoubtedly (Cadoux, 2007, p. 96). He claimed the presidential election in Madagascar was hardly a serious social and political crisis that was deeply troubling for the people and the country reached the rim of civil war. In the end, President Ravolamanana was removed from his office in 2019 due to the opposition's claim that they no longer accepted his dictatorship (p. 93). Similarly, Huskey (2007) points out that the presidential election led to reach to authoritarianism in Kyrgyzstan.

President Akaev used popular referendums to revise the constitution that supported presidential powers. The constitutional revisions granted him expansive powers to the president rather than parliament and prime minister (Huskey, 2007, p. 166).

Colton and Skach (2005) stated that there are the president's extensive legislative decree powers in Russia's constitution that permit the president to dictate the process of politics. They continued Russia's constitution affects this situation deeply in that "a president who relies extensively on decrees and disregards the democratically elected legislature may push the country toward constitutional dictatorship" (Colton & Skach, 2005, p. 117). Elgie and Moestrup (2007) have put attention to the relationship between the direct election of the president and his or her powers. They found that it is one of the dangerous effects of semi-presidentialism and the democratic performance called highly presidentialized semi-presidential system in several countries like Guinea-Bissau, Kyrgyzstan, and Madagascar (Elgie & Moestrup, 2007b, p. 239). Moreover, Roper (2002) measured presidential power in premier-presidential countries which are a mix of young and old democracies in Europe based on Shugart and Carey's index. He concluded that:

> "Premier-presidentialism is based on a president with significant non-legislative powers. Iceland, Finland, and Portugal are examples of this model of premier-presidentialism. In these countries, the president has much more constitutional power to form and dissolve cabinets. However, while these presidents have significant formal non-legislative powers, they are ironically among the weakest semi-presidential presidents" rather than the remaining countries as Austria, France, Poland, Romania, Slovenia, Moldova, and Lithuania" (Roper, 2002, p. 269).

Krupavičius (2008) found that the president's power is effectively balanced to rule the government in Slovakia. Similarly, the semi-presidential system did not provide the room that concentrates too much power in one hand and even did not constrain the executive power in Lithuania (Krupavicĭus, 2008, pp. 65–84). On contrary, several scholars argued that semi-presidentialism does not support horizontal accountability and is attributed to the president's choice of sharing power with whom in Guinea-Bissau (Azevedo & Nijzink, 2007), Mozambique (Manning, 2007), Taiwan (Wu, 2007), and some Central Asian Turkic Republics (Arkadyev, 2008; Birch, 2008; Moestrup, 2007a; Schleiter & Morgan-Jones, 2008). However, Protsyk (2005) argued that cabinet formation is more predictable in a semi-presidential system. In this system, the choice of a prime minister more reliably depends on

the predilections of the parliamentary majority (Protsyk, 2005, p. 742). Neto and Strøm (2006) and Schleiter and Morgan-Jones (2010) demonstrated that the constitutional powers of the president deeply affect the cabinet formation in a semi-presidential system. However, the process of government formation depends on the parliamentary elections and the president's influence (Neto & Strøm, 2006; Schleiter & Morgan-Jones, 2010). Schleiter and Morgan-Jones (2009) found the appointment of non-partisan ministers is at a higher level in the cabinet formation under premier-presidentialism due to the involvement of the president (Schleiter & Morgan-Jones, 2009).

Empirical evidence supports a causal relationship between government termination and semi-presidentialism. Sedelius and Ekman (2010) studied the example of Eastern European countries in connection with the intra-executive dilemmas that tend to more cabinet instability in president-parliamentary countries (Sedelius & Ekman, 2010). Schleiter and Morgan-Jones (2010) stated if the president has the power to dissolve the legislature, then, it influences more opportunity for governments termination between elections (Schleiter & Morgan-Jones, 2010). Contrary to this finding, Cheibub and Chernykh (2009) argued that government stability depended on the election result rather than on the directly elected president (Cheibub & Chernykh, 2009). Yan (2021) argued that:

> "A higher or lower extent of prime ministerial autonomy tends to reduce the likelihood of intra-executive conflict. At least two policy implications may follow. First, semi-presidential regimes, where a powerful president can unilaterally dismiss the cabinet, generally have worse democratic performance. In the bigger scheme of things, intra-executive conflict may be preferable to presidential overreach. Second, efforts to shape peaceful intra-executive relations by reducing presidential influence over cabinet survival might be more effective if the use of such a strategy is conditional on the electoral system facilitating the coexistence of the president and prime minister of the same political orientation. Although previous studies have questioned whether cohabitation poses any serious threat to democracy, there is no evidence that the period of the united executive is more susceptible to democratic failure" (Yan, 2021, p. 304).

In general, there is some consensus on the process of government formation with presidential powers, but there are many different consensuses on government termination. But still, there is no clear empirical evidence in the literature that intra-executive dilemmas, by themselves have become the main reason for regime collapse. Yet, it has been one of the

important factors in the constitutional struggles in some East European countries such as Romania and Ukraine (Raunio & Sedelius, 2020, p. 58).

Semi-presidentialism causes not only variables of presidential powers but also variables of the relationship between the president, the government and the parliamentary majority. Thus, most research leads to situations of semi-presidentialism in presidential election outcomes. Pierce (1991) studied that under cohabitation the presidential powers tend to decline due to increasing the level of intra-executive dilemmas based on the French case (Pierce, 1991). Likewise, Protsyk (2005) demonstrated that the level of intra-executive dilemma raises during cohabitation in East European studies (Protsyk, 2005). Similarly, Moestrup and Ganzorig (2007) studied the Mongolian case that cohabitation has created government instability and has not harmed the consolidation of democracy (Moestrup & Ganzorig, 2007). These comparative studies push to lead single-country studies. Beuman (2013) focused on the effect of semi-presidentialism in a Small-n study of Timor-Leste. There was a higher level of intra-executive dilemmas under cohabitation. Yet, the main institutional dilemma shifted from a president-prime minister to a president-parliament dilemma under the divided government and "the least conflictual under unified majority government". In general, she found more dilemmas in the period of cohabitation than in the other two periods and more dilemmas under a divided government than under a unified majority government (Beuman, 2013, pp. 217-221).

On contrary, some scholars support that semi-presidentialism is a system that leads to further power-sharing and cooperation building. It is a good choice for the transition to democracy due to power-sharing between two major parties in deeply divided societies. Thus, cohabitation is not a dangerous effect of semi-presidentialism and influences power-sharing within the executive between two opposition parties. Elgie and Moestrup (2007) argued that "in Mongolia semi-presidentialism was chosen at least in part as a way of ensuring that the presidency did not become too powerful by guaranteeing that there was some sort of power-sharing within the executive" (Elgie & Moestrup, 2007b, p. 242). Yet, it depended on the personal behaviour between the president and the prime minister or the parliamentary majority. As Pasquino said, "because of some *fortuna* (luck), but also of some *virtù* (in the guise of the virtuous nature of its structural components), semi-presidentialism, especially cohabitation offered an interesting formula for power-sharing between the popularly elected president and changing parliamentary majorities" (Pasquino, 2007, p. 22).

Frison-Roche (2007) indicated that first the institution of the presidency in post-communist Europe was negotiating and power-sharing between the political actors due to the democratic transition. It was clearly shown that the presidential role is more restricted and was disposed of by direct or indirect political influence compared to the Commonwealth Independent States (CIS) countries. In post-communist Europe, presidential decision-making powers appeared stronger in countries such as Lithuania, Poland, and Romania than their colleagues in Bulgaria, Macedonia or Slovenia. In terms of co-decision powers, the Macedonian president nominates the ambassadors, and suggestion of the government, the Bulgarian president appoints the public prosecutor, and the Polish president obtains the senate's agreement for a matter to a referendum, and vice versa, etc. Overall, they have more decision-making powers than co-decision or obstruction powers due to the constitution makers' accumulated privileged decision-making powers (Frison-Roche, 2007, p. 63).

Several scholars have studied the relationship between presidential power and divided minority government. Chandler (2001) stated that in Russia, presidential activity increased during the minority government situation in the middle of the 1990s. At that time, Russia was barely a strengthened democracy. He asserted that democracy collapsed at that time under the "United Russia Regime" due to the absence of a cohesive majority in the parliament. The period was linked with a high degree of presidential activities on the veto power (Chandler, 2001). Colton and Skach (2005) described that a divided minority government in Russia was "a highly unstable structure because neither executive had a legislative majority, but both had substantial access to decree-making authority for bypassing the other branches of government". Shortly, "the stage was set for collision" (Colton & Skach, 2005, p. 118). Huskey (2007) demonstrated Kyrgyzstan's case which was similar to Russia that there is a hard relationship between a divided minority government and political instability that reduced government performance and hindered democratic development. In addition, undisciplined parties have ignored presidential vetoes less likely (Huskey, 2007). Wu stated that this situation led to the worsening of semi-presidentialism (Wu, 2007). Krupavičius (2008) studied that a divided minority government leads to a dilemma between presidents and parliaments in Lithuania (Krupavicĭus, 2008). Elgi (2008) also confirmed that a divided minority government affects the destabilizing in his cross-national study (Elgie, 2008). Protsyk (2005) confirmed that within a divided minority situation, presidents were associated with dilemma initiation more than prime ministers when prime ministers headed a minority government in semi-presidential Eastern Europe.

He continued that presidents identified potential weaknesses of the prime ministers and push to capitalize on the situation. Remarkably, when there have been technocratic cabinets, the level of intra-executive dilemmas reduces (Protsyk, 2005).

Neto and Lobo (2009) found the level of intra-executive dilemmas between situations of cohabitation and unified majority governments in their study of Portugal. They stated that in contrast to standard wisdom, presidential power increases due to cohabitation situations. When there is a unified government, the prime minister began to lead the parliamentary majority. This means the president has weaker power than the power of the prime minister. Yet, under cohabitation, the president was the de facto leader of the parliamentary majority in the executive. Cohabitation provides the president with greater legitimacy. Thus, the Portuguese case was not only the absence of a parliamentary majority but also the relationship between the parliamentary majority and the president (Amorim Neto & Costa Lobo, 2009).

Likewise, semi-presidentialism strongly affects military coups in the African region. In terms of the effect of semi-presidentialism on democratic performance in Guinea-Bissau, Azevedo and Nijzink (2007) studied that the military has been essential role due to hyper-presidentialized design and leads pushing on non-democratic tendencies (Azevedo & Nijzink, 2007, p. 156). Interestingly, McGowan (2005) expressed that this situation in West Africa merely because Cape Verde has been the country that didn't experience a military coup in a semi-presidential democracy from 1955 to 2004 (McGowan, 2005). Elgie and Moestrup (2007) studied Niger's case of the dual executive as a classic example of a country that has to fall its democracy during cohabitation. The dilemma between the president and the prime minister directly influenced the democracy collapse by providing the opportunity for a military coup in the political scene and returning it to the authoritarian regime between 1996 and 1999 (Elgie & Moestrup, 2007b, p. 242). Moestrup (2007) concluded that:

> "The Nigerian case illustrates the point that free and fair elections do not suffice for democracy to take root if a key player such as the military does not support the new regime form. However, in Niger the vulnerability of the young democracy was increased by the institutional framework adopted: a semi-presidential regime in combination with proportional representation" (Moestrup, 2007a, p. 118).

Kirschke (2007) confirmed that the semi-presidential system leads to a high risk of an authoritarian regime in Sub-Sahara Africa under the situation of executive power-sharing or cohabitation. In her study, semi-presidentialism plays a crucial role in military coups and influenced 10 cases that had one or more coups within a politically divided executive in semi-presidentialism. She concluded that semi-presidentialism in this region leads to a serious doubting situation (Kirschke, 2007, p. 1390). Yet, Beuman (2013) criticized her that in terms of democracy, she has not classified the stability of democracy which means there are stable democracies such as Mozambique. Then, she used "cohabitation as an umbrella term for different forms of political configuration". Moreover, Kirschke provoked military coups in Guinea-Bissau as a situation of cohabitation but in fact that in this situation president and parliament were members of the same political party (Beuman, 2013, p. 27).

In sum, some scholars provide studies that semi-presidentialsim incites a damaging power struggle which leads to threatening the stability of young democracies. Others state that power-sharing affects the consolidation of democracy. Likewise, these arguments are different effects on empirical evidence. Thus, this research will test the effects of semi-presidential situations in a particular country context within the case of Mongolia where hypotheses will be formulated in the following chapter.

2. RESEARCH METHOD

In the literature, the question of whether a semi-presidential system is an advantage or a disadvantage in strengthening democracy is described by the division of scholars who study this system. Most of the previous studies consider the advantages and disadvantages of power-sharing and power struggles in dual executive situations (Linz, 1994; Linz & Stepan, 1996; Skach, 2005). Some of them argued that semi-presidentialism is associated with the institutional instability of new democracies in terms of specific forms (Elgie, 2005; Samuels & Shugart, 2010; Shugart, 2006; Shugart & Carey, 1992). Several scholars focused on power-sharing between the president and prime minister limits executive power, while others have argued that a dual executive reduces or increases dilemmas between the president and prime minister (Pierce, 1991; Protsyk, 2005). Some argue that these dilemmas would lead to a centralization of power and hyper-presidentialism (Lijphart, 2004; Pasquino, 2007). Therefore, the main aim of this research is to examine these many discrepancies and will answer the question of whether institutional dilemmas are undermining the capacity of democratic institutions and democracy or whether these dilemmas are strengthening the capacity of democratic institutions and democracy. Thus, this chapter consists of the research question, aims, scope, contributions, importance, and limitations based on the problem statement. Then, it will identify the interpretation of institutional dilemmas among democratic institutions within the research conceptualization and operationalization and will describe the rival hypotheses, data collection and data analysis methods.

2.1. Research Question and Aims

Theoretical and empirical evidence extends to evaluate the achievements, dilemmas, and challenges in the process of institutional reform, to balance the challenges and to determine future directions. Moestrup and Ganzorig (2007) examine whether the current Mongolian semi-presidential system poses a challenge to strengthening young democracies by creating new forms of institutional dilemmas. They stated that semi-presidential rule is a simple classical system for strategic reasons. In some cases, this system can lead to a stronger president. Another form is seen as pushing for promises to share power and form coalitions. According to the Shugart classification, Mongolia is a premier-presidential subtype in which the president is elected popularly and a prime minister and cabinet are responsible to the parliament (Moestrup & Ganzorig, 2007, p. 243). Thus, it created main four situations of

cohabitation, divided minority government, divided government and unified majority government from 1992 to 2020. In this regard, the following research question arises from the problem of research.

What are the interrelationships of the main factors affecting institutional dilemmas in the semi-presidential system?

Within the research question, this research aims to identify factors of the institutional dilemma that affect the instability of government in four situations of semi-presidentialism: cohabitation, divided minority government, divided government and unified government. Thus, the following objectives will be set in terms of the research goals. These include:

- Identify institutional dilemmas and their causes
- Analyze the main factors that hinder the government's stability
- Identify the levels of institutional dilemmas in Mongolia

2.2. Scope, Contributions and Importance

The research was conducted in the framework of Mongolia's democratic institutions between the president-the head of state, the parliament, and the government.[4] Dilemmas in democratic institutions and the factors that impact the instability of the government were identified by internal and external factors. In the literature, scholars have found that the main factors of government instability are often related to democratic institutions and the form of government such as parliamentary or semi-presidential systems. Some scholars have argued that semi-presidentialism has led post-communist countries to power struggles and political dilemmas (Colton & Skach, 2005). However, Mongolia's parliamentary system is influenced by its political culture of peaceful changes in terms of democratic transition. This political culture meets "Huntington's 'two-turnover' test of democratic consolidation: that is, when the party or group that takes power in an initial election loses a subsequent election and turns over power, and those election winners then peacefully turn over power to the winners of a later election" (Reilly, 2011, p. 122). Thus, the scope of research was conducted within the

[4] In the study, the terms "cabinet" and "government" was employed interchangeably to denote a group of ministers headed by a prime minister and specific cabinets that form a government.

Small-n study including the president, the prime minister and the parliament majority of Mongolia.

Mongolia faced 20 cabinets and 15 Prime Ministers in the last 30 years. This instability was always interpreted from different perspectives due to academic and professional divisions in which political scientists, constitutional lawyers and public administration experts have interpreted it from different angles, but to this day they do not form a common understanding. Therefore, the research intended to describe the main reasons from a political point of view especially, in terms of semi-presidential situations. It contributed to learning more about theoretical and empirical evidence of international scholars, the historical experience, lessons learned to ensure the stability of government in Mongolian political practice, and the relationship between democratic institutions. Moreover, the research aims to strengthen the relationship between the system of check and balance, to distinguish the root of challenges for institutional dilemmas, and to seek ways to address the effects of negative attitudes, such as the interdependence and coherence of the president, the parliament, and the government. It is hoped that the debate will be of theoretical and empirical significance. In addition, theoretical and empirical study within the comprehensive situations of semi-presidentialism has not yet begun in Mongolia since the 2000s. Likewise, further research can be conducted within the second step that the institutional dilemmas and the situations of semi-presidential democracy and comparing it with other countries.

2.3. Limitations and Structures

The single-case study research is challenging for the problem of representatives because it has only one case. It is the main limitation of this type of research (George & Bennett, 2005). Thus, the research is limited to the case of one country. Mongolia was selected on the following grounds. First, semi-presidentialism and government instability is common in post-communist countries but differs from Mongolia in many respects, such as population concentration, political culture, and economic situation. Indeed, as noted above, Huntington's theory of "two-turnover" provided the political consultation for two main parties in terms of consolidating democracy. Second, Mongolia is located between two authoritarian regimes China and Russia. Thus, it has many direct and indirect influences in terms of political culture and economic issues. Third, although the 2019 amendment of the constitution, this issue has been discussed again, there is a need to determine the instability

of the government. However, single-case studies are mainly critiqued for analyzing only one country and not for comparison, in contrast, there is a tendency to study the specific issue in detail is more effective than studying many things over a shorter time in terms of qualitative research methodology. Therefore, it is absurd to consider Mongolia's patterns, compared to other systems in a single prescribe such as population, political culture and tradition, geographic location, and economic capacity. In terms of this tendency, it is complicated to directly compare the Central Asian Turkic Republics, Central and Eastern European countries, and African and Latin American countries. Therefore, the internal institutional framework is the main focus of arguments on the institutional dilemma within the semi-presidential system. Besides this, the political culture and economic factors that have the main influence on the formation of democracy were not specifically studied in this framework. It may affects the limitations of this study.

Essentially, political culture and economic factors that arise within this limitation are broad concepts in terms of democratic performance that must be considered in the particular research. Many scholars studied the political culture that aggravates social cleavages and why some young democracies are developing well while others are collapsing or retreating from democracy. They found that intergroup competition and political instability are mainly caused by social fragmentation reaching its lowest level (Horowitz, 1993 and Huntington, 1996). From this point of view, Mongolia is made up of one unified nation, so the inter-group dilemma did not lead to social division. However, political instability started as a newly created conceptual problem after the democratic transition in 1990, based on the division of political ideology. Before 1990, there was only a communist party system, but after the democratic transition in 1990, with the emergence of a multi-party system, the ex-communist party, and other pro-democracy parties with opposing ideologies began to create dilemmas of ideas. For example, before 1990, there was a communist political drama in which people who did not vote in the elections were held responsible for their work. In other words, Mongolia and other post-communist countries also had such a perverse system of holding elections without a choice.

This was changed in the July 1990 elections in Mongolia, for the first time many parties participated, and for the first time, many people were nominated in one constituency. Therefore, in the first free democratic elections, 98 per cent of all voters went to vote by themselves, not by force like in the communist elections. From this time, ideological

fragmentations began to arise. The main factor influencing this is that the first permanent parliament of Mongolia had a total of 50 seats, from which the ex-communist Mongolian People's Revolutionary Party (MPRP) received 60 per cent of the votes, and pro-democracy parties received 40 per cent of the votes (Tsagaan, 2015). When the MPRP got 60 per cent support and the pro-democracy parties got 40 per cent support from the first democratic election in 1990, social cleavages began to emerge in terms of ideology. This situation still exists in Mongolian society even now. Therefore, the division of political culture and communist and new liberal ideology may affect the research limitation because it has not been fully studied within the specific theme.

Moreover, Lipset (1981) and Przeworski (2000) demonstrated that the economy has a strong influence to survive democracy and stability. Lipset (1981) stated that development leads people to embrace values and attitudes, so this tendency creates a more friendly formation and further development of democracy. Because it is only in economically developed societies that the mass population intelligently participates in the political process and does not create conditions for the emergence of irresponsible demagogues. If society is divided between a large mass of the population and a small number of elites, the result would be “either in an oligarchy or in tyranny” (Lipset, 1981, p. 31). Similarly, there are many research that supports a positive relationship between economic development and democracy. They argued that democratic transitions produced more positive outcomes in middle-income countries and randomly occurred democratic transition is supported by the level of economic development in terms of the democratic (Huntington, 1991b; Przeworski et al., 2000). Thus, economic factors were extremely insufficient for Mongolia during the period of democratic transition in the 1990s.

In this regard, D Byambasuren wrote that before 1990, Mongolia's economy was deeply dependent on the Soviet Union. Thus, when Mongolia began its democratic transition, the Soviet Union started a direct ban on Mongolia's export and import. For example, Mongolia and Russia had a contract to supply 34,000 tons of oil products (mostly benzene and diesel), but the Soviets cut fuel supply by 50 per cent in 1990 after the first democratic election. Then, in the late 1990s, the Soviet Politburo passed a secret resolution banning all trade with Mongolia and imposing up to 1,500 per cent customs duties on all Mongolian exports. This started to collapse the Mongolian economy entirely. In addition, Mongolian livestock exports to the Soviets were banned in 1990 due to an outbreak of an

infectious disease in Mongolia. Then, in the first quarters of 1991 and 1992, the supply of oil products was suspended. Then it provided immense opportunities to the former communist party, MPRP to win the new democratic elections. After this immense economic crisis, there merely 16 per cent of Mongolians were supporting democratic transition in the 1992 social survey (Byambasuren, 2010, p. 51). All of this created the main conditions for the disbelief in democracy among the citizens, the retreat from democracy, and the victory of the ex-communist party in multiple presidential, parliamentary, and local elections. These factors are still important as they remain the main factors to be studied in future research.

However, it is not considered cultural and economic factors that support or undermine democratic performance directly, but they were not completely dismissed and are focused on the study in each situation. The research was conducted within three institutions: the institution of the president elected by universal suffrage, the legislative and the executive institutions. Indeed, these institutions were in four semi-presidential situations in which dilemmas were identified based on the result of the presidential and parliamentary elections. As well as interview method is supported to collect more detailed data for each situation within conducting with political scientists, researchers, and the general public. The study was conducted within the framework of the predicted factors that have major impacts. The research consists of seven chapters, conclusions, a list of references and appendixes. The first chapter describes the rationale for the study and objectives under the literature review that covers concepts of democracy, the difference between parliamentary and presidential democracy, theoretical framework and empirical evidence in the semi-presidential system. The second chapter considered the methodological approach including research hypotheses, data collection and data analysis methods. The third chapter examines the main effects of the semi-presidential system reflecting democratic institutions and intra-institutional dilemmas in Mongolia under the historical background. Chapters 4-6 will analyze the situations of semi-presidentialism that were created in Mongolia within the democratic performance. Chapter 7 will transcribe the result of the in-depth interview. Finally, the concluding section summarizes findings within the theoretical and empirical frameworks and confirms the evidence for the hypotheses.

2.4. Conceptualization and Operationalization

2.4.1. Conceptualization

Many scholars agree that the conditions of the semi-presidential system create dilemmas between the institutions of the president, parliament and government. Also, scholars are divided within the argument that the semi-presidential system necessarily considers the power of the president. Some argue the president's excessive power leads to a centralized institution, while others argue that the president's powers vary depending on the semi-presidential situation. In the situations of semi-presidentialism, the main factor influencing institutional dilemmas that affect government instability is the relationship between the institutions of the president, the parliament, and the government. Then, it creates a causal chain that considers the semi-presidential situations, dilemmas and democratic performance. Therefore, the main concept of the study is derived from Beuman's approach where the institutional framework is a core factor for regulating and balancing this relationship (Beuman, 2013, p. 35). These causal chains:

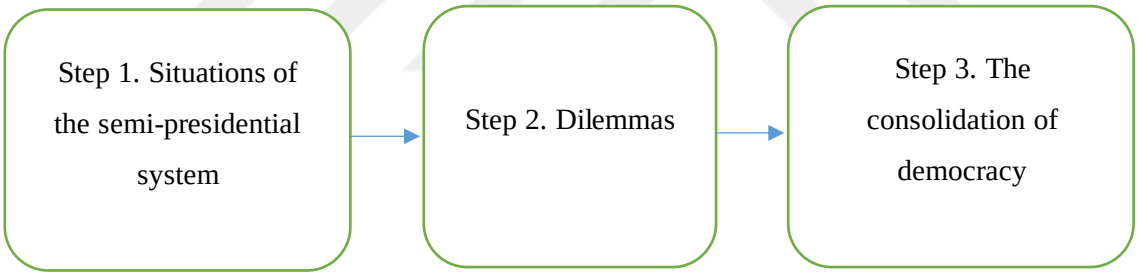


Figure 2.1. Causal chain between semi-presidential situations and democracy
Source: Beuman, 2013.

Indeed, the study will not examine semi-presidentialism and democratic performance particularly. It will focus on the first two steps that evaluated the relationship between institutional dilemmas and semi-presidential situations. Dilemmas of democratic institutions in a semi-presidential system are considered four situations that are cohabitation, a divided minority government, a divided government and a unified majority (Linz, 1994; Linz & Stepan, 1996; Skach, 2005). Thus, these situations are one of the key factors that create institutional dilemmas that were intended to test in the case of Mongolia. Historically, observed institutional dilemmas between the president, the parliament and the government are caused by semi-presidential situations. These situations tend to create many dilemmas in

terms of different types and levels. Thus, the study identifies indicators of political dilemmas based on presidential powers and the relationship between three democratic institutions within different semi-presidential situations in Mongolia from 1992 – 2020.

In terms of the research concept, it is associated with the institutional design in the constitutional framework of Mongolia that becomes a main conceptual framework including scholars' argument concerning the presidential legislative and non-legislative powers. Thus, as stated in the Constitution of Mongolia, the study differentiates those rules that define the division of power between the president, the parliament, and the prime minister.[5] During semi-presidential situations, the level of dilemmas will arise or decrease depending on how political actors use these powers. The types and levels of dilemmas depend on what situations of semi-presidentialism. Comparative scholars of presidential powers often distinguish between the legislative powers of presidents and their non-legislative or executive powers (Negretto, 2013; Sedelius, 2006; Shugart & Carey, 1992). Legislative powers include both reactive powers, such as veto powers over legislation, and proactive powers, such as the ability to propose and initiate legislation and as discussion of primer. It was noted that presidential power includes both reactive and proactive powers in the constitution (Article 33). These powers enable the president to oversee the work of the parliament and the government. The institutional dilemma exists in areas where the president uses those powers in legislative and executive relations or vice versa. President's proactive and reactive powers are mostly described in the 1992 constitution of Mongolia within the powers of the president, parliament and government (Constitution of Mongolia, 1992). Therefore, this section explains these powers based on the 1992 constitution of Mongolia. After that, those powers are categorized and described in the operationalization part within dependent variables.

The third chapter of the Constitution of Mongolia, the relationship between the form of state structures and the powers of democratic institutions, became the main concept of this study (Constitution of Mongolia, 1992). In this context, there are several internal studies on the relationship between the president, the parliament, and the government of Mongolia, and most of them are studied in the parliamentary system. Yet, it tends to include some biased data due to the limited academic freedom of Mongolian researchers, applied research

[5] An English translation of the Constitution of Mongolia can be found on the Unified Legal Information System (ULIS)'s website: https://legalinfo.mn/mn/detail?lawId=367.

based on the research of previous researchers and who leads democratic institutes. From this point of view, Mongolia's parliamentary system has become dominant depending on the attitude that who is the president, the speaker of the parliament and the prime minister. Likewise, the political science knowledge of the political actors leading these institutes is narrow and biased that tends to connect a more dominant attitude that merely parliamentary government supports democracy and the presidential system and the semi-presidential situation is less interested in domestic research. However, several academicians expressed their views on the relationship between the presidential institution and others based on the presidential power. Their representatives are B Chimed and Ch Enkhbaatar, who claimed their arguments were based on the presidential powers, employed characters such as the president of Mongolia with "strong powers" and the president with "marginal powers" in their research (Chimed, 2003; Enkhbaatar et al., 2019).

In regard to the presidential powers, the study concept was developed based on Shugart and Carey's concept that classified legislative and non-legislative powers of the president (Shugart & Carey, 1992, pp. 148–166) and the relationship between three democratic institutions. Presidential powers were stipulated in Article 33 of the constitution and other provisions. In the constitution, the president of Mongolia has wide powers regarding relations with the parliament, such as announcing a parliamentary election, announcing the first session and opening the first session, initiating laws, vetoing laws, filing complaints with the Constitutional court, participating in the session and expressing ideas, addressing messages and proposals, including proposals to be dissolved by the parliament itself. In terms of executive power, the president has considerable power to influence the government. In general, the main dominant sphere of the president's powers involves the executive branch which is to appoint a prime minister, submits proposals to the parliament to dismiss the government, consults (agrees) on proposals to change the structure and composition of the government, to submit proposals to dismiss the government, to instruct the government on issues related to its particular power, leading the National Security Council (NSC), being the Commander-in-chief of the armed forces, and the government is accountable to the implementation of the president's decree (Chimed, 2003, pp. 29–34).

Moreover, the president's power is associated with the relationship between the parliament and the government, and the dilemmas arising within the framework of the semi-presidential system of government involve these relationships. Thus, the relationship

between these two institutions was reflected in the basic concept of the study. In the relationship between them, parliamentary institutions are dominant due to appointing the prime minister in consultation with the president, dismissing the government, and parliamentarians can combine with members of the government simultaneously, trying to dismiss the government member early, criticize the government's activities, as well as the government is accountable to the parliament (Constitution of Mongolia, 1992). Therefore, the provisions of the constitution regulating presidential powers and the relations between the president, parliament and government institutions have been specially taken and included in Appendix-4. The factors causing the main dilemmas arising from the relationship between these institutions are detailed in the operationalization section.

2.4.2. Operationalization

These indicators in the Constitution of Mongolia create institutional dilemmas and exists mostly in relationships between the president, the parliament, and the government. These powers are considered within formal powers described in the constitution. Yet, there is another informal power. Beuman (2013) stated that informal powers are proclamatory powers to "influence day-to-day government" that include the president addressing messages to the parliament and citizens as well as presidential speeches that can support or criticize the government and its policies (Beuman, 2013, p. 196). Thus, the study categorizes findings into three sections: the relationship between the president and the parliament, the relationship between the president and the government, and the relationship between the parliament and the government. Based on these relationships between democratic institutions, the powers of the president are stipulated in three main categories that include institutional dilemmas between the president and the parliament, between the president and the prime minister, and between the parliament and the prime minister. Therefore, these three main categories are dependent variables of the study. They were analyzed by the period of the presidential and the parliamentary election mandates. For instance, the 1992-1996 mandate of the parliament covers the 1993-1997 term of office of President P Ochirbat. When it calculated the exception of the one-year interim period between the presidential and parliamentary elections, it focused on dilemmas that occurred between 1993 and 1996.

In terms of measuring dependent variables, it is based on the presidential power measurement by the 1992 constitution of Mongolia and the concept of Shugart and Carey's

approach. They (1992) analyzed the powers of the president, especially in the semi-presidential system. In their study, the power to package veto, partial veto, decree, exclusive introduction of legislation (reserved policy areas), budgetary powers, and proposal of referenda were selected as the main powers that interact with the legislative institution (Shugart & Carey, 1992, pp. 148–166). Considering this method, these powers are reflected in the constitution, and the political practice is less reflected. This method is mostly used by constitutional lawyers. However, the dilemma between the president and the parliament is determined by considering political practice and constitutional power. Therefore, the main point of dilemmas is presidential powers which are provided by the constitution and the initiatives of constitutional amendments between the president and parliament (Articles 33 and 68). Table 2.1 shows the main indicators for measuring the dilemmas between the president and the parliament as amendments to the constitution, decree power, veto power, initiating laws, addressing messages to the parliament, dissolution of the parliament, and appointment and dismissal power of high-level positions. These powers in Table 2.1 demonstrates the interpretation of dependent variables based on categorizations of the presidential power in the relationship between the president and parliament.

Table 2.1. Dependent variables between the president and parliament

Dependent variable I	Indicators	Definition and Measurement
Dilemmas: President versus Parliament	1. Amendments to the constitution	"The initiative to amend the constitution shall be issued by the president, members of the parliament and the government" (Article 68.1).
	2. Decree Power	"The president shall issue decrees in accordance with the law within the scope of his powers. If the decree of the president does not comply with the law, the president himself or the parliament will cancel it" (Article 34)
	3. Veto Power	"To veto laws and other decisions adopted by the parliament in whole or in part. If the president's veto is discussed by the parliament and two-thirds of all members present in the session do not accept it, the law and decision will remain in force" (Article 33.1.1)
	4. Initiate laws	"The president, members of the parliament, and the government shall exercise the right to initiate legislation" (Article 26.1).
	5. Addressing messages to the parliament	"The president may issue a message to the parliament and the people, participate in the assembly at his discretion, report on important internal and external issues of the country, and make suggestions" (Article 33.3).
	6. Dissolution of the parliament	"Unless otherwise provided by the constitution, if the parliament fails to appoint the prime minister of Mongolia within forty-five days after the president has submitted a proposal on the appointment to the parliament, the parliament may decide to dissolve itself or the president shall decide to dissolve the parliament" (Article 22.2)
	7. Appointment and dismissal power of high-level positions	"The president shall appoint the judges of the Supreme Court upon their presentation to the parliament for a term of six years" (Article 51.2). "The president shall appoint the Prosecutor General and his/her deputies in consultation with the parliament for a term of six years" (Article 51.2). "The president shall appoint and recall heads of plenipotentiary missions to foreign countries in consultation with the parliament" (Article 33.1.5)

Source: The Constitution of Mongolia, 1992 and Amendments of the Constitution, 2000.

The dependent variable's measurement between the president and government was even considered by The Constitution of Mongolia and Sugar and Carey's method within the non-legislative powers of the president. They focused on powers between the president and government in the framework of cabinet formation, cabinet dismissal, censure and dissolution of the legislature (Shugart & Carey, 1992, pp. 148–166). These powers are

considered in connection with the political practice of Mongolia. In this context, the president was granted more strong powers by the 1992 constitution such as consultation for the appointment and dismissal of the prime minister, proposing changes to the structure and composition of the government, instructing the government, leading the NSC, being the Commander-in-Chief of the armed forces, and criticizing the government's activities (Article 33). Therefore, these powers are selected as the main indicators to measure the dependent variable on the relationship between the president and the government (Table 2.2).

Table 2.2. Dependent variables between the president and government

Dependent variable II	**Indicators**	**Definition and Measurement**
Dilemmas: President versus Government	1. Conduct consultation for the appointment and dismissal of the prime minister	*In the 1992 constitution*: "The president shall submit the proposal to the parliament to appoint the person nominated by the party with the majority of seats in the parliament as the prime minister, as well as the proposal to dismiss the government" (Article 33.1.2). *In the amendment of the 2000 constitution*: "The president shall submit the proposal to the parliament within 5 days to appoint the person nominated by the party with the majority of seats in the parliament" (Article 33.1.2).
	2. Submit proposals for changes to the structure of the government	*In the 1992 constitution*: "The prime minister of Mongolia shall, in consent with the president, submit a draft law on the structure and composition of the Government, along with amendment thereto, to the Parliament" (Article 39.2). *In the amendment of the 2000 constitution*: "If the prime minister is unable to reach a consensus on this issue with the president within 7 days, then the prime minister shall submit it to the parliament" (Article 39.2). "Within 15 days of receiving the president's proposal or the prime minister's statement on the dismissal of the government, the parliament shall discuss and decide whether to dismiss the prime minister" (Article 43.3).
	3. Issuing decrees to instruct the government	"The president shall instruct the government on issues within his or her powers. If the president issues a decree in this regard, it shall become effective upon signature by the prime minister" (Article 33.1.3).
	4. To lead the National Security Council of Mongolia	"The president shall be the head of the National Security Council of Mongolia" (Article 33.1.10).

Table 2.2. (continued) Dependent variables between the president and government

	5. Commander-in-Chief of the armed forces of Mongolia	"The president shall be the Commander-in-Chief of the armed forces of Mongolia" (Article 33.2).
	6. Addressing messages to criticize the government	"The president may issue a message to the parliament and the people, participate in the assembly at his discretion, report on important internal and external issues of the country, and make suggestions" (Article 33.3).

Source: The Constitution of Mongolia, 1992 and Amendments of the Constitution, 2000.

Lastly, in the case of a semi-presidential system, dilemmas not only occur in the relationship between the president and the government (the prime minister) but also exists in the relationship between the parliament and the government. Because semi-presidentialism creates a situation where the prime minister and the president are put on one side and dilemmas with the parliament. When the president is the de facto party leader, the government's accountability to parliament reduces due to the prime minister being the president's subordinate (Duverger, 1980a; Samuels & Shugart, 2010). Therefore, in accordance with the Constitution of Mongolia, when measuring the dilemma between the parliament and the government, the main indicators are the member of parliament combining with the member of the government, dismissal of the prime minister and government, making an attempt to dismiss the prime minister and government prematurely, making an attempt to dismiss a member of the cabinet and criticism of the government's activities (Table 2.3).

Table 2.3. Dependent variables between parliament and government

Dependent variable III	Indicators	Definition and Measurement
Dilemmas: Parliament versus Government	1. A member of the parliament combines with a member of the government	*In the 1992 constitution*: "Members of the parliament shall not hold concurrently any posts and employment other than those assigned by law" (Article 29.1). *In the amendment of the 2000 constitution*: "Members of the parliament shall not hold concurrently any posts and employment other than those assigned by law except for the post of the prime minister and member of the government" (Article 29.1).
	2. Government dismissed	"The prime minister may tender his resignation to the parliament before the expiry of his terms of office if he considers that the government is unable to exercise its powers" (Article 43.1). "The government steps down in its entirety upon the resignation of the prime minister or if half of the members of the government resign at the same time" (Article 43.2). "The parliament considers the matter and makes a final decision within 15 days after taking the initiative to dismiss the government or receiving the president's proposal or the prime minister's statement on resignation" (Article 43.3). "The parliament considers and takes decisions on the dismissal of the government if not less than ¼ of the members of the parliament formally propose the dismissal of the government" (Article 43.4).
	3. Attempts to dismiss the government prematurely	
	4. Attempts to dismiss members of the government	"The parliament may decide to appoint, replace or remove the prime minister, members of the government, and other bodies responsible and accountable to the parliament as provided for by law" (Article 25.1) "A member of the parliament has the right to discuss reports and hearings of officials elected or appointed by the parliament, to propose their recall or dismissal" (Article 7.1.12 of Law on Parliament).
	5. Addressing messages to criticize the government	"The speaker of the parliament shall exercise the powers in addition to the powers granted to members by law. In this, to organize control over government activities in accordance with the decision of the parliament" (Article 14.1.14 of Law on Parliament).

Source: The Constitution of Mongolia, 1992 and Amendments of the Constitution, 2000.

As shown in the research concept, the level of institutional dilemmas depends on political actors who employ their powers and the situation from the result of parliamentary

and presidential elections in semi-presidentialism. Thus, the independent variables indicate four different situations: cohabitation, a divided minority government, a divided government, and a unified majority government (Table 2.4). Presidential power is the main influential criterion of dilemmas in the relationships between democratic institutions in terms of semi-presidentialism. Thus, the study considers the president's legislative, non-legislative and proactive powers on the relationship between the president, parliament, and the government (dependent variables) in each situation of the semi-presidentialism (independent variables). This category of criteria is borrowed from previous research on semi-presidentialism (Beuman, 2013). Then, indicators were analysed in the constitutional framework of Mongolia by chronological narrative methods between three institutions. The study developed the following typology which included dilemmas within independent variables which are situations of cohabitation, a divided minority government, a divided government and a unified majority government based on the results of the presidential and parliamentary elections since 1992.

Independent variables are classified into four dimensions in accordance with the semi-presidential situation in Mongolia. Analyzing each of them, there are a total of three situations of cohabitation, one situation of a divided minority government, one situation of a divided government, and two situations of a unified majority government in Mongolia since 1992. The first cohabitation was derived in 1993 as a result of the 1992 parliamentary election and the 1993 presidential election. Then, the 1996 parliamentary elections and the 1997 presidential elections pushed again to the second cohabitation. The result of two consecutive cohabitations created an enormous negative effect on political and social issues and democratic performance in Mongolia, particularly the second cohabitation. However, the third cohabitation occurred relatively recently between 2017 and 2020 as a result of the 2016 parliamentary election and the 2017 presidential election. Therefore, the political situation that arose during these cohabitations was analyzed in Chapter 4. In terms of divided governments, the first divided minority government was formed in 2005-2008 due to the 2004 parliamentary election and the 2005 presidential election. Then, it converted to a divided government between 2009 and 2012 as a result of the 2008 parliamentary election and the 2009 presidential election. The situations of these two periods are categorized into Chapter 5 and analyzed under the main arguments. Finally, the first unified majority government was formed between 2000 and 2004 as a result of the parliamentary election of 2000 and the presidential election of 2001. There was a gap between these two unified

majority governments. The second unified majority government was derived recently, as a result of the 2012 parliamentary election and the 2013 presidential election. Therefore, these two periods were analyzed in Chapter 6. Within these independent variables, institutional dilemmas that occurred in the periods of cohabitation, a divided minority government, a divided government, and a unified majority government are demonstrated in Table 2.4.

Table 2.4. Independent variables that location of potential dilemmas under different situations of semi-presidentialism

Nr	Situations of Semi-presidentialism	President vs Parliament	President vs Prime Minister	Parliament vs Prime Minister	Total
1.	Cohabitation 1. President Ochirbat (1993-96)	15	2	3	20
	Cohabitation 2. President Bagabandi (1997-2000)	18	4	8	30
	Cohabitation 3. President Battulga (2017-2020)	18	4	6	28
	Total	51	10	17	78
2.	Divided Minority Government President Enkhbayar (2005-08)	12	5	17	34
3.	Divided Government President Elbegdorj (2009-12)	9	6	9	24
	Total	21	11	26	58
4.	UMG 1. President Bagabandi (2001-04)	19	2	5	26
	UMG 2. President Elbegdorj (2013-16)	10	10	9	29
	Total	29	12	14	55

Source: Author, 2022

2.5. Research Hypotheses

In the literature, the main arguments of cohabitation were considered that cohabitation may lead to the breakdown of democracy when dilemmas occur between the president, the parliamentary majority and the prime minister based on a power struggle. Cohabitation has created many instabilities, but it has not pushed a huge negative impact such as military intervention and coups against democratic performance. Yet, semi-presidentialism per se

does not appear to influence democracy positively due to the ex-communist party which always plays a crucial role in the democratic transition based on the cohabitation situations in 1993 and 1997. Thus, they influenced and undermine democratic performance but, not be excluded (Moestrup & Ganzorig, 2007, pp. 197–199). Thus, if the prospects of semi-presidentialism are correct, the first hypothesis derived from the study on cohabitation based on the observing dilemma was:

H1: "Dilemma is expected to arise between the president and the parliamentary majority, and between the parliamentary majority and the prime minister under cohabitation".

H2: "Under cohabitation, changes in the government are expected to occur at a higher level".

The second situation is a divided minority government which is a highly unstable form and can be dangerous for democratic consolidation (Skach, 2005, pp. 17–18). Indeed, it is associated with democratic failures in many countries in terms of empirical evidence (Elgie, 2007, p. 69). It is led to an uncertain scenario that includes the increases in the possibility of interference by the president as the party coalition and the government change, the immunity of the legislative institutions weakens, the instability of the government increases, the change of the government cabinet due to the minority reaches its peak, and the president tries to use his powers to the limit of the constitution and so forth (Skach, 2005, pp. 17–18). The third situation is a divided government that puts presidential ambitions first and concentrates power on the popularly elected president. It will lead to the result of "political and institutional degeneration" (Pasquino, 2007, p. 25). Thus, during the divided government, the president played an active role between the parliament and the government to increase his powers. Thus, the hypothesis is familiar for both divided minority government and divided government which were as follows:

H3: "An institutional dilemma is expected to take place between the president and the parliamentary majority under a divided minority government and a divided government".

H4: "The institutional dilemma is expected to take place between the parliamentary majority and the prime minister under a divided minority government and divided government".

Finally, in a unified majority government situation, many scholars are predicted that the president and prime minister have a little conflictual level. Skach (2005) argued that a unified majority government is the main subtype to reduce institutional dilemma, this subtype allows a great opportunity for both the parliament and the government to accomplish their agenda (Skach, 2005, p. 15). Yet, the main risk of this situation, while the president is a partisan leader, he intends to accumulate more powers in one hand and control over the other two institutions (Beuman, 2013, p. 173). Thus, it influences the circumstance that a higher level of institutional dilemmas exists under cohabitation and a unified majority government (Sedelius & Mashtaler, 2013). Indeed, if there is a personal dilemma in the relationship between the president and prime minister, it pushes negative circumstances to restrict the possibility of fully implementing the agenda. For Mongolia, the opportunity to be elected as the president and to exercise his or her powers is more connected to partisan leadership. It provides the president with more support from the parliament. Therefore, the fifth and sixth hypotheses are:

H5: "While the government is unified, an institutional dilemma is expected to occur between the president and the prime minister. But the government instability exists at a minimum level".

H6: "An institutional dilemma is created on the basis of the president trying to accumulate more power during the unified majority government".

These hypotheses are based on the main institutional dilemmas within each situation of semi-presidentialism. Then, all hypotheses are discussed separately in Chapters 4, 5 and 6. The H2, H4, and H6 on situations considered the parliament and the government relationships that include different dilemmas due to the presidential and the parliamentary term. Thus, hypotheses are sub-hypothesis of the first main hypothesis in each situation of semi-presidentialism.

2.6. Data Collection and Data Analysis

Research data were collected in three phases. In the first phase, the in-depth interview was conducted within the primary data collection method. In this phase, specific interview questions were developed for representatives of the president, parliament, government institutes, and political parties to meet the main objectives and hypothesis of the research. In

the second phase, primary data were collected by document analysis within the main research objectives. The third phase was the secondary data collection method that covers the theoretical and empirical evidence in the literature. Then, the literature review was developed within this phase. In the analysis of the data collection within these three methods, specific data analysing methods were used in the context of the research objectives and hypotheses.

First, the interview data analyse was a challenge that requires certain knowledge and experience. Therefore, it was necessary to conduct an in-depth face-to-face interview with participants who have an understanding and knowledge of the institutions of democracy in Mongolia. The interview method was planned to create samples of interviews which include most of the participants from political scope, academics, and professional experts such as 32 participants. These participants are from political parties and individuals, government institutions, parliamentary institutions, and presidential institutions, and would support the interview method within the data collection process. To analyse data, it was conducted interviews with 24 participants due to the limited time scale and their time possibilities. The interviewees were asked 11 questions based on the theme and hypotheses and put forward in the study and received answers. These questions were organized by the semi-structured approach and detailed answers. The in-depth interview interpreted the following main steps within the thematic analysis (Mortensen, 2020). It includes:

1. The interviews used semi-structured questions that were adequately broad to allow for evolving themes. After that, interviews with 24 participants were transcribed into text.

2. Then, a general sense of the information and its overall meaning was coded using NVIVO software within the First Cycling Coding Method into created themes and categories. The main themes relevant to the chapters of the study as cohabitation, a divided minority government and divided government, and a unified majority government. The each of three themes includes three categories: dilemmas between the president and the parliament, dilemmas between the president and the government, and dilemmas between the parliament and the government.

3. Within these themes, three categories were created and coded including main indicators. The main themes and categories were supported by new ideas and

information that were obtained during the face-to-face interview. In addition, these new ideas and information were re-coded by combining them with repetition and a similar theme within the framework of the Second Cycling Coding Method.

4. The results of the interview were combined with the hypotheses and the research question of the study and a conclusion was made within the framework of five main themes.

The interview form developed within the framework of the interview method is attached in Appendix-1. The interview results were discussed in Chapter 7.

Second, primary data analysis was interpreted within the qualitative research method. In particular, thematic analysis was used in the document analysis approach. In accordance with the purpose of the study and the selected methods, the characteristic values of the data were analysed through themes and document contents. Based on the thematic analysis method, first, the themes of cohabitation, divided minority government, divided government and unified majority government were created according to the situations of a semi-presidential system. Second, within the framework of the theme, based on the results of the presidential and parliamentary elections, institutional dilemmas were expressed with special short names and codes. Thirdly, data related to institutional dilemmas was collected by making a list of references issued by the president, parliament, and government institutions. For example, President of Mongolia for 25 years: Chronological Bureau 1990.09-2015.10 issued by the Presidential Office, a compilation of historical documents of the Mongolian Parliament 1992-2020 issued by the Office of the Parliament, Results of the presidential elections of Mongolia (1993-2017), Results of the parliamentary elections of Mongolia (1992- 2016) and the United Legal Information System (ULIS)'s database were used as the main data sources for these three institutions. Fourth, the content of the documents collected according to the criteria was analysed, and the results were explained in the relevant sections for each chapter of the research. For example, ULIS supports collecting data on the main legal decisions from institutions of the president, the parliament and the government. Yet, there were several challenges in that it has not included some legal documents of the three institutions. Then, some important data were additionally collected and analysed from other sources.

Third, secondary data analysis was interpreted by documents and causal process analysis within the document analysis method. In the framework of these methods, electronic and physical documents were analysed and supported to clarify the main arguments and conceptual framework within the case of Mongolia and even hypotheses were developed within this process. First, the main important issues were discussed in the theoretical framework as the theoretical arguments related to the democratic system, the third wave of democratic transition and the problem of the quality of democracy. Second, the main research was discussed in this phase which was associated with key features and differences between the presidential and parliamentary systems. It is necessary to be discussed this phase due to the two classical mainstreams of democracy. Third, the main theory and concept of the semi-presidential system will be analyzed independently. This analysis will describe different situations that arise in this system and the main arguments for those situations. Finally, the results of the empirical evidence will be discussed and will tend to include the main advantages and disadvantages of semi-presidentialism within international constellations. All of this literature and its analysis supported to development of the main hypotheses and testing them in thematic chapters of the research. Figure 2.2 demonstrates the methodological approach applied in the study.

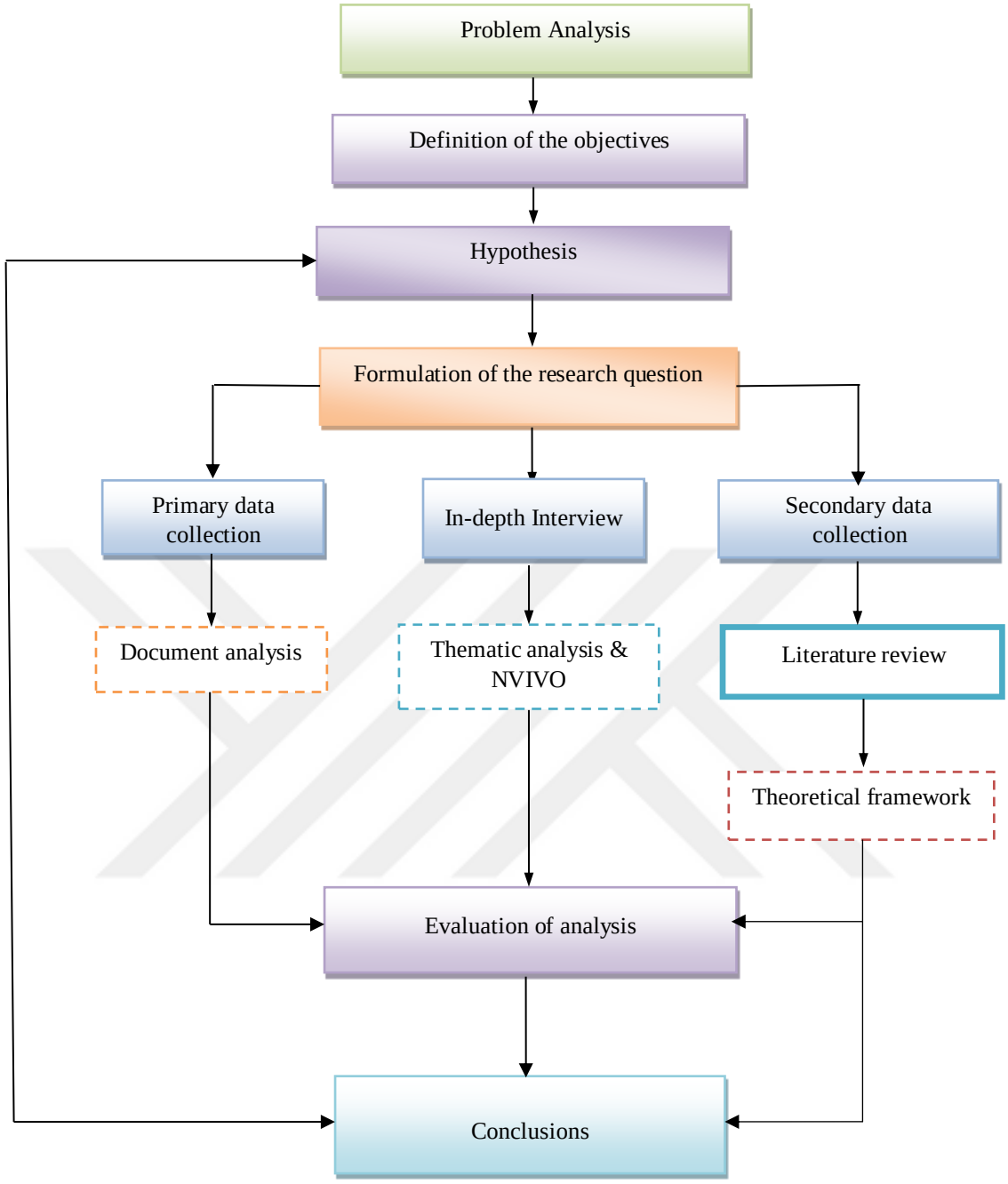


Figure 2.2. Methodological approach's flow chart

3. ORIGINS AND DEVELOPMENTS OF DEMOCRATIC INSTITUTIONS IN MONGOLIA

The People's Revolution in 1921 and the adoption of the first constitution in 1924 pushed Mongolia to become the second communist country in the world with a Soviet communist regime until 1990. After the collapse of the communist regime and the Soviet Union in 1989, democratic ideologies were discussed deeply in Mongolia such as human rights, equality, democratic institutional ideas and so forth (Jeffries, 2007, p. 2). The context of this change was the approval of the new democratic constitution. It became the foundation of the most important and inevitable political, social, and economic reforms. With the adoption of the new constitution in 1992, Mongolia established a state structure based on the democratic institutional principle: the legislative and executive institutions with the scope of powers. Since this time, the performance of the new constitution has faced many new situations, difficulties and challenges in the past 30 years.

The most controversial topic of all is the resulting dilemmas between these institutions. The result of these dilemmas has had many effects, such as struggling with the political institutions, especially the loss of stability of the government due to the dilemma, and then retreating from the ideals of democracy, human rights, and equality, as well as nostalgia for the old communist system. This research framework also aims to identify and analyze these inter-institutional dilemmas to bring out the main factors of the institutional dilemmas in detail. Therefore, the political institutions formed under the new constitution of 1992 will be systematically explained in this chapter. The chapter will structurally analyze (1) a democratic transition and new constitution, (2) a legislative institution and its main characters, (3) a building of a presidential institution, and (3) an establishing executive institution and its challenges, finally, will conclude the chapter.

3.1. Democratic Transition and New Democratic Constitution

It is considered that the transition to a democratic regime in Mongolia was influenced by external and internal factors. External factors, indeed, were creative thinking, democratic ideas, and the concept of reorganization that began to emerge in the Soviet Union when Mikhail Gorbachev became the general secretary of the Communist Party in 1985. He became the leader of reforms in not only the Soviet Union but also all over the communist

countries which were called *"perestroika"* to allow economic operation independently from *Gosplan* and *"glasnost"* to provide intellectual openness (Vietor, 2007, p. 176). The term perestroika and glasnost then have been popularized by the authorities, researchers, and journalists of communist countries. This situation of reforms affected public opinion and social thinking, and the spirit of creativity, change, and renewal began to be actively revived in Mongolian society too. It is considered that the basic reason for this reorganization had its characteristics in each country. Besides these external factors, Mongolia had the following internal factors which influenced to termination of the communist system.

- Distortions resulting from the deepening of the distorted version of Marxism-Leninism into an ultra-dogmatic model covering all areas of intellectual life.
- As for the political system, a deep crisis in the Soviet model of the administrative-bureaucratic totalitarian system governed by the strict mission of one political party
- Citizens and intellectuals are too thirsty for freedom, especially where the freedom of speech, expression of opinion, and publication is judged by strict political standards, restricted and imprisoned, and politically repressed.
- By turning common norms of human rights into mere political declarations, law and judicial institutions work under the guidance and signals of the Communist Party's policies and the leaders who implement them.
- Political rights such as the right to be elected, freedom of expression, freedom of association, and demonstrations were strictly prohibited and turned into a means of protecting the ideology of the Communist Party.
- There was a stagnation of economic development.

These external and internal factors formed the basic political conditions for the further development of the democratic process, and the political consciousness and activism of the citizens grew, and by reading and listening to the processes taking place in the Soviet Union and other communist countries, Mongolia was transformed in the social, economic and spiritual spheres. There has been a movement to intensify development and create alliances and associations among young people for reorganization (Chuluunbaatar et al., 2021, pp. 65–67).

Huntington (1991) wrote the main factors observed in third wave democratic countries such as Mongolia, were the snowballing or demonstration effects. It was the situation and time in which people were called to actively participate in the transition by organizing demonstrations in their own countries following the demonstrations that were taking place internationally (Huntington, 1991a, pp. 16–19). Thus, in Mongolia, the first political organization was held on December 10, 1989 - International Human Rights Day, under the name Mongolian Democratic Union (MDU) at the entrance of the Youth Cultural Center. On this day, the democratic revolution in Mongolia began when MDU requests 13 demands, including establishing a multi-party system in Mongolia, respecting human rights, holding early general elections within the first half of 1990, exonerating political oppressors, and guaranteeing freedom of the press (Zorig Foundation & IRI, 2015, p. 6). Yet, the Mongolian People's Revolutionary Party (MPRP) - the Communist Party of that time did not accept their proposals and demands, so the MDU began to carry out their struggle on a wider scale. Therefore, a total of five political rallies have been organized over the period of more than two months, and more than 60 thousand people have supported them since the establishment of the MDU. During this period, MDU expanded to more than 80 branch councils and more than 30,000 members and was active in organizing demonstrations and writing demand letters.

Along with this, the Communist Party continued to oppose the change in the composition of the Central Committee of the MPRP, the separation of the party from the state, and the establishment of the Temporary People's Congress with equal participation of all political forces. Therefore, MDU organized a political hunger strike involving representatives of the democratic forces on March 7, 1990. Soon when the health of some young people began to deteriorate in March, the ruling Communist Party offered to compromise and start negotiations (Chuluunbaatar et al., 2021, p. 69-70). The transition to a regime requires mutual compromise. In the first stage of this process, the capacity to maintain public order and stability is simultaneously reduced as elections, human rights, and political freedoms expand. Only in the next stage can governance and democracy go together in a more balanced way. Indeed, there were many bad cases of regimes such as Libya and Egypt facing a difficult choice because of the dilemmas between state capacity and democracy (Norris, 2012, p. 10). Yet, in the case of Mongolia, however, all the compromises have been successful, and the transition to a non-violent and peaceful regime is one of the most successful examples of compromise. These negotiations were more related to Jambyn

Batmunkh, the General Secretary of the Central Committee of the Communist Party at that time. He had a strong position that no force should be used against the people's struggle, which had a decisive effect on the peaceful progress of the democratic transition without the loss of a single human life. It has distinguished the specific character of the democratic transition of Mongolia (Zorig Foundation & IRI, 2015, p. 32).

Soon the Politburo of the communist MPRP resigned in its entirety and it is a fundamental condition that begin to change the communist system of Mongolia based on the process of solving the problem through joint efforts between MDU and MPRP. MPRP made an important decision that made to amend the Preamble of the then constitution and renounce the special rights stipulated in Article 82, and it was approved by the 8th Plenary Session of the National People's Congress on March 21, 1990.[6] These clauses were removed from the preamble of the constitution stating that "... the Mongolian People's Revolutionary Party is the guiding force of society..." and Article 82 of the constitution was replaced by "... citizens who are in line to build a humane democratic society, the basic interests and unity of the people have the right to join a political party and public organization with a platform charter... The rights of parties and public organizations shall be registered in the state register for the purpose. The issue of recognition and registration of political parties by the state will be decided by the Supreme Court of the Republic of Mongolia by law". With this, the multi-party system in Mongolia was legally guaranteed, and the newly established political parties were registered in the state registry by this provision and became legal subjects for political activities throughout Mongolia (Chuluunbaatar et al., 2021, p. 70).

Considering this real change in social life, the 9th session of the People's Great Khural was convened on May 10, 1990.[7] In this session, it was decided to hold democratic parliamentary elections and legislated democratic institutions that the highest organ of state power is the People's Great Khural, the supreme legislative body or permanent parliament is

[6] Mongolia adopted its first constitution in 1924 and officially transitioned to a communist regime after the Soviet Union. Since then, the constitution has been amended in the 1940s and 1960s. The constitutional amendment referred to in this section is an amendment to the 1960 constitution.

[7] The Great Khural was renamed the People's Great Khural in the 1960 constitution. Since 1924 the national assembly had been called the *Bugd Nayramdah Mongol Ard Ulsyn Ih Khural*, the Great Khural of the Mongolian People's Republic (MPR), or *BNMAU-yn Ih Khural* (MPR Great Khural), or *Ulsyn Ih Khural* for short. The word *uls* was translated into English as "state" or "people". The word *Ikh* was translated into English as "great" or "grand". The word *Khural* was translated into English as "assembly" or "conference".

the State Little Khural - State Assembly[8], the highest executive body is the government, and the head of state is the president (Constitution of MPR, 1960). In this way, there were several reforms in the constitution such as the political party made a principled choice to separate the role of the state, the rule of law at the centre of the political system, and develop a democratic political system with a bicameral parliament that distributes state power in a balanced manner. It is claimed to be the legal basis for laying the first legal foundation of a democratic political system that will replace the authoritarian political regime that existed in Mongolia for almost 70 years (Lkhagvaa, 2019c, pp. 160–161). The main goal of the new People's Great Khural's election and the State Baga Khural which was formed as a result of the democratic election of the People's Great Khural has been to adopt the new constitution, which is essential for Mongolia's reforms.

3.2. Process of Adopting New Democratic Constitution

The Mongolian constitutions were adopted in 1924, 1940, 1960, and 1992. Historically, it is one of the leading countries in Asia in terms of constitutional development. It is the fifth constitution in Asia after Japan (1889), the Philippines (1899), China (1912), and Afghanistan (1923). Yet, it is inaccurate to consider the content of the communist constitutions of 1924, 1940, and 1960 in terms of the development of constitutionalism. Because the countries with a communist party-centred state system led by the Soviet Union have seriously violated the basic principles of liberal democracy which are human rights, freedom, the right to choose, equality, and the regulation of private property protection. They were only used to protect their regime. It has been shown in Mongolian history for almost 70 years in the twentieth century. For instance, the communist constitutions of Mongolia have declared about fundamental power of the state based on directly reflected the provisions of revolutionary and class distinctions. These provisions expressed in the 1924 constitution, when determining the basis of state power, all political affairs were to be managed by the people, in the 1940 constitution, all government powers were in the hands of the working people, and all government powers were in the hands of the working people in 1960, which was in line with the communist ideals of that time. On the other hand, the 1924 constitution removed the right to elect and be elected from the hereditary monarchs, dukes, and monks,

[8] The State Little Hural *(Ulsyn Baga Khural)* was reconstituted in the amendment of the 1960 constitution in 1990-92, the word *ulsyn* began to be translated into English as "state" that generally in the constitution is *tör*. The word *Baga* was translated into English as "little" or "small"

who are so-called enemies of the class. Thus, it has established a “proletarian dictatorship” based on only the real, herding or working people, or the poor people's interests (Tsedev, 2020, pp. 4–17)

Likewise, there were many difficulties during this time. But the most serious problem was Mongolian intellectuals and high-level officials were worried about that how they can manage the transition carefully that the Marxist-Leninist platform to a liberal democratic one at the beginning of the transitional period. Then, the government formed as a result of the election of the People's Great Khural in June-September 1990 established a commission to draft the fourth democratic constitution in the history of Mongolia under the leadership of the first President P Ochirbat. The commission includes two famous intellectuals K Zardykhan, deputy chairman of the Little Khural was appointed deputy chairman of the commission, and B Chimed, secretary of the Little Khural, who became its secretary. These three officials were members of the communist MPRP of that time and are considered to have laid the groundwork for the transition from the Marxist-Leninist platform to a liberal democratic one. According to the content of the new constitution, four chapters were established which were human rights, state affairs, economic, social, and political matters, and legal and constitutional issues (Sanders, 1992, p. 511).

Thus, the first draft of the constitution was published in June 1991. In the preparation of this draft, the commission received the help of the International Commission of the Jurists, which was published internationally in May 1991 under the name of the famous law of Genghis Khan during the Mongol Empire as Ikh Tsaaz –*Yassa*. In the meantime, in October 1995, a new draft was prepared after public discussion. Thus, the two drafts of the new constitution contained a lot of differences. For instance, many provisions such as raising the minimum age limit for a member of parliament from 25 to 30 years, setting the age limit for both presidents at 40 years, and dividing 18 provinces into 7 provinces in the May draft can be mentioned, and so forth. The Third Draft of the new constitution was approved in November 1991. This draft has been a product of two main events that were the Anti-Gorbachev coup in Moscow and the international conference on Mongolia's Democratic Transition and the Role of the New Constitution in Mongolia in September 1991. In general, there were many debates during the adoption of the new constitution, including the topic of establishing democratic institutions. The first of these was the debate over how to name the country. Interestingly, according to a survey at the time, 60 per cent of all citizens supported

the former name of the Mongolian People's Republic, while 20 per cent supported the current name of Mongolia. Finally, they chose the name Mongolia, which was supported by merely 20 per cent. There were several interesting facts during the discussion of the constitution. The first draft supported the presidential system rather than the parliamentary system, but soon the parliamentary system was chosen. Also, a bicameral parliamentary system with 120-150 members was introduced, but a unicameral parliamentary system with 102 members was introduced, and when the law was approved, a unicameral parliamentary system with 76 seats was chosen (pp. 513-514). For more than 70 days, 470 delegates from all over Mongolia deliberated and approved the new constitution on January 13, 1992 (Chuluunbaatar et al., 2021, p. 71).

The new constitution puts the foundation for the system of creating a democratic society with a market economy, and the parliamentary system and protected human rights such as the right to religion, freedom of expression, owning private property, and so forth. The important issue was the structure of democratic institutions and their elections (Constitution of Mongolia, 1992). The constitution has six chapters and seventy articles. Chapter 1 contains the provisions for state protection of Mongolia's independence, territorial integrity, and historical and cultural heritage (Articles 1-13). Chapter 2 contains provisions on human rights and freedoms and provisions on fundamental duties (Articles 14-19). Chapter 3 describes the democratic institutions of Mongolia, its powers, and the relations between them including four main parts. The first part is the power of the State Ikh Khural (parliament) has been approved to implement the full power in which all state powers and legislative powers are vested in the State Ikh Khural. It has 76 members and stipulates that citizens of Mongolia who are at least 25 years old should be elected by general elections for four years. The Speaker and Deputy Speaker of the Parliament are elected from among themselves for a four-year term, announce the presidential election, appoint and dismiss the prime minister and members of the government, and determine the functions and powers of the NSC, referenda, and general state of emergency. The State Ikh Khural has two sessions that are held once every six months (Article 20-29).

In the second part of Chapter 3, it is formulated that the president is the head of the state or the representative of the unity of the people, and a native citizen who has reached the age of 45 will be elected popularly for four years. Candidates for the presidential election will be nominated from the parties which have seats in the parliament, and the candidate

with the most votes will be announced as the president (Article 30-37). The powers of the government are reflected in the third part of Chapter 3. The government is the highest body of executive power and its powers are exercised for four years. It is stated that the government is responsible for drafting economic, social, and financial policies, protecting the environment, and defence, strengthening security, protecting human rights, and implementing foreign policy (Article 38-46). In the fourth part of the third chapter, it is stated the powers of the judiciary. The Supreme court is the highest judicial organ and the appointment of the Supreme Court, and its judges legislated for six years. The judges of the Supreme court and other courts shall be appointed by the president (Article 47-56). Chapter 4 reflects the application of local government functions in combination with local self-governance and central administrative organizations (Article 57-63). Chapter 5 defines the functions of the Constitutional court. It is stipulated that the members of the Central Committee shall be nominated by the parliament, the president, and the Supreme Court and appointed for a term of six years (Article 64-67). Finally, Chapter 6 is the amendment to the constitution that prohibits amendment to the constitution six months before the election (Article 68-70).

Among these, one of the most interesting provisions in Article 20 states that "the State Ikh Khural of Mongolia is the highest organ of state power, and the legislative power is vested solely for the State Ikh Khural of Mongolia". However, Article 30.1 asserts that "the president is the head of state and the representative of the unity of the Mongolian people" and Article 30.3 states that "the president is elected popularly" (Constitution of Mongolia, 1992). These articles define Mongolia as a country with a semi-presidential system, similar to Austria, Finland, France, Iceland, Ireland, and Portugal. Lijphart (2012) stated that "a popularly elected president with the head of state undermines the fundamental principles of a parliamentary system by further taking over the leadership of the government". It alludes that the president's excessive involvement in the exercise of executive power threatens the nature of the parliamentary system (Lijphart, 2012, pp. 128–129). Therefore, until now, the constitution has been amended according to the needs of the time, society and dilemmas between political institutions. Nowadays, constitutions of developed democracies can be classified as written and unwritten, stable and flexible. For example, England and New Zealand do not have a written constitution, which is interpreted as a requirement for a written constitution because of the tradition of strong consensus in parliament. However, most countries have a written constitution, which seems easy to follow, but on the other hand,

there are weaknesses such as the possibility of amendments by a parliamentary majority and weak protection of the judiciary (p. 206). Although the constitution is the basic law regulating social relations, it does not mean that amendments cannot be made. Yet, from another point of view, the constitution of Mongolia is fragile in terms of constitutional immunity. It has been amended four times until 2022, and its quality of implementation is considered high level. Interestingly, the latest amendment of 2019 has improved six of the seven provisions of the first amendment of 2000 and the last amendment of 2022 has removed one of the provisions of the amendment of 2019. This shows that the immunity of the constitution is weak. The following chapters will discuss the amendments to the constitution in detail.

3.3. President and Presidential Powers

The head of state is closely related to the terms of *Xiongnu*, *Khan*, *Da Juntan* or head of state, head of society, and president in Mongolian history. Mongolians have a rich history of establishing their state and protecting their independence more than 2200 years ago (Dashnyam, 2005, p. 12). The state of the Huns was ruled by a ruler (chieftain) of a dominant clan called *Xiongnu*. *Xiongnu* was selected from among the leaders of twenty-four Hun provinces to lead the state. During the existence of the Hun Empire, there were 52 *Xiongnu* kingdoms. An ancient Mongolian state with a monarchy in the territory of Mongols, succeeding the Huns. The ancient Mongolian state of Xianbei, Rouran, Tureg, Uyghur, Kyrgyz, and Khytan existed in the territory of Mongolia. All the power of the state was concentrated in the hands of the king, and only the king enjoyed the exclusive right to lead the state, manage the state, command the army, impose punishments and own territories. Tan Shihuai, king of Xianbi began to use the title *Khan* from his time. After the fall of the Chinese Empire in 1125, the Mongols existed in the organization of scattered provinces and khanates (pp. 200-245). From the establishment of the Mongol Empire in 1206 to 1924, there were 37 successive *Khans* from Genghis Khan, through the Manchu Qing Dynasty to Bogd Khan, who were the heads of state (Ochirbat, 2000, p. 5). However, the researchers who analyzed the historical process after the 1911 National Freedom Revolution have different opinions that the head of the state was only the monarch with limited power or was a constitutional monarchy with the characteristics of the current presidential institution.

As part of the amendments to the 1960 Constitution in May 1990, a new presidential institution was established in Mongolia. Mongolia not only has a head of state that meets public standards, but the president is elected by the parliament, and he is responsible for his work to the parliament. This gives him a legal status that belongs to the classic presidential model of a parliamentary system. It was a solution fully adapted to the parliamentary system of government. According to these amendments, the president and even the vice-president were elected by the People's Great Khural (Amendments to the 1990 Constitution, 1990). Yet, the president was elected by universal suffrage and has permanently resided in Mongolia for at least five years, attained the age of 45, and shall be elected only twice for a term of four years[9]. The vice-president was removed in the new constitution was approved in 1992. It was related to the main ideas of the 1960 amendments to the constitution that the president was dependent on the parliament and some concepts were preserved in the new constitution. For example, "parties with seats in the parliament shall individually or jointly nominate one person for the president"; "the president shall take charge of his work in the State Ikh Khural"; "during the temporary absence of the president, the speaker of the State Ikh Khural will exercise his powers." Moreover, the president, in consultation with the leaders of the party and the coalition party that won the majority in the parliamentary elections, nominates the prime minister and appoints him through the parliament.

There were some characteristics of presidential or semi-presidential governments that have been established, such as the fact that the prime minister is responsible for prior consultation with the president on the composition of the government. These provisions included in the 1992 constitution are probably due to differences in the understanding of the institution of the head of state at various stages, especially when the draft constitution is being discussed by the People's Great Khural, and differences in principle in terms of the interests of political parties. The president nominates the prime minister to the parliament after consultation with the majority party or a coalition, the prime minister is appointed by the parliament. Moreover, the prime minister was responsible for prior consensus with the president on the composition of the cabinet (Constitution of Mongolia, 1992). It was established within some characteristics of presidential or semi-presidential systems. These provisions included in the new constitution were probably due to differences in the

[9] In the amendment of the 2019 constitution, "the president shall be the head of state and embodiment of the unity of the Mongolian people. He or she must be an indigenous citizen of Mongolia, who has attained the age of fifty years and has permanently resided in Mongolia for at least five years, and shall be elected as the president once only for a term of six years".

understanding of the democratic institutions especially when the draft constitution is being discussed by the People's Great Khural, and differences in principle in terms of the interests of political parties.

3.3.1. President's Position in the State Structure

In the 1992 democratic constitution, the main feature of semi-presidentialism is the system in which the president is elected by universal suffrage. If the president is elected popularly, he will undoubtedly be stronger and more influential in the sense that he represents the citizens rather than the president elected by the parliament. Therefore, many domestic researchers have stated in their works that it is necessary to consider the presidential institution in accordance with the form of a state structure. They have different opinions in terms of the form of state structure that Mongolia is a parliamentary or a semi-presidential government (Enkhbaatar et al., 2016, p. 72). Some politicians, political scientists, constitutional lawyers, and researchers support that Mongolia belongs to the parliamentary system. But some of them support Mongolia as part of the semi-presidential system (Chuluunjav, 2009, p. 317). It has also been described as a mixed system in which the cabinet's character predominates. However, there are many reasons to doubt the president of parliamentarism or the president of semi-presidentialism. Because the president of Mongolia is elected by universal suffrage and has strong influences to the executive power (Enkhbaatar et al., 2019, p. 9). Precisely, the legal status of the president does not fully allow Mongolia to be defined as a parliamentary system. In the form of parliamentarism, the roles of the head of state and the head of the government are different, while in a presidentialism, it is impossible to clearly distinguish (Lundeejantsan, 2014, p. 152).

The issue was even not clear during the discussion of the new constitution 1990s. The Constitution Drafting Commission followed the direction of assigning the president to the executive power, and in the structure of the draft, the section entitled "executive power" included two parts: "president" and "government". However, during the discussion of the draft constitution at the People's Great Khural, it was changed and organized into separate sections, making the position of the president unclear in the state structure (Enkhbaatar et al., 2019, p. 111). However, the order of the state structure chapter has been preserved as the parliament, the president, the government, and the judiciary but the president remains unclear within the scope of executive powers (Chimed, 2003, p. 34). Figure 3.1 demonstrates

that not only institutions of executive power, the president and prime minister have been established, but the relationship of power between them is not properly constructed in the new constitution. Therefore, when there is cohabitation between the two rival parties, it creates an immense dilemma between the president and the government of the majority party to strangle each other or undermine the executive power. When there is a unified majority government between the president and the prime minister in the same party, it creates also a huge dilemma that who will make the final decision, so the country becomes unstable due to the formation of a state without a leader. Therefore, the relationship between the president, the legislature and the executive in the state system stipulated in the 1992 constitution can be drawn as shown in Figure 3.1.

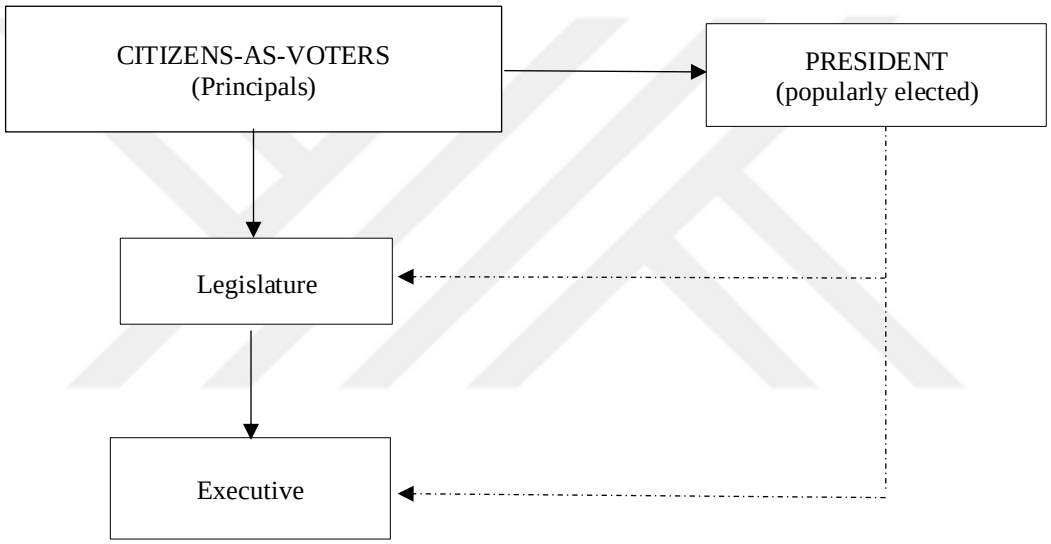


Figure 3.1. Semi-presidential democratic institutions in Mongolia

Overall, the president intervenes in government activities in a semi-presidential system, while in a presidential system, the head of state heads the government. However, as noted above, during the discussion of the draft constitution in the People's Great Khural, the president and government were divided into two separate parts in the same section, which made the position of the president unclear in the state system (Enkhbaatar et al., 2019, p. 111). In addition, the institution of the president must be determined in one of the three branches of power by further improving the current structure. Otherwise, it should be considered from the point of view of helping and regulating the balance of the three branches of constitutional power. Probably, the president is the head of

executive power. It has also been proposed that it is appropriate to have the authority to command the agencies established under the parliament, as well as government organizations other than those specifically given to the government by the constitution (p. 3).

3.3.2. Presidential Powers

Compared to parliamentarism, the president was given slightly more power than the heads of state of parliamentary countries during the process of discussing the draft constitution. It includes the right to initiate laws and the right to instruct the government and so forth. Remarkably, the right to instruct the government is not included in the constitution of parliamentary and semi-presidential systems. Then, it is possible to state that the president of Mongolia is considered to be a strong head of state (Enkhbaatar et al., 2019, p. 109). Therefore, Chimed (2003) claimed that the status of the president belongs to the executive power. This means that (1) his or her power is recognized by the parliament and (2) the president is accountable to the parliament. (3) Decrees and any other decisions are based on the principle of compliance with the law, and if they are contrary, the parliament has the power to cancel them. In other words, a by-law is issued by the president, not a law. (4) The main dominant sphere of power belongs to the executive power. For example, the president submits proposals to the parliament regarding the appointment and dismissal of the government, agrees with the prime minister concerning the structure and composition of the cabinet, provides instruction to the government, has the power to lead the NSC and is the Commander-in-Chief of the armed forces, as well as the government, is responsible for the implementation of the president's decree (Chimed, 2003, p. 34).

Likewise, Ochirbat (2001) stated that the power of the president is determined to be close to the institution of executive power, which has influenced some scholars to state that Mongolia is a semi-presidential system or the president with a strong power in parliamentarism (Ochirbat, 2001, pp. 33–35). This is also observed in certain political relations. Policy issues scheduled to be discussed at the meeting of the government are always presented to the president in advance. The president notifies the government if he deems the decision of the government to be amended. If the president intends, he will attend the meeting of the cabinet and express his opinion. As well, the president submits

a proposal for a prime minister candidate to the parliament to appoint the prime minister in consultation with the majority party. But the consultation process regarding the appointment of the prime minister was limited by amendments to the constitution in 2000. Before that, the president was granted the full-fledged decision-making right to approve or disapprove of the candidate for the prime minister in consultation with the political party. This means that the fate of the government was completely dependent on the president's decision. However, after the 2000 amendment, the president shall submit to the parliament within five days the proposal to appoint the candidate nominated by the majority party or coalition in the parliament (Article 33.1.2). It turned the presidential right into a mere "duty" to get to know the candidate, with no defining function.

3.3.3. President vs Parliament

The powers of the president to communicate with the parliament have been legislated uniquely. The parliament considers the president as elected popularly and adopts a law recognizing his full powers. In other words, the parliament confirms the president after the elected by universal suffrage (Article 31.4). In that sense, it may or may not be approved as the result of the president's election in the parliament. It is not specified on what grounds it may be disallowed, which appears to be a matter of discretion for the members of the parliament. Even though the dilemma related to this provision of the constitution has not yet appeared in political practice, then, if the members of the parliament do not approve of the result of the presidential election, what will be the consequences? Regarding the scope of the president's power concerning the parliament, he or she may dissolve the parliament, initiate laws, express opinions on laws and regulations, and vetoes them. These powers should not be considered ceremonial and are closely akin to the presidential system. Because these mandates have certain legal consequences and are important levers to limit the activities of the legislature (Enkhbaatar et al., 2019, pp. 97–100).

Presidential vetoes are widely used as an important tool to influence the legislative powers of parliament. The president has the right to veto all or part of laws and resolutions adopted by the parliament. If the president's veto is discussed by the parliament, and if two-thirds of all members present at the meeting do not accept it, the law and decision will remain in force (Article 33.1.1). In addition to the constitutional

powers, the president has particular powers. These powers can only be established by law and have faced considerable criticism. It opened the "door" for the president to increase his powers. The number of legal provisions granting particular powers to the president has increased significantly in recent years. The particular powers of the president are wider than the legislative powers. These are more than 70 rights regulated by 40 laws and by-laws in the relations with many public organizations. Most of these particular powers are related to the powers that were granted to the president. These powers also regard the appointment of public organizations such as the head of the IAAC. The appointed official can remain in office even after the end of the term of the president. In that sense, the president can influence to activities of the parliament and the government, even if he or she is out of office.

The parliament forms the government, and if the majority decides to vote no confidence, the government is dismissed by the parliament too. In empirical evidence, many countries have shown that it is not possible to regulate the system of checks and balances without reducing this immeasurable power of the parliament. This mitigating factor is the power of the president to dissolve the parliament on the recommendation of the government if the parliament decides to vote no confidence in the government (Enkhbaatar et al., 2019, p. 111). According to the 1992 constitution, the president could propose the dissolution of the parliament in consultation with the Speaker of the parliament merely because the parliament could not exercise its authority. Yet, with amendments to the constitution in 2000, the president has the power to dissolve the parliament if the proposal for the appointment of the prime minister is not submitted to the parliament within 45 days (Article 22.3). This provision takes into account public standards, but the situation is not much better because it is impossible to be implemented in political practice. It is reasonable to claim that the negative consequences of regulatory actions have greatly unbalanced the state system of Mongolia. Since 1992, there have been only two governments that have completed their mandates, and the rest have resigned prematurely. There were cases when four governments were replaced during the term of one parliament.

Therefore, Enkhbaatar et al., (2019) concluded that the only way to eliminate this failure, imbalance, and fragility of the state structure is to grant the president the real power to dissolve the parliament during institutional dilemmas and political bottlenecks.

In the examples of countries with a form of government similar to Mongolia, presidents have been granted this power to keep the government stabilised. On contrary, government instability is also the risk for members of parliament to re-elect and win again the parliamentary election (Enkhbaatar et al., 2019, p. 111). In addition, for the president, who is elected popularly and exercises his powers, there is no specific subject to whom he can be held responsible. Merely, if the Constitutional court concludes that the president has violated the constitution, the constitution allows him to be removed by a majority decision of the parliament (Article 35.2). Most recently, on December 20, 2020, the Law on the Presidential Election of Mongolia was revised after organized the 6th president has been elected in eight presidential elections. In this election, the winning candidate will be elected as the head of state once every six years. This is because the amendment to the constitution adopted in November 2019 stipulated in the election law that the president should be elected once only for a term of six years. In Mongolia, the head of state sees himself as a representative of the people because he has received his mandate directly from the people. Therefore, dilemmas between the parliament and the government occurred during successive presidents. This will be discussed in more detail in later chapters.

3.4. Establishment of the Parliamentary Institution

In the 2,231-year history of Mongol statehood, there were several representative features such as the Hun Empire's “council”, “princely assembly”, “council”, “meeting”, the Mongol Empire’s “Great Khuraldai”, the Yuan Dynasty's “princely assembly”, the Manchu Qing Dynasty’s “provincial assembly”, and were State Ikh Khural and State Baga Khural and during the communist period. However, there was no parliamentary representation in Mongolia until the 21st century. Because in Mongolian society there was not a strong separation of social classes between kings, nobles, and commoners, as in Europe, and the resulting struggle for representation did not take place. However, Mongolia changed to a republic, the monarchical form of government was abolished and a new system of state institutions was strengthened after the adoption of the first constitution in 1924. Conceptually, this system was implemented only in the Soviet Union and other communist countries, with neither a parliamentary nor a presidential system. In this system, a unique form of government was formulated as a republic of councils with part-time dual works, with elected members having a one-party system with no opposition and top-down unified

management councils that should not be self-governing. Therefore, all government institutions have been operating their policies based on decisions and the leadership of the communist party, until the collapse of the Soviet Union (Enkhbaatar et al., 2018, p. 18). Then, the 1960 constitution was amended in 1990 that stipulated the main principle of democratic institutions. It has organized the Parliament-President-Government structure that highlighted the president or the head of state is elected by the parliament and is accountable to the parliament. The parliament of Mongolia is a unicameral system which includes two chambers the People's Great Khural, the highest body of state power, and the State Baga Khural, the permanent legislative body. The government of Mongolia is established by the State Baga Khural and implements its functions on the principle of the cabinet (Constitution of MPR, 1960).

As noted above, after the collapse of the communist system, about 60 per cent of post-communist countries transitioned to semi-presidential systems (Kim, 2015, p. 652). Mongolia was one of them. In 1991, when the State Baga Khural debated the draft of a constitution, most of the proposals were generally in favour of parliamentary rule. Yet, the members did not understand the semi-presidential system, it was explained by the example of France which had a strong president who influences both the parliament and the government due to the limited understanding of democratic institutions at that time. Thus, the 1992 constitution established that the president should be elected by universal suffrage instead of by parliament. Then it affects vague structure in terms of the form of government and state structure (Enkhbaatar et al., 2018, p. 20). This is reflected in the constitution, which places the power of the parliament at the highest level. According to the constitution, the parliament is the supreme authority of the state and has the full power to determine the basis of the internal and external policies of the state (Article 25 of the Constitution). Therefore, the parliament has strong power to legislate. The constitutional term “the highest organ of state power” was the main root in the previous constitution. Nowadays, this phrase is relatively rare and is used merely in some socialist countries. It is stipulated only in Japan among democratic countries[10].

[10] In the constitution of Japan defined the parliament as the supreme body of the state power which was driven by the hidden idea of separating the legislative power of the state from the emperor. Most of Japanese scholars claim that the provision of the parliament as the supreme body of state power was not a reflection of the actual mandate of the Japanese parliament. For the reason that the legal status of the Japanese parliament and the actual political practice are far from each other.

This idea is even reflected in Article 38 of the constitution that the government is the highest body of state executive power. "The highest organ of state power" is an inappropriate phrase and a holdover from previous societies. This contradicts the principle of constitutional balances and the concept of separation of powers, which are the driving principles of the 1992 constitution. On the other hand, it can be a basis for undermining the principle of three separate branches of the state: legislative, executive, and judiciary. If Mongolia decides to make major changes to the constitution, it should be considered to remove the outdated expression that the parliament is "the highest organ of state power". This phrase was meaningful in the context of the transition from one system to another. Yet, the parliament became a real legislative body from a symbolic body in the democratic constitution in 1992. Since the state structure established by the constitution contains the principle of distribution of powers and the structure of balances, this phrase not only cannot accurately describe the current reality, but it is also incompatible with the aspirations of modern democratic society and contradicts the principle of distribution of powers (Enkhbaatar et al., 2016, pp. 76–77).

The power of the parliament is not only a matter of the language of the constitution. In Chernykh, Doyle and Power (2017)'s research on measuring legislative power, they compared the index of the level of parliamentary power, Mongolia ranked highest in terms of parliamentary power along with Italy and Germany (Chernykh et al., 2017, p. 308). The parliament has very wide powers in the system of government. It cannot be dissolved unless the parliament itself is dissolved by a vote of at least two-thirds of all members (Article 22.1). In many semi-presidential countries, the president or the government has the power to dissolve parliament on certain grounds. However, in the Mongolian case, this right is exercised only based on the consultation between the president and the Speaker of the parliament. In that sense, if the parliament fails to appoint a prime minister within 45 days, the president can propose to dissolve the parliament. It is almost impossible to implement in current Mongolian political practice. However, the parliament decides the issue of confidence in the prime minister and the government. If the parliament does not vote confidence for the prime minister, the parliament has the right to resign the prime minister and members of the government. It defines the main characteristics of a parliamentary republic. Nonetheless, the head of state is elected by universal suffrage. The president has some special powers, he can nominate the prime minister in consultation with the majority party or coalition, initiate laws and by-laws, instruct the government and appoint judges, main prosecutors, ambassadors and Chief of the General Staff of the Armed Forces and so

forth. It is a semi-presidentialism, literally a mixture of the parliamentary and presidential systems (Enkhbaatar et al., 2018, p. 89).

The greater the power the legislative institution provides political actors with the greater the competition to enter it by parliamentary elections and political parties. Instead of focusing on policy issues, political parties in Mongolia have started to compete for power and high-ranking seats. Instead of competing for real policies on issues with different positions, the parties put forward policies that are not very different from each other. Populism has become the political image of Mongolia today. This is a matter of concern in today's changing economic structure. Until now eight parliamentary elections have been held in Mongolia, in which political parties, their coalitions and individuals competed since the 1992 new constitution. Supreme court of Mongolia (2021) informed that there are 36 political parties which were registered in the Supreme Court, and 13 parties refused to register (*Supreme Court of Mongolia,* 2021, p. 21). On one hand, it is certainly the value of democracy. On the other hand, these parties seem like in the twentieth century and prevail in the style of a mass party with strict membership that dates to the 1980s. This suggests that Mongolian political parties are 30 to 40 years behind the development of political parties in developed countries. This is because instead of mass membership, political parties have become relatively small in the modern world. Yet, contrary, Mongolian parties are increasingly politicized in a left-wing manner to win more seats in the elections and the electorates, which in turn leads to socialist, communist, and populist-style mass parties. On the other hand, they don’t have the social, political, and legal conditions and opportunities to have a modern-style party. A truly democratic and liberal party, no matter how good or new, is first formed, but after a while, it becomes a mass left-wing or populist party. Party members want and demand the same. There is no other way currently in the development of political parties in Mongolia (see more detail in Appendix-5). Generally, few incapable politicians are often elected in the parliament and are not the main producers of accountability especially, for new politicians.

Moreover, the main factor influencing the formation of these political parties is the parliamentary election system. Since 1992, the unstable electoral system has been the result of the interests of the majority parties in parliament. As the General Election Committee reported that eight elections have been held from 1992 to 2020. These were mainly carried out by the majoritarian system (GECM, 2020). For instance, parliamentary elections are held

in three main systems: single-member majoritarian (1996, 2000, 2004, 2016) and multi-member majoritarian (1992, 2008, and 2020), mixed system (2012) that is the multi-member majoritarian and the party listed proportional (Ochirbat, 2017, p. 131). The majoritarian model of democracy implements without any difficulties in terms of executive power. The main problematic issue is cabinet formations in the consensus democracy model. Thus, Mongolia has faced this problematic struggle for four elections of parliament since 1992 during the transition. As Lijphart mentioned, the most majoritarian type of cabinet is one that is single-party and minimal winning-that is, a one-party majority cabinet. He argued that not only the most consensual type of cabinet is multiparty and oversized but also multiparty minority cabinets belong to it.

In the parliamentary system after the election, one of the problematic issues is a political coalition between majoritarian and other minorities in terms of establishing a cabinet. Thus, Lijphart (2012) stated that six important theories of the coalition include a minimal winning coalition, minimum size coalition, bargaining proposition, minimal range, minimal connected winning, and policy-viable coalitions (Lijphart, 2012, p. 81). It is shown may be coalitions are good for countries where democracy is strengthened but it makes a lot of political struggles, bottlenecks, political accountability and lack of good governance capacity. Table 3.1 describes that these challenges to democracy occurred in the Mongolian case. In Lijphart's account, there is the majoritarian model that closely allied parties and one-party majority cabinets have been established in 1996, 2000, and 2016. During these election years, there were not any immense political dilemmas between different parties but prevailed in the closely allied parties and the factionalized majority party. The worst example was in 1996, the first time the democratic closely allied parties won the election and had 50 of the 76 seats in parliament (GECM, 2017). But they withdraw their cabinets four times in four years, the last one was removed a year before the election. During that time, that occasion was an unacceptable mistake at that time in terms of the communist perspective of Mongolians. Since people were in immense experience of statism during the communist period. Before the democratic transition, one of the communist leader Yu Tsedenbal was the longest leader for 44 years between 1940 and 1984 and became the father of communist ideology in Mongolia. Then, it provides the ex-communist MPRP with a great opportunity for winning the parliamentary election with 72 of the 76 seats in 2000.

Table 3.1. Majoritarian and coalition cabinets in Mongolia (1992-2020)

Years	Parties	Small parties	Individuals	Democratic Party	Small parties	MPP (Ex-communist)
	(Total 76 seats in Parliament)	A	B	C	D	E
1992	Consensus Model Not logical coalition (ACE)	1	1	4	0	70
1996	Majoritarian Model	1	0	50	0	25
2000	Majoritarian Model	1	1	1	1	72
2004	Consensus Model Bargaining proposition (CE+Small party)	0	3	35	1	37
2008	Consensus Model Policy-viable coalition (CE)	1	1	26	1	47
2012	Consensus Model Minimal winning coalition and minimum size (ACD) and Bargaining proposition (CE)	11	3	33	2	25
2016	Majoritarian Model	1	1	9	0	65
2020	Majoritarian Model	1	1	11	1	62

Source: (Lijphart, 2012).

Interestingly, the 1992 coalition cabinet began officially in the Mongolian democratic transition. It was a very confusing model. Because MPRP won 70 of the 76 seats but they include two deputy prime ministers from two different small parties that were new democratic parties in the cabinet (GECM, 2017). Perhaps it was an encouragement to support the democratic transition. It will be shown that there are mostly minimal winning coalitions for bargaining propositions in 2004, 2008, and 2012. In the parliament, political parties increase their powers which means they hold powers in cabinets. Thus, minimal coalitions give advantages to a minority party C in Table 3.1. C contributes almost half of the parliamentary support in 2004 and 2012. It seems they have understandable situations that receive almost the half of seats in the cabinet. Therefore, they were politicized too much rather than developing the economy and reducing the poverty. Nevertheless, there were unexpected coalitions in the political study that as the CE coalition in 2008. Thus, the prime minister announced that our government is a non-standardized cabinet. Perhaps after three

consecutive winnings of the MPRP, many Mongolians were suspecting ballot stuffing, proxy voting that was used by the MPRP in 2008. Moreover, after the result of the election, there was an immense protest against the MPRP and that became a huge dilemma between the government and protestors. The results are five young protestors were killed by police. It gave a huge signal to the political parties and government officials that Mongolians are thirsty for liberal democracy last twelve years. Otherwise, political instability influenced the anarchist movement in peaceful Mongolia. These days had been writing the "dark age of democracy" in Mongolia. Due to these examples influenced a majority party to establish non-standard coalitions of cabinets as in Lijphart's account "majority government disguise" in 2008 (Lijphart, 2012, p. 92). They have dealt with the Oyu Tolgoi agreement which is one of the big strategic mining projects with western investors within the third-neighbour policy of the foreign policy concept of Mongolia. It brought the Mongolian economy a huge impact and twice bigger investment as both neighbours China and Russia in terms of total investment. Thus, it was an "effectively police-viable coalition" of the democratic history of Mongolia.

3.5. Government and its Main Characters

In Mongolia, the term "government" was first officially used in the legal framework after the People's Revolution of 1921. Since then, it has been called the People's Provisional Government, the People's Government, the MPR Government in the 1924 constitution, the People's Council of Ministers from 1932, and the Council of Ministers from 1957 to 1990. The traditional name "government" was again used in the constitutional amendment law which was approved on May 10, 1990. Thus, the third chapter of the 1992 constitution defines the powers, legal status, functions, term of office, organization, and legal status of the government (Amarsanaa et al., 2013, p. 6). In the case of Mongolia, the issues related to the participation of the head of state and the parliament in the process of forming the government are regulated by many provisions of the constitution. Several issues create major contradictions and exacerbate institutional dilemmas in the current political practice. These are (1) participation of the parliament and the president in forming the government and appointing the prime minister, (2) participation of the parliament and the president in the dismissal of the government and the dismissal of the prime minister, (3) members of parliament combining with members of the government.

3.5.1. Participation of parliament and president in the formation of government and the appointment of the prime minister

The 1992 constitution states that "In Mongolia, all governmental powers are vested in the people." It means that the people of Mongolia will enjoy this right through their institution of representatives which is the parliament (Article 3). This creates an opportunity to influence the implementation of executive powers by forming the government to implement public administration through the parliament elected by the voters. The constitution stipulates that "the parliament is the highest organ of state power and legislative power shall be vested only in the parliament" (Article 20). When the above provision of the constitution was adopted, the wording of "the highest organ of state power" was defined by one part as defining the form of government, while the other part interpreted it from different perspectives as the institution exercising supreme legislative power (Enkhbaatar et al., 2018, p. 66). In any case, the issue of appointing, changing, and dismissing the prime minister, members of the government, and other organizations that report directly to the parliament was under the exclusive powers of the parliament (Article 25.6). Yet, according to the 2019 amendment to the constitution, the prime minister shall appoint, release, and dismiss a member of the government after presenting it to the parliament and the president. It has been changed that a member of the government shall take an oath in the parliament (Article 39.4).

The 1992 constitution first established the possibility for the president to have a certain right to form the government that "to propose to the parliament the candidate for the appointment to the post of prime minister nominated from the majority party or coalition in the parliament… and to propose the dismissal of government to the parliament". This provision of the constitution stipulates that the president participates in the formation of the government independently of others, and in consultation with the political parties and coalitions, it is provided that the proposal to appoint the prime minister and the proposal to dismiss the government shall be submitted to the parliament. Yet, the 2000 amendment to the constitution changed the president's right into a duty "to propose to the parliament the candidature for the appointment to the post of prime minister nominated from the majority party or coalition… within 5 days". Moreover, another provision was amended so that the prime minister has been allowed to submit proposals for changes to the structure and composition of the cabinet without the participation of the president. Yet, these amendments were not aimed at comprehensively solving the challenges related to the formation of the

government. Only, it can be considered as reducing the powers of the president due to political crises and bottlenecks at that time (Enkhbaatar et al., 2016, p. 131). Furthermore, the main weakness was in the process of forming the government. It was the candidates for members of the cabinet who are discussed and voted individually by the parliament, which harms the principles of the cabinet. This procedure has created an opportunity to appoint candidates with conflicts of interest and representatives of oligarchical groups or factions within the parliament. Then, it became one of the main factors in terms of government instability. Table 3.2 demonstrates the prime ministers and their terms who were nominated by presidents since the new democratic constitution was approved in 1992.

Table 3.2. Term of governments in Mongolia (1992-2021)

Nr	Prime ministers	Appointment period	Dismissal period	Term of the prime ministers
1.	P Jasrai	1992	1996.07.19	4 years
2.	M Enkhsaikhan	1996.07.19	1998.04.13	1 year 9 months
3.	Ts Elbegdorj	1998.04.23	1998.12.09	8 months
4.	J Narantsatsralt	1998.12.09	1999.07.22	8 months
5.	R Amarjargal	1999.07.22	2000.07.26	1 year
6.	N Enkhbayar	2000.07.26	2004.08.2	4 years
7.	Ts Elbegdorj	2004.08.20	2006.01.13	2 years 5 months
8.	M Enkhbold	2006.01.25	2007.11.22	1 year 10 months
9.	S Bayar	2007.11.22	2009.10.28	1 year 11 months
10.	S Batbold	2009.10.28	2012.08.09	2 years 7 months
11.	N Altankhuyag	2012.08.09	2014.11.05	2 years 6 months
12.	Ch Saikhanbileg	2014.11.21	2016.07.08	1 year 8 months
13.	J Erdenebat	2016.07.08	2017.09.07	1 year 2 months
14.	U Khurelsukh	2017.10.06	2021.01.21	3 years 3 months
15	L Oyun-Erdene	2021.01.27	Until now	

Source: Adapted from Analysis of the implementation of the 1992 constitution of Mongolia (pp. 105-106), 2016 by UNDP and The Office of the Parliament.

In the analysis of the table, merely only P Jasrai and N Enkhbayar's government was ending its four-year term successfully. Merely, five governments completed their term of office during the regular parliamentary elections, among them Amarjargal's government served for 1 year, S Batbold's government for 2 years 7 months, S Bayar's government for 1 year 11 months, Saikhanbileg's government for 1 year 8 months, U Khurelsukh’s government served for 3 years and 3 months. However, the seven governments headed by Enkhsaikhan, Elbegdorj, Narantsatsralt, Elbegdorj, Enkhbold, Altankhuyag, and Erdenebat

were replaced before the four-year term, and currently, Oyun-Erdene's government continues within its functions.

3.5.2. Participation of parliament and president in the dismissal of the government and prime minister

The government instability is an immense crisis in Mongolia. The main cause is that the parliament does not bear any responsibility for the dismissal of the prime minister or a vote of confidence within articles 43 and 44 of the constitution. The constitution states that "the parliament shall discuss and decide whether to dismiss the government within 15 days after receiving the president's proposal or the prime minister's statement on its initiative" (Article 43.3). Therefore, the members of the parliament have repeatedly made attempts to dismiss the government before the term (see Table 3.3).

Table 3.3. Dismissals of governments discussed by parliaments (1992-2021)

Nr	Date	Governments	The decision of the Parliament
1.	October 17, 1997	24 members of the MPRP opposition in the parliament proposed to dismiss the government of M Enkhsaikhan	It was decided that there was no reason to dismiss the government
2.	October 25-26, 2006	The members of the council of the Democratic Party proposed to dismiss the government.	It was decided that there was no reason to dismiss the government
3.	July 24, 2007	The members of the council of the Democratic Party proposed to dismiss the government.	It was decided that there was no reason to dismiss the government
4.	July 17, 2008	26 MPs, leading MP L Gansukh, proposed to dismiss the government.	It was decided that there was no reason to dismiss the government
5.	April 18, 2013	25 MPs, leading MP N Enkhbold, proposed to dismiss the government.	The proposal to dismiss was not supported.
6.	November 30, 2018	27 MPs, leading MP DKhayankhyarvaa, proposed to dismiss the government.	The proposal to dismiss was not supported.

Source: Adapted from "The main features of parliamentary governance: Common standards, Mongolian characteristics" (p.72), 2018 by Enkhbaatar et. al.

In addition, several repeated attempts were made for the premature dismissal of cabinet members by members of the parliament (see Table 3.4). These attempts will be discussed in more detail in the main chapters.

Table 3.4. Resignations of ministers discussed by parliaments (1992-2021)

Nr	Date	Governments	The decision of the Parliament
1.	December 21, 2006	M Zorigt and S Oyun, Members of the Citizen Will Party and members of the parliament proposed to dismiss Ts Tsengel, Minister of Transport and Tourism	The proposal to dismiss was not supported.
2.	January 04, 2007	Prime Minister M Enkhbold proposed to dismiss L Gundalai, Minister of Health	The parliament issued resolution No. 01 in January 2007 on the dismissal of a member of the government.
3.	January 19, 2007	Members of Parliament A Murat and other members proposed the dismissal of L Odonchimed, Minister of Social Security and Labor	The proposal to dismiss was not supported.
4.	February 06, 2007	L Gundalai, Member of Parliament proposed the dismissal of B Jargalsaikhan, Minister of Industry and Trade	The parliament issued resolution No. 22 in June 2007 on the dismissal of a member of the government.
5.	May 2007	L Gansukh and M Zorigt, members of parliament proposed the dismissal of B Erdenebaatar, Minister of Fuel and Energy	The proposal to dismiss was not supported.
6.	May 15, 2008	Z Enkhbold and R Erdeneburen, members of parliament proposed the dismissal of D Gankhuyag, Minister of Food and Agriculture	The proposal to dismiss was not supported.
7.	January 23, 2011	Ts Batbayar and Ts Sedvaanchig, members of parliament proposed the dismissal of D Zorigt, Minister of Mineral Resources and Energy	The proposal to dismiss was not supported.
8.	May 15, 2011	S Erdene, G Bayarsaikhan and D Gankhuyag, members of parliament proposed the dismissal of D Zorigt, Minister of Mineral Resources and Energy	The proposal to dismiss was not supported.
9.	April 27, 2012	D Zagdjav and Ch Ulaan, members of parliament proposed the dismissal of Ts Nyamdorj, Minister of Justice and Internal Affairs	The proposal to dismiss was not supported.
10.	December 24, 2013	S Byambatsogt, a member of parliament proposed the dismissal of N Batbayar, Minister of Economic Development	The proposal to dismiss was not supported.
11.	October 04, 2018	J Bat-Erdene, The Minister of Road Transport Development took ethical responsibility and requested his resignation	The proposal to dismiss was supported.
12.	November 06, 2018	B Batzorig, The Minister of Food, Agriculture and Light Industry took responsibility for the dilemma related to the Small and Medium Enterprises Fund and requested his resignation.	The proposal to dismiss was supported.

Source: Adapted from "The main features of parliamentary governance: Common standards, Mongolian characteristics" (pp.72-73), 2018 by Enkhbaatar et. al.

Table 3.4 demonstrated that the parliament discussed the dismissal of members of the government from 2006 to 2018. The result of these discussions has dismissed four ministers such as L Gundalai, Minister of Health, B Jargalsaikhan, Minister of Industry and Trade, J

Bat-Erdene, Minister of Road and Transport Development, and B Batzorig, Minister of Food and Agriculture. Although it is a normal phenomenon in a democratic country to hold the government responsible and change it. But in contrast, there is a lack of political culture for the stable functioning of the government and no common criteria for the dismissal or change of the government. Thus, on the one hand, most governments are victims of internal subjective and inter-institutional dilemmas. But, on the other hand, none of the prime ministers who are resigning prematurely has used the opportunity of the entrustment provided by the constitution until the 2019 amendment. The constitution states that "if the prime minister submits a draft resolution regarding entrustment to him/her, … the parliament shall start its discussion in fifteen days and resolve it" (Article 44 and 43.3). In other words, the prime minister had opportunities to get entrustment to him or her on particular mistakes through a draft resolution by discussion of the parliament during the implementation of article 41.1 that stipulates "the prime minister shall lead the government and shall be responsible to the parliament for the implementation of state laws". (Article 41.1).

3.5.3. Members of Parliament to Combine with Members of Government

In some semi-presidential systems where the government is established by the parliament, members of the parliament cannot combine with members of the cabinet such as in Taiwan, France, Portugal, and Ukraine. Yet, it is possible for some countries such as Poland, the Czech Republic, South Africa, Romania and so forth (Enkhbaatar et al., 2016, p. 125). In the parliamentary system, membership in the parliament can combine with membership in the cabinet whereas in countries that are mostly British colonies, such as Australia, India, New Zealand, Sri Lanka, and Nepal. However, cabinet members are directly prohibited from being members of parliament in the Netherlands, Norway, and Luxembourg. This strengthens the cabinet's authority vis-à-vis parliament (Lijphart, 2012, p. 113). In the case of Mongolia, the 1992 constitution section 29.1 stated that "members of the parliament shall be remunerated from the state budget during their term and shall not hold concurrently any posts and employment other than those assigned by law". Yet, after the 2000 amendments, it stated that "members of the parliament… shall not hold concurrently any posts and employment other than those assigned by law except for the post of the prime minister and member of the government" (Article 29.1). Whether or not this provision applies to the prime minister and members of the cabinet came to public attention in 1996 when a dispute was raised in the Constitutional court. Who should work in the cabinet and

whether it is necessary to be exempted from being a member of parliament to work in this way is still the basis of debate among politicians and researchers. Table 3.5 demonstrates that members of the parliament were combined with members of the cabinet since 1992.

Table 3.5. Members of the parliament in cabinets (1992-2022)

Nr	Prime ministers	Appointment period	Dismissal period	Total members of the cabinet	Members of the parliament in the cabinet
1.	P Jasrai	1992	1996.07.19	19	5
2.	M Enkhsaikhan	1996.07.19	1998.04.13	10	0
3.	Ts Elbegdorj	1998.04.23	1998.12.09	10	8
4.	J Narantsatsralt	1998.12.09	1999.07.22	10	0
5.	R Amarjargal	1999.07.22	2000.07.26	10	0
6.	N Enkhbayar	2000.07.26	2004.08.2	13	4
7.	Ts Elbegdorj	2004.08.20	2006.01.13	18	13
8.	M Enkhbold	2006.01.25	2007.11.22	17	15
9.	S Bayar	2007.11.22	2008.09.11	16	8
10.	S Bayar	2008.09.11	2009.10.28	15	11
11.	S Batbold	2009.10.28	2012.01.27	15	12
12.	S Batbold	2012.01.27	2012.08.09	14	9
13.	N Altankhuyag	2012.08.09	2014.11.05	19	17
14.	Ch Saikhanbileg	2014.11.21	2015.09.08	19	10
15.	Ch Saikhanbileg	2015.09.08	2016.07.21	19	14
16.	J Erdenebat	2016.07.21	2017.09.07	16	8
17.	U Khurelsukh	2017.09.06	2020.07.06	16	15
18.	U Khurelsukh	2020.07.06	2021.01.21	17	4
19.	L Oyun-Erdene	2021.01.27	2022.08.25	14	4
20.	L Oyun-Erdene	2022.08.25	Until now	17	13

Source: Adapted from "Analysis of the implementation of the 1992 constitution of Mongolia" (p. 125), 2016 by UNDP and The Office of the Parliament.

Table 3.5 appears informative data on which flaws of the system of checks and balances, and the attempts of a member of parliament to be a member of the government. The main dilemma of the institutions of the parliament and the government is necessarily connected with the provision of this constitution. This is because, for politicians, the main goal of political life is to increase their power by holding both the parliament and the government. In that sense, the 2019 amendment to the constitution made arrangements for accepting only four members of parliament combined with the dual duties in the government

(Article 39.1). It is obvious that this is a temporary form and not a requirement to consistently implement the principle of power-sharing and prevent the cabinet from becoming politicized. Therefore, the section of article 39.1 that four members of parliament can be members of the government in 2022 was completely removed from the constitution. As a result, all members of the parliament can work in the cabinet, and as Lijphart said, the prerequisites for the cabinet to have more power have been created (Lijphart, 2012, p. 113).

3.6. Conclusion

Mongolians are one of the few nations with a history of more than 2200 years of statehood. Therefore, some features of the modern constitution have been applied and included the head of state, legislative and executive institutions during the statehood history. In the 20th century, a total of four constitutions were approved and enforced in Mongolia. Yet, merely the fourth constitution had a democratic idea amount of these constitutions. The previous three belonged to the communist regime that set off from 1924 to 1990 in Mongolia. At the end of the 1980s, most of the post-communist countries were influenced by the third-wave democracy that even became a turning point to begin the democratic transition as the result of the snowball effect of *perestroika* and *glasnost* in the Soviet Union. Mongolia was one of them due to the young generation has been calling for active participation in the democratic transition by organizing demonstrations in the country for democratic transition. As a result, the emergence of democratic movements supporting the democratic transition and opposing the ruling communist regime became the main factor in the spread of democratic ideas in Mongolia. These pro-democracy movements were able to get plenty of social support, which led to amend the communist constitution to establish a humane, civil and democratic society in Mongolia. Therefore, the modern constitutional system is essentially divided into two periods: a Soviet-style constitutional system from 1924 to 1990, and a democratic constitutional system since 1990.

The issue that should be most clearly and comprehensively reflected in the 1992 constitution is the form of the state structure. The new constitution formed the state system which firstly, has a strong president who is elected popularly, secondly, a unicameral parliament with 76 members elected popularly through election constituencies, and thirdly, the government that is formed based on the consultation between the president and the majority party or coalition in the parliament. Although there are many controversial and

subjective debates such as semi-presidential, semi-parliamentary or parliamentary systems regarding the creation of democratic institutions at the theoretical level. Indeed, the theoretical criterion is a social and political practice. Most divisions in terms of the state system are derived from the new constitutional structure that established the order of Parliament – President – Government. Yet, it could not solve the presidential institution completely whether it is a part of the executive power or not. Then, it has become one of the main factors of the dilemma up to now. On the other hand, the constitution not only established two institutions of executive power: the president and prime minister, but the relationship of power between them was not properly associated with democratic elections and political order. Since, when the president and the majority of the parliament belonging to two rival parties (cohabitation), dilemmas between the president and government arise that stifle each other or undermine the executive power. However, when the president and prime minister are in the same party (unified majority government), there is a dilemma that who will make the final decision, so there is a state without a leader and the country is in a state of instability. Therefore, the powers of the president granted by the constitution and the effects of the presidential election make the president a strong president. Moreover, the institution of the president has become the main field of competition for partisan leaders of political parties who aim to increase their power regardless of the parliamentary elections. Heretofore, eight presidential elections were held and six presidents were elected between 1993 and 2021. Three of them were elected by the ex-communist MPP and three from the Democratic Party.

When the new constitution was being discussed establishing the legislative institution, the researchers and politicians of the generation at that time had weak knowledge and experience of the theory of democratic institutions and the separation of power. Therefore, it stated in the constitution that "the parliament is the highest organ of state power and legislative power shall be solely vested in the parliament" was granted above other executive and judicial powers and was expressed a double meaning that become the main factor of the dilemma between them. Likewise, the declaration of supreme power by the democratic constitution has created a situation of large-scale competition to enter it among the politicians, and to enter the government after being elected to the parliament. Therefore, the parliamentary elections have become very competitive and controversial. Mongolia has held eight parliamentary elections since 1992. In the eight consecutive parliamentary elections, multiple political parties have competed and a total of 36 political parties have been

registered in the Supreme Court so far. Yet, the MPP won four times, while the Democratic Party won twice. Rest of the two of them, a coalition government was formed through the result of elections. These eight parliamentary and presidential elections have created all four main situations of the semi-presidential system: cohabitation, a divided minority government, a divided government, and a unified majority government.

However, the issue of forming the government is not only decided by the parliament but by consultation with the president. Overall, there are main three issues that influence the fundamental dilemmas between democratic institutions which are (1) participation of the parliament and the president in forming the government and appointing the prime minister, (2) participation of the parliament and the president in the dismissal of the government and the dismissal of the prime minister, (3) members of parliament combines with members of the government. Therefore, the government is the most unstable institution in Mongolia due to the situation of the semi-presidentialsim. Since 1992, a total of 15 prime ministers and 20 of their cabinet have changed in Mongolia. It was not only these prime ministers' dismissal but there were several attempts to resign cabinet members. There were 12 attempts to dismiss cabinet members, and 4 of them could dismiss them. The instability of all these governments was mostly caused by the dilemma between the president and parliament, between the president and government, and between the parliament and government. Besides that dual duties have become the main competition among members of parliament and influenced them to work in the government simultaneously. In the past 30 years, only three government cabinets out of 20 have had members of the government from outside the parliament, and in 17 of them, members of the parliament have combined dual duties. Therefore, these main institutions create a dilemma for each other. In the next chapters, institutional dilemmas will be analyzed more detail within situations of cohabitation, a divided minority government, a divided government, and a unified majority government.

4. COHABITATIONS IN MONGOLIA

The situation of cohabitation is “a president from one party or coalition shares power with a prime minister from an opposing party or coalition”. Under cohabitation, the cabinet doesn’t include representatives from the president’s party (Elgie, 2004, p. 328). The democratic constitution of Mongolia created a legal framework for universal suffrage for parliamentary and presidential elections. From 1992 to 2020, three forms of cohabitation have been created in Mongolia. First, it arose after the 1992 parliamentary elections and the 1993 presidential elections between the president, the majority of the parliament, and the prime minister during the parliamentary term of 1993-96. The second cohabitation was followed by the parliamentary term of 1997-2000 after the 1996 parliamentary elections and the 1997 presidential elections. Since then, the third form has emerged after the 2016 and 2017 presidential elections between the 2017-2021 parliamentary term.

This chapter will analyze dilemmas between the president, the parliament, and the government within three periods of cohabitation. In this context, it was examined that there are different dilemmas in each case of cohabitation. These dilemmas are associated with particular activities such as the parliament can reduce the powers of the president, make amendments to the constitution, can reduce the activities of the president which are involved in the formation of the government, can increase the power of the parliament that membership of the parliament combined with membership of the cabinet, undermine the mechanism of checks and balances in the relationship between the parliament and the government. These are not only the fundamental factors that create dilemmas between institutions in the last 30 years but also lead to a crisis, especially the instability of the government when these institutions no longer function normally. However, it can be considered that Mongolia has not deviated from the path of consolidating democracy, human rights, and equality, as it did not create large-scale dilemmas, such as the use of military defence and forceful suppression of political rebellions due to institutional dilemmas of cohabitation.

Hence, if the main situation of the institutional dilemma is cohabitation, it pushes the prime minister and the president into a struggle for power. This struggle can lead to an inability or even aggravation of decision-making, leading to political and constitutional crises. Legislative paralysis is when the president uses his powers to delay or hinder a decision or action. Thus, scholars warn that dilemmas between political actors can lead to

constitutional crises and illegal use of their powers, especially in the area of defence. A semi-presidential system is characterized by a policy dilemma between two democratic institutions. Linz and Stepan (1996) warned that the presidential party is not represented in the cabinet which is associated with the instability of democracy. In this case, cohabitation pushes the prime minister and the president into a struggle for power. It can lead to an inability or even aggravation of decision-making, leading to political and constitutional crises. Legislative paralysis is when the president uses his powers to delay or hinder a decision or action. Thus, scholars warn that dilemmas between political actors can lead to constitutional crises and illegal use of their powers, especially in the area of defence. A semi-presidential system is characterized by a policy dilemma between two democratic institutions. In addition, they stated that dilemmas between the president, the legislature, and the executive institutions are less likely to threaten democracy when they respect each other and do not intend to remove the other. But when the system is delegitimized, supporters of one or the other component do not feel the political system they wanted if their institutions do not take prevail. Therefore, in this case, one of the branches of the legitimized rule structure disappeared or closed, threatening the democratic system that is endangered and suffering (Linz & Stepan, 1996, pp. 286–287). This is especially evident during cohabitation.

Thus, scholars reveal the causal relationship between cohabitation and the breakdown of democracy. Moreover, the emergence of cohabitation will be the cause of institutional dilemmas and government instability. Competition for executive power is the main reason for slowing down the decision-making process and the emergence of a political crisis. These arguments, warned by scholars, are seriously associated with the relationship of democratic institutions in Mongolia. Therefore, the main hypotheses of the effect of cohabitation are as follows:

H1: “Dilemma is expected to arise between the president and the parliamentary majority, and between the parliamentary majority and the prime minister under cohabitation”.

H2: “Under cohabitation, changes in the government are expected to occur at a higher level”.

These hypotheses were explained theoretically in Chapter 2, here is empirical evidence was presented to test these hypotheses within the cohabitation situation in 1993-97, 1997-2000, and 2017-2020 in a Mongolian case.

4.1. The First Cohabitation: Democratic President P Ochirbat vs Ex-Communist Parliament between 1993 and 1996

After the adoption of the 1992 constitution, the election of the first parliament in 1992, and the first president in 1993, Mongolia's socio-economic situation continued to be in deep crisis. Regarding these crises of transition, D Byambasuren, who was the prime minister of the previous government, interviewed that before 1990, Mongolia's economy was deeply dependent on the Soviet Union. Thus, when Mongolia began its democratic transition, the Soviet Union started a direct ban on Mongolia's export and import. Mongolia and Russia had a contract to supply 34,000 tons of oil products (mostly benzene and diesel), but after the first democratic elections in 1990, the Soviets cut fuel supply by 50 per cent. Then, in the late 1990s, the Soviet Politburo passed a secret resolution banning all trade with Mongolia and imposing up to 1,500 per cent customs duties on all Mongolian exports. This has started to collapse the Mongolian economy hardly. In addition, Mongolian livestock exports to the Soviets were banned in 1990 due to an outbreak of an infectious disease in Mongolia. Then, in the first quarters of 1991 and 1992, the supply of oil products was suspended. Then it provided immense opportunities to the former communist party, MPRP to win the new democratic elections. After these economic immense crises, there just 16 per cent of Mongolians were supporting democratic transition in the 1992 social survey (Byambasuren, 2010, p. 51).

However, during these difficult economic times, Mongolia continued to support its democratic transition, reorganize its democratic institutions, and move from a centrally planned economy to a market economy. That is why there were years in which the democratic score was kept intact. According to the Freedom House scores, Mongolia has evaluated as not a free state in 1989, partly free in 1990, and a free state from 1991-1997 (Moestrup & Ganzorig, 2007, p. 190). Yet, due to this difficult economic situation, many political dilemmas continued in society until the mid-1990s, such as political hunger, strikes of civil servants, especially teachers, and bankruptcy of state-owned enterprises. The main feature of this period is that it was the first political practice that tested the relationship

between the president, the parliament, and the government within the framework of the new Constitution. Mongolia held its first semi-presidential presidential election in 1993, P Ochirbat, the candidate of the Democratic coalition won 57.8 per cent of the vote and became popularly elected president (Oyumaa et al., 2017b, p. 15).

4.1.1. President vs Vast Majority Parliament

The deep transition economic crisis that continued from 1990 had a strong impact on the 1992 parliamentary elections. Eight political parties, two alliances, and one individual candidate participated in the 1992 election, and it ended with the victory of the ex-communist party, MPRP with 51 per cent of the total votes. They won 70 seats which were 92.1 per cent of the 76 seats in the parliament. On the contrary, pro-democracy parties received per cent of the votes but they left just five seats. These five seats belong to the Mongolian Social Democratic Party (MSDP) for one seat, the Alliance of Parties for Democracy which included the Mongolian Democratic Party (MDP), Mongolian United Party (MUP), Mongolian National Development Party (MNDP) for four seats as well as an individual candidate, G Zuunai was elected. The election was organized by the multi-mandate majoritarian system, where provinces and districts were divided into one constituency, and two to four people were elected from each constituency (Oyumaa et al., 2017a, p. 12).

The results of the 1992 parliamentary election have shown that during the transitional crisis, the standard of living of the citizens deteriorated more than before, and the tendency to vote for the ex-communist party, to hesitate democracy and even retreat was observed among the citizens. However, the negative side of the majoritarian system was that the citizens were confused and upset about the election results. Because the Parties for Democracy received almost 40 per cent of the votes and won only 5 seats out of 76 seats in the parliament. After the parliamentary election, the first presidential election was held in 1993. Then, P Ochirbat elected the first president of Mongolia by universal suffrage against his former MPRP on June 17, 1993, on behalf of the Alliance of Parties for Democracy and MSDP. Then, the dilemma between the two institutions the president and parliament began to emerge immediately. The first popularly elected president from the Alliance of Parties for Democracy and MSDP helped clear the doubts of the voters who supported democracy (Ochirbat, 1997, p. 89).

It was observed that this cohabitation focused on more cooperation rather than a dilemma for exercising the presidential powers except for the veto power. Since there are relatively few dilemmas in many important forms of relations between the president and the parliament. Among them, one of the main guarantees of the president's exercise of his powers stipulated in the constitution is the power to issue decrees, and there is a provision for annulment by the parliament if the decree is found to be inconsistent with the law (Article 34.1 and 34.2). President P Ochirbat issued a total of 55 decrees within the scope of his powers (Ochirbat, 2017, p. 221). It can be said that there were no serious dilemmas with the parliament. Even though there were no official proposals to amend the constitution and was no political debate from members of parliament on this issue. It means the constitution was just adopted and was being exercised in political practice at that time. Even there were no major dilemmas within the power of initiating law by the president. President P Ochirbat initiated a total of 12 laws within his power (Enkhbaatar et al., 2019, p. 61). Among these, a law on amendments to the National Security Council was submitted to the parliament for discussion but it has been returned. Finally, it was adopted by the parliament (Ochirbat, 1997, p. 464). As part of the president's powers of appointment, he has appointed members of the Constitutional courts, the Chief Justice of the Supreme Court and judges, the Chief prosecutor, and the Deputy prosecutor without any dilemmas. Yet, one of the main dilemmas arose to appoint D Tsakhilgaan as the Ambassador Extraordinary and Plenipotentiary of Mongolia to China. Sukhbold (2022) stated that there was a bottleneck during the discussion of appointing him to China in the 1994 parliament session. President P Ochirbat offered him to appoint but the parliament did not accept him in the session 1994. However, the president appointed him against the parliamentary decision. Then, the situation has left unclear (Sukhbold, 2022).

However, the president vetoed parliament’s decisions related to the transitional economy, state budget, and tax policies in accordance with the state of affairs. Ochirbat (2001) expressed that:

> “The power to veto considered that it is not an expression of disbelief in the decision of the parliament, but a final warning to make the law as error-free as possible, a useful way to express the unity of the state policy, which will allow us to rethink, complete our mistakes, justify our mistakes, and find time” (Ochirbat, 2001, p. 27).

In that sense, the main dilemma with the parliament was the veto power within the framework of the president's power from 1993 to 1996. Meanwhile, President P Ochirbat vetoed out of 12 legislative decisions approved by the parliament, seven of which have not been accepted by the parliament. Several laws and policy programs of the parliament were completely vetoed including the entire 1993 Law on Excise Taxes, the 1994 Budget Law of Mongolia, the Parliament's Resolution on Approving Fundamental Directions for Economic and Social Development of Mongolia, and the 1994 monetary policy. Moreover, the Law on Review of Civil Cases was partially vetoed in 1994, Parliament Resolution No. 66 on the implementation of the State Baga Khural Resolution No. 36 of 1991 was completely vetoed, and Parliament Resolution No. 70 on the conclusion of the Standing Committee of 1994 was completely vetoed. In 1995, The parliament did not accept the partial veto of Parliament's Resolution No. 65 of "On Setting the Amount of Salary and Special Work Conditions Increases for Civil Servants Holding Political Positions" and Parliament's Resolution No. 41 of "Grades of public positions belonging to the rank of high-ranking government officials, ranks of positions equating to the ranks of public positions belonging to the ranks of high-ranking government officials" (Munkhbold & Munkhtulga, 2018, pp. 119–120). At that time, the parliament did not accept the president's vetoes based on the main reason that the 72 hours permission was provided to the president. This caused a lot of dilemmas between the president and the parliament. The 72-hour veto period is not only unreasonable but also limits the power of the president. Later the parliament negotiated with the president on the period of veto review for five working days (Ochirbat, 1997, p. 464). However, it was considered unnecessary for parliament to accept president P Ochirbat's veto. At that time, MPRP became the vast majority with 70 seats, but newly elected Speaker N Bagabandi was actively playing the main role in the parliament.[11] Besides exercising veto power, there were several dilemmas emerged between them. As Lijphart wrote that this dilemma has become a precondition for the emergence of hyper-presidentialism and tempered presidentialism in the future, where power will be overshadowed by the parliament (Lijphart, 2012, p. 116). The first cohabitation became the brand new empirical experience of the exercising powers of both institutions that were popularly elected. Thus, it deeply influences the upcoming situations not only cohabitation but covers all situations of semi-presidentialism in the future.

[11] N Bagabandi was elected to the Parliament by the MPRP and served as the Speaker of the Parliament between 1992 and 1996. N Bagabandi was nominated by the MPRP against P Ochirbat and was elected as the second president of Mongolia in the presidential election of 1997.

As Lijphart wrote, the president of Mongolia tends to work on power-sharing or usurpation with parliamentary and governmental institutions.

Moreover, the dilemma is to treat the president with disrespect as if he came from the opposition rather than the ruling party. In the president's speech at the opening of the spring session of the parliament in 1994, the president made certain proposals to the parliament. This is the insufficient legal knowledge of the public, which weakens the control of citizens on the activities of government institutions. Human rights and freedoms are not guaranteed and may be violated. Therefore, it is necessary to judge the legality of decisions made by local organizations and other government organizations, to create a comprehensive legal information system, to improve the quality of drafting laws, and to prepare human resources with high legal knowledge (Ardyn Erkh, 1994). However, the parliament was criticized for the lack of progress in its implementation. The president claimed that there is no reason to disrespect the institution of the president. But the proposals made by the president were not fully reflected in the decisions of the parliament (Ochirbat, 1997, p. 398).

Therefore, on the part of President P Ochirbat harshly criticized the majority in the parliament. In an interview in 1994, he said that Mongolia's democracy is not moving forward vigorously and aggressively but is moving backwards and back in various ways. But the people of Mongolia are moving forward to a democratic transition with their strength. Because everyone speaks about democracy in Mongolia. According to the results of the 1992 elections, ex-communist, MPRP is still dominant in Mongolian society and government. Taking the power of the parliament and the government is a great power. In the previous communist constitution, the leadership and directing rule of the MPRP were removed, but according to the new constitution and the Election Law, the MPRP is still doing this role in the position of state power. Thus, the MPRP need to declare itself to be a party that accepts democratic transition, government, social and economic changes and a free market economy. Yet, they do not lead and do not work hard for them in social and political practice. Therefore, the activity of the parliament will be given a bad grade (Ardyn Erkh, 1994). But the majority of the parliament has criticized the president that he has been working silently after the election. He didn't remind Article 35.1 of the constitution, the provision that "the president shall be responsible to the parliament". Yet, the president has informed about this provision that the president is visible to the citizens if it is the duty of the president. But we need to find a way of reporting to the public. But in the relationship

with the parliament, the head of state had the power to support the proper cooperation of institutions exercising legislative, executive, and judicial powers. Therefore, it was considered that reporting to the parliament and taking responsibility for its work is not compatible with the power of the president elected by universal suffrage (Ardyn Erkh, 1994).

Although there were many political dilemmas there were no serious institutional dilemmas compared to other periods. It was shown that the president did not propose to dissolve the parliament. In the 1992 constitution, the provision for dissolving the parliament states that "the parliament may decide to dissolve itself by at least two-thirds of the members of the parliament, consider that the parliament is unable to carry out its mandate, or if the president in consent with the Speaker of the parliament proposes to do so for the same reason hereinabove. The parliament shall retain its power until newly elected members are sworn in" (Article 22.2). There have been many debates about changing this provision, but the possibility of dissolution of the parliament itself is almost non-existent in the political practice of Mongolia. Regarding the dissolution of the parliament, P Ochirbat said that if the parliament cannot exercise its powers, it is right to hold a referendum on the dissolution of the parliament at the initiative of the president. The people can decide for themselves what to do with the government representative body they have chosen, or the president can decide to dissolve the parliament at the initiative of the government. In general, he expressed his position that the mechanism of dissolution of the parliament is very limited in our constitution and that it needs to be elaborated further (Ochirbat, 2017, p. 146).

In the constitution, there is a provision related to particular powers not granted by the constitution within the framework of the relationship between the president and the parliament, which states that "particular power may be granted to the president by law" (Article 33.4). Because the particular powers are directly or indirectly related to constitutional powers and are regulated by other laws.[12] President Ochirbat was in a dilemma with the parliament over the advancement of his particular powers. He criticized the parliamentary majority at the opening of the autumn session of the parliament on October 4, 1993. The government cannot fulfil the goals and agenda set in 1993. Thus, the parliamentary majority, MPRP is not working. They formed the government by itself based

[12] The Mongolian President's de facto or practical powers are as powerful as the traditional royal prestige. Today, it is directly implemented by organic laws, such as the appointment of courts and prosecutorial bodies, which are still criticized by the majority of society. The president's particular power is more extensive than legislative and non-legislative powers, with more than 70 particular powers related to relations with government institutions, and 40 are governed by articles and provisions of the particular laws.

on taking the dominant seat in the parliament. The president demanded particular powers to control the state-owned industries and enterprises and stabilize the economic crises (Office of the President, 2015, p. 45). Yet, the parliament considered that it is not necessary to grant additional particular powers to the president.

4.1.2. Power-sharing between President and Prime Minister

After the 1992 parliamentary elections, the MPRP faced a major problem, which led to a strong debate within the party about who would lead the government and solve the transition period of the socio-economic crisis. At that time President P Ochirbat was serving as the first parliamentary elected President on behalf of the MPRP under the adopting new Constitution between 1990 and 1993. Therefore, he was preparing to consult the appointment of a second prime minister to work with him. In the political practice of that time, the parliamentary majority provided opportunities for coalition practice to representatives of the opposition parties to work in the government. Bingol and Uurtsaikh (2022) stated that in the first general democratic elections in 1990, the MPRP won and appointed D Byambasuren as Prime Minister from 1990 to 1992. But his cabinet included minority representatives such as Da Ganbold and D Dorligjav from the Alliance of Parties for Democracy due to compromise with the pro-democracy parties. MPRP has decided to reduce the political crisis by working with the Alliance of Parties for Democracy. It was not an understandable coalition at that time (Bingol & Uurtsaikh, 2022, p. 8).

During the formation of the government, President P Ochirbat proposed Ch Purevdorj as a Prime Minister, who served as the deputy prime minister from MPRP during the previous government in 1990 – 1992. But MPRP did not accept his consultation and nominated P Jasrai who was a former deputy member of the Political Bureau (Ochirbat, 2001, p. 32). The dilemma was complicated by a split between the president and MPRP over the appointment of the prime minister. During this period of transition, there were many problems of economic crisis, unemployment, poverty, the loss of social order and so forth. Besides the situation at that time, political dilemmas were intensified to the highest degree. Because of this transitional crisis, people's confidence in democracy decreased, they remembered the old socialist society and began to talk more about the quality of life. Therefore, voters gave 92 per cent of the total votes to the MPRP in the 1992 parliamentary election. President P Ochirbat assessed this situation and accepted the name of P Jasrai who

was proposed by the MPRP majority through making a compromise. Then, it was the fundamental reason for the beginning of the first cohabitation between 1993 and 1996.

Prime Minister P Jasrai previously worked with President P Ochirbat during the communist period and served as the head of the State Planning Commission. Also, he and President P Ochirbat treated each other with mutual respect, since Prime Minister P Jasrai is a bit older. Thus, President Ochirbat called him a *Ta*[13] and prevented any institutional serious dilemmas (Ochirbat, 1997, p. 412). From that point of view, there were minimum disagreements during the appointment of the prime minister. Even, the president has never made a proposal to dismiss the prime minister and members of the government from 1992 to 1996. President P Ochirbat was trying to work with the government based on cooperation and power-sharing principles. Since he was in the position that the presidential institution is a branch of the executive power. Particularly, if the president issues a presidential decree within the power of instructing the government, it becomes effective after the prime minister signs it. This is an indication of a certain degree of participation in the affairs of the executive institution (Ochirbat, 2017, p. 198).

In the power of the president to issue decrees, the majority of them were to instruct the government. Overall, the president's right for instructing the government was controversial. It was mostly non-exists in a country with a parliamentary system. The Research Center of the Parliament of Mongolia compared 11 parliamentary republics (Bulgaria, Finland, Serbia, Montenegro, Croatia, Iceland, Singapore, Slovakia, Turkey, Macedonia, and Kyrgyzstan) in 2017 based on the power of the president to instruct the government in on issues within his/her power. Yet, this power as stipulated in the constitution is not included in the constitutions of these countries (Office of the Parliament, 2017, p. 198). Moreover, Enkhbaatar et., al (2019) conducted a comparative study of the constitutional regulations of 16 countries with a similar system to Mongolia, no country granted the head of state the powers of instructing the government (Enkhbaatar et al., 2019, p. 52). President P Ochirbat issued 10 decrees instructing the government on some political, economic, and social issues during this period of cohabitation. The content of these instructions is to secure national borders, strengthen investigative agencies, provide benefits to military and police veterans, ensure social order, reform archives, combat alcoholism, restore mountain worship, protect children, and celebrate festivals on particular days. The government cooperated on this

[13] *"Ta"* means a formal pronoun in Mongolian, as *"Siz"* in Turkish, and as formal *"You"* in English.

matter without any dilemmas. President P Ochirbat clarified that he cooperated with the government with mutual understanding and that there was no dilemma in the exercise of his power to instruct the government (Ochirbat, 2017, p. 196).

Besides the right to instruct the government, another influential right is to lead the National Security Council (NSC) concerning executive activity. Within this power, The National Security Council was legalized as a constitutional body for the first time in the history of the 20th century under President P Ochirbat in 1992 (Article 33.1.10). Also, the first National Security Concept was approved in 1994 and considers that there are favourable external and internal conditions to satisfy the basic national interests of Mongolia (Ochirbat, 2017, p. 208). The composition of the NSC includes the president, the Speaker of the parliament, and the prime minister. The parliament can make appropriate changes to the composition of the members of the NSC upon the proposal of the president. There were no dilemmas between the members of the NSC and they worked together with mutual understanding during this time. However, President P Ochirbat claims that the range of issues to be discussed by the NSC is wide and the demands are increasing, so the possibility of reaching a consensus decision within the framework of the three members of the NSC is becoming limited. Thus, this situation is not suitable for the national interest (Ochirbat, 2017, pp. 208–209).

According to Article 33.2 of the constitution, the president shall be the Commander-in-Chief of the armed forces of Mongolia (Article 33.2). This right is a traditional and symbolic right for the head of state found in most countries. The establishment of this right follows the public norms of parliamentary systems. It is related to the legislative power granted by the constitution to declare a state of emergency and declare a state of war (Enkhbaatar et al., 2019, p. 58). In quiet time, the president deals with the proposals on the structure, composition, and functions of the National Security Committee and the Military High Command with the parliament, instructs the government, appoints the members of the Military High Command, and involves the armed forces in disaster prevention operations. However, only the president has full rights to issue orders to mobilize troops during a state of war. President P Ochirbat worked without any dilemmas within this power at that time (Ochirbat, 2017, pp. 212–213). Regarding this power, Myagmar (2003) stated the Commander-in-Chief of the armed forces should be in the highest position. Therefore, the president must appoint, decide, make decisions, and use the main components of the armed

forces. However, whether the Mongolian president depends on a strong president or an uncertain president, he lacks full power to exercise his right as the commander-in-chief of the armed forces. Because the responsibility of strengthening the armed forces has been assigned to the government. But the president does not directly appoint the prime minister and the Minister of Defense. The task of strengthening the armed forces has been assigned to the government. The president does not determine the structure of the armed forces. However, there is uncertainty about the appointment of the Chief of the General Staff of the Armed Forces. Therefore, it is necessary to review the right of the president related to the management of the armed forces and create a unified leadership that is specially legislated (Office of the President, 2003, pp. 95–96).

At that time the main criticism of the government was to terminate the transitional crisis at the political, social and economic levels. As Huntington wrote, excessive government intervention in the economy and poverty are the main contextual problems of Mongolia (Huntington, 1991b, p. 254). Along with the transitional economic crisis, the main contextual problem was poverty which brought the country to a level of disaster. At this time, according to a UN report, 25 per cent of the 2.2 million Mongolians lived below the poverty line, and the 30 per cent increase in the price of oil and gas also affected the increase in the price of other products (Severinghaus, 1995, p. 73). President Ochirbat criticized the government that P Jasrai, Prime minister just implementing the policies of the previous government of Byambasuren from 1990-1992, and continued to implement erroneous policies on some reforms (Ochirbat, 1996, p. 235). One of them is that the government of P Jasrai failed to implement the policy of economic reform consistently, causing production to stop and creating thousands of unemployed people, and the majority of the population made a living by selling retail goods (Lkhagvaa, 2019a, p. 287). Consequently, President P Ochirbat and Prime minister P Jasrai did not have any dilemmas with the government but cooperated with a mutual understanding of power-sharing. There were not any attempts or initiatives by the president to dismiss the prime minister and his cabinet members. On the contrary, these attempts occasionally emerged from opposition and political activities in the street but P Ochirbat tried to manage them as a moderator. During this cohabitation, the president reviewed 180 cabinet meetings and provide 329 proposals, of which 263 proposals or 81.4 per cent were included in the relevant decision. The president made 10 decrees that instruct the government on political, economic, social and principled issues, and the government implemented 34 issues or 87.2 per cent of the 39 issues (Ochirbat, 2001, p. 196).

4.1.3. Stability and Cooperation between Parliament and Government

After the 1992 election, MPRP made a policy to keep the government running stably and worked in mutual understanding with the president to not lose the trust of the people. Yet, citizens who supported democracy, reform and transition of the system were not satisfied with the results of this election. Therefore, the transitional economic crisis has caused a major dilemma between the opposition and the government. The basis of this political dilemma was that the MPRP, which did not propose to the Alliance of Parties for Democracy to join the government cabinet and cooperate with them and formed the government independently. The majority of the parliament did not consider that a member of the parliament combines with a member of the government. The 1992 constitution stated that members of the parliament shall be remunerated from the state budget during their term and shall not hold concurrently any posts and employment other than those assigned by law (Article 29.1). Yet, five members of a total of 19 members of the government worked as members of parliament and government (Enkhbaatar et al., 2017, p. 45). This act was against the constitution and has been the main crisis of dilemma between the parliament and the government in the next election. However, it has become an immense theme and an intense political struggle.

Although the opposition organized intense political struggles criticizing the policies of the government, it had only 5 of the 76 seats in the parliament, so there was not any institutional opportunity to dismiss the government and cabinet members prematurely. Because, according to the constitution, it was not possible to dismiss the government with a vote of ¼ of the members of the parliament or 19 members (Article 43.4). Yet, opposition parties have organized a widespread political hunger strike and teachers' demonstrations for the premature dismissal of the government. On the other hand, President P Ochirbat was elected on behalf of the coalition of parties for democracy. Thus, he received enough support from the developed democratic countries and was successfully performing the government's functions of foreign policy and economic recovery. Therefore, in terms of the power-sharing principle, he also worked extraordinarily to overcome the economic crisis and reduce poverty by keeping the government as stable as possible. But transitional problems of economic crises and poverty led to the two large-scale political protests by citizens.

The first major political dilemma was a political hunger strike in which the opposition demanded the dismissal of Prime Minister P Jasrai and the dissolution of the parliament in

April 1994, more than a year after the appointment of P Jasrai. They criticized the activities of the government and parliament and demanded the immediate resignation of the prime minister due to unsolved situations that were incompetent and inundated with bribery. Thus, President P Ochirbat was meeting with leaders of three political parties as a moderator. As a result of these meetings, the parties signed three issues: changing the election law to be held in 1996, freeing the state-owned media, and measuring and reporting corruption. Then, the hunger lasted after 12 days, coordinated by President P Ochirbat successfully (Ochirbat, 2001, pp. 33–34). Another important factor was that the parliament majority and Prime Minister P Jasrai were tolerant of the hunger strike and tried to regulate it within the legal framework without any violence (Severinghaus, 1995, p. 71). However, the MPRP took full control of the state by controlling the parliament and the government and using this monopoly of power to double control the three institutions. Moreover, they had no interest to support civil society as the creation of NGOs and community organizations (p. 71). This kind of activity of the ruling party eventually led to the control of the political party that won the majority in the elections rather than the hands of the people, thereby violating the principle of the constitution that states "to uphold the rights and interests of all citizens and the state". It has become common for members of parliament to represent the interests of the party and their constituencies. This was also consistent with the fact that two big contextual problems can be faced by the Mongolian democracy. There was excessive government intervention in the economy due to non-active industrial reforms and poverty at all levels. Indeed, these two issues were the main political and social dilemmas to ask for accountability and dismissal of the prime minister at that time.

The second attempt to dismiss P Jasrai's government was the School teachers' strike which started on April 17, 1994, that included more than 4,500 teachers from 780 schools. They were demanding better working conditions and salaries, and the resignation of the government. The demonstrations soon spread across the spectrum of society and continued into 1995, becoming one of the great political incidents of the time. In September 1995, US First Lady Hillary Rodham Clinton visited Mongolia, met with teachers and students and donated 3.5 million US dollars to the energy sector and one million dollars to improve children's health. She expressed his support for democracy, human rights, and equality in Mongolia and expressed her support for the further strengthening of the market economy in the future (Severinghaus, 1996, p. 98). As the elections approached, the MPRP authorities and Prime minister P Jasrai began to offset the newly recovered inflationary growth by

raising the salaries of teachers and other civil servants by 40 per cent to quell this social unrest (p. 96). The MPRP authorities continued to be criticized that the postponement of the election law, which was to be discussed in the spring session of 1995, to the autumn session of 1995, as it was running out of time to change the election law in the face of great opposition from the opposition and the president.

However, President Ochirbat and the MPRP ended the government term of office by working steadily for four years without taking any active initiative to dismiss the government. At this time, the positive effect on Mongolia's economy showed a slight recovery trend. This is because President Ochirbat's economic recovery initiatives and his visits to Asian countries, the United States and other Western countries were an expression of support for Mongolia's democratic economy from developed countries. Since the election of Democratic President P Ochirbat had more influence than the prime minister. For example, in 1992-94, it became a member of the IMF, the World Bank, and the Asian Development Bank (ADB), and began to implement certain projects in the fields of agriculture, energy, and transportation, and began to assist within the framework of the National Poverty Alleviation Program. All this was the result of democracy (Ochirbat, 1996, p. 376). Also, establishing a good relationship with President P Ochirbat and James Baker, U.S. Secretary of State, acted as a democratic bridge between Mongolia and the USA. As part of the mutual visit of these two politicians, Bush's administration provided two million US dollars in aid for Mongolian democracy (p. 376). President Ochirbat visited India, Thailand, Laos, and Vietnam in 1994, Germany, Belgium, Hungary, and the European Union in 1995, expanding his relations with democratic countries and seeking support for Mongolian democracy. Also, several high-level officials from democratic countries visited Mongolia for political and economic cooperation during this time. For instance, Australia's Minister of Foreign Affairs visited Mongolia and announced an investment in the mining sector in October 1994 (Severinghaus, 1995, p. 74).

As a result, international oil companies, which started mining and oil projects, started joint drilling (Severinghaus, 1996, p. 97). President P Ochirbat previously held the positions of Minister of Industry, Fuel and Energy, and Deputy Minister of Geology before 1990. Thus, he has known all situations in these sectors. He criticized the ruling MPRP and Prime Minister P Jasrai for insufficiently implementing industrial reforms and not implementing a policy to revive the economy. Because along with this aid support, the Fourth International

Aid Donors Meeting was organized in November 1995 jointly by the World Bank and the Government of Japan in Tokyo. From this meeting, 210 million US dollars in support was provided for the successful implementation of the transitional reform from the centralized economic system to the market economy to overcome the difficult transition period of the Mongolian government. As a result of these aids, Prime Minister Jasrai's report to the parliament on October 3, 1994, noted that inflation had declined, the foreign trade balance was expected to be positive, and foreign exchange reserves had reached 60 million US dollars (Severinghaus, 1995, p. 72). Before the 1990s Mongolian economy was completely dependent on the Soviet Union, after the 1990s it was transformed entirely dependent on Japan and international aid.

4.2. The Second Cohabitation: Ex-Communist President N Bagabandi vs Democratic Parliament between 1997 and 2000

After the result of the 1992 parliamentary election, the media in the democratic world wrote that the victory of the ex-communist party in Mongolia may cause real problems in the process of transition to democracy and market economy, and the one-party rule has been restored in Mongolia (Lkhagvaa, 2019a, p. 238). Yet, the power-sharing of the first cohabitation between the president and parliament opened the room for mutual understanding. At that time, Mongolia successfully received the support of Asian countries, the United States, and European countries in terms of supporting democracy, human rights, and equality by expanding its foreign relations due to the active democratic president in the field of foreign relations. However, internal political dilemmas led to the crises such as political hunger, teachers' strikes, theft of the state budget, and corruption and faced the election year of 1996. During this time, the Alliance of Parties for Democracy united and formed the MNDP (Mongolian National Democratic Party). Then, Ts Elbegdorj was elected as Chairman of the MNDP with 59.5 per cent of the votes on June 5, 1996 (p. 284). After that, MNDP concluded that the Alliance of Parties for Democracy had never been won in the parliamentary election which is not an advantage of democracy in Mongolia, but a weakness. Then, MNDP and MSDP decided to establish the Democratic Coalition in the 1996 parliamentary election. Since there were several difficulties created during the previous parliamentary elections. Lkhagvaa (2019) stated that the most of observers and civil servants were members of MPRP who has made political scams such as changing the ballot box, cutting the electricity, reading that their candidates have won by candlelight, and organizing

influential people to go to polling stations. They were trying to block actions such as binding and sealing the ballot papers under the category of "secret" after the election results were announced (p. 291). Especially, these frauds were reflected in the political membership of the officers in the election committees. For instance, in the parliamentary election of 1996, out of the 657 officers who worked in the 76 electoral district committees, 466 were members of the MPRP, 90 were members of the MNDP, and 55 were members of the MSDP, and the rest were members of other small parties (p. 302).

Besides these challenges, the results of the parliamentary election on July 18, 1996, were announced that the Democratic Coalition won the parliamentary elections 50 of the total 76 seats, 25 seats belong to the MPRP, and only one seat was won by the famous poem writer O Dashbalbar, from the Mongolian United Traditional Party (MUTP) (Oyumaa et al., 2017a, p. 48). The 1996 parliamentary election was an expression of the understanding of the voters who supported democracy and voted against communism in Mongolia (Lkhagvaa, 2019a, p. 304). Yet, the 1997 presidential election reversed it. In this election, the Democratic Coalition nominated P Ochirbat again, while the MPRP nominated N Bagabandi, who served as the Speaker of the parliament from 1992 to 1996. In June 1997, when the results of the election were announced, N Bagabandi won with 60.8 per cent of the votes and was elected as the second president (Oyumaa et al., 2017b, p. 37). When N Bagabandi was the previous Speaker of the parliament, he limited the activities of the first President P Ochirbat as much as possible and did not always accept the proposals and vetoes of legislation. In the end, the result of the 1996 parliamentary election and the 1997 presidential election created the second consecutive cohabitation in Mongolia. Therefore, there was an expectation among citizens about how he would cooperate with the parliamentary majority formed by the Democratic Coalition and the government. Yet, most of them could not understood the effect of the semi-presidential situations.

4.2.1. Institutional crises between President and Parliament

Since the election of President N Bagabandi in 1997, many institutional dilemmas have arisen for the majority of the parliament and their government. One of these serious dilemmas that arose between the president and the parliament was the issue of constitutional amendments. The issue of constitutional amendments was not often discussed after Mongolia approved its new constitution and held its first parliamentary and presidential

elections. However, it has been discussed since 1997, just after the election of the president for the second time and the second parliamentary election. In 1999, President N Bagabandi appointed a working group consisting of scientists and specialists to draft amendments to the constitution and prepared the first version of the draft. Without discussing this draft, Democratic Coalition and the MPRP discussed the amendment to the constitution within the party group meetings in the parliament, the leaders of the MNDP, the MSDP, and the MPRP in the parliament. They agreed on the proposal to amend the constitution on December 24, 1999. However, President N Bagabandi vetoed the entire amendment of the constitution, but the parliament did not accept the veto. In addition, some citizens' representatives prepared a petition to the Constitutional court. Then, the Constitutional court investigated and concluded that this amendment was against the constitution and annulled the amendment of the constitution. But the parliament left the opinion of the Constitutional court without discussion due to the upcoming election in 2000. This debate continued, and the 2000 parliamentary elections were held, and the new parliament re-approved it on December 14, 2000 (Appendix-2). Therefore, this dilemma in Mongolian political practice is called the amendment of 1999 and 2000, and even now, most scholars do not recognize this constitutional amendment as illegal and were approved within the not clear situations (Ochirbat, 2017, pp. 372–375).

In terms of the presidential right to issue a decree, President N Bagabandi issued 42 decrees during his term of office. Presidential decrees did not cause any serious dilemmas with other institutions. Because Article 34.2 states that the decree of the president himself or the parliament will be annulled. During the time of President N Bagabandi, there was no case where his decree was revoked by the parliament. The president's decree addresses several key issues in the relationship with the parliament. These are relations such as convening the first session of the parliament, negotiating the first opening date of the parliament with political parties, issuing an order to confirm the draft resolution of the parliament for the early dissolution of the parliament, dissolving it before the due date, and announcing the date of the parliamentary elections (Article 14, *Law on the Parliament*, 1993). Within this issue, there were no dilemmas with the parliament regarding the initiated laws and resolutions. President N Bagabandi's right to initiate laws has not been hindered by the parliament and the dilemma has not arisen. In general, as a subject with the right to initiate laws, it is rare for the head of state to initiate laws in a premier-presidential subtype of semi-presidential countries. But the president actively exercises this right. As the

President, N Bagabandi initiated a total of 38 laws during his term, 16 draft laws, 14 amendments to laws, and 8 draft resolutions of the parliament (Enkhbaatar et al., 2019, p. 61).

However, N Bagabandi has had more difficulties in mutual understanding with the parliament in regard to the amendment of the constitution. During this cohabitation, President Bagabandi vetoed the decision of the parliament 16 times, but 3 vetoes were not accepted by the parliament due to difficulties that a 2/3 parliamentary majority overridden the president's veto. This is compared to the previous cohabitation, where the opposition won 25 of the 76 seats, making it almost impossible to reverse the president's veto (Moestrup & Ganzorig, 2007, p. 191). Considering these vetoes, on January 6, 1998, the Law on Intelligence Action instructed the police to continue the practice of secretly recruiting many people, registering them in a special register, and keeping private files to keep citizens under constant state control. The president considers this to be a fundamental flaw in the concept of law. Instead, it was argued that it is appropriate to regulate the relationship between purchasing information about crimes by law (*Letter E/01. President's Veto*, 1998). An interesting thing here is that the Democratic Coalition, which declared its commitment to democracy, human rights, and freedom, approved the law, and the president, who was elected from the MPRP, vetoed the law to train communist-style informants. However, the parliament did not accept the president's veto and approved the Law on Intelligence Action (Resolution 19, 1998).

Not long after this law, on February 3, 1998, the Casino Law was vetoed, which divided Mongolian society at that time. He stated that the reason for his veto was that the Council for the Administration of Government Functions should sign a contract with a third party to provide the necessary equipment and related equipment to the casino and check the fulfilment of the contract, which interferes with the responsibility of the private sector to operate the casino. Instead, it is advisable to have state control over whether the equipment and related tools meet the requirements. Government officials, including courts, prosecutors, police, and state security officials, are required to issue special cards to play in casinos. It was vetoed because it should be consistent with other legal regulations so that it does not apply to officials investigating certain criminal, civil, or administrative cases (*Letter E/08*, 1998). The parliament did not accept the veto and still approved the decision (Resolution 36, 1998).

The third veto which not accepted by the parliament is the veto imposed on December 31, 1999, to amend the constitution. The president criticized the parliament for vetoing the constitutional amendment without consulting scholars, experts and the political parties that do not have seats in the parliament. He also accused the parliament of violating the concept of check and balance of the highest state institutions by undermining the principle of distribution of powers, oversimplifying the functioning of the parliament, discriminating against human rights, and transferring power to a political party. Thus, it was considered that the amendments should be cancelled entirely (*Letter E/61*, 1999). Peculiarly, the amendment was approved by his party MPRP parliament not considering the veto of president N Bagabandi (Resolution 01, 2000). It will be discussed more in Chapter 6. Thus, this veto and the amendments to the Constitution became the turning point of creating a dilemma between Mongolian democratic institutions. Therefore, the first amendment to the constitution covering seven articles is still in the debate of main dilemmas for the three institutions in Mongolia (Appendixes-2).

Despite these dilemmas, the president has criticized and vetoed the amendments to the constitution, such as the restriction of his powers, the addition of provisions for the dissolution of the parliament, and double duties for members of the parliament who will serve as members of the government. Yet, the president never initiated the proposal to dissolve the parliament prematurely. However, on July 23, 1998, President N Bagabandi warned the Speaker of the parliament that he would propose a dissolution before reaching social chaos due to the political instability. Because the issue of dismissing the government of Ts Elbegdorj was discussed, and despite the agreement of the parties, there was no decent result (Lkhagvaa, 2019a, p. 357). Moreover, President N Bagabandi actively criticized the parliament for amendments to the constitution. But his participation in this process was very large. This is because by using full power, which is the most advantageous part of semi-presidentialism, he was pushed into a situation where the Democratic Coalition could not appoint the head of the government. Therefore, the members of the parliament and the government, which consisted of mostly young people under 35 years of age, were used more in political dilemmas, which increased the dilemmas between institutions and pushed a country towards a tendency to retreat from democratic transition.

4.2.2. President's Choice for Democratic Prime Ministers

During this time, a generational change process was taking place within the MPRP, and the young politician N Enkhbayar received the support of the majority of his party members. From that time, the close cooperation between the presidents of the opposition MPRP began the political campaign to make the policies and activities of the Democratic Coalition as unstable as possible. To activate this activity, they first selected the relationship between the president and the government. This is especially Article 33.1.2 where the president submits a proposal to the parliament for the appointment of the prime minister, which reinforces the semi-presidential system within the framework of the constitution, and was the highest power granted to the president. Thus, four governments changed, and President N Bagabandi submitted a proposal to the parliament to appoint three prime ministers between 1997 and 2000. Yet, President N Bagabandi did not propose to dismiss the government (Ochirbat, 2001, p. 268). He submitted proposals to the parliament to appoint Ts Elbegdorj in 1998, J Narantsatsralt in 1998, and R Amarjargal in 1999 as prime minister. Among them, Ts Elbegdorj was appointed as the prime minister by his recommendation without any dilemmas.

Yet, after the dismissal of Ts Elbegdorj's government on July 23, 1998, it took five months for the president to agree on the appointment of the next prime minister. During this period, on August 11, 1998, Da Ganbold, who served as the First Deputy Prime Minister from 1990 to 1993 and Chairman of the MNDP was nominated for the position of prime minister and sent to the president for consultation, but N Bagabandi did not support him. However, the majority of the parliament still supported him. Therefore, the dilemma between the parliament and the president reached its peak. The Democratic Coalition has submitted their proposed candidate for prime minister for consultation with President N Bagabandi seven times. But, the president has rejected him seven times without any reason. Then, they were unable to appoint the prime minister. It has become an enormous institutional bottleneck and political crisis as well as creating a crucial institutional dilemma between the president and the parliamentary majority (Enkhbaatar et al., 2019, p. 50). On the other hand, N Bagabandi did not explain the reasons for the impossibility of the agreement, and when he refused the last time, he proposed the name of another candidate, Ganbold Dogsom (Lkhagvaa, 2019c, p. 359).

Then it became a “cat-and-mouse game” that the majority of parliament nominates a person to be the prime minister to the president but the president rejects their candidates and even offered them another candidate from their coalition. It to led the main demand for amendments to the constitution that reduced the president’s power concerning the appointment of a prime minister. However, the Democratic Coalition did not accept the candidate proposed by the president. After that, N Bagabandi accepted R Amarjargal's nomination, but he could not get support from the parliament session and failed to become the prime minister in September 1998. Then, Democratic Union was scrambling to choose a third candidate to agree with the president. At that time, a resigned Prime Minister Ts Elbegdorj continued to work as the acting prime minister for five months that the longest time in history. During this time many candidates have been discussed for the prime minister including S Zorig, E Bat-Uul, J Narantsatsralt and so forth. Among them, the most possible was S Zorig, the pioneer of Mongolian democracy and the creator of the experience of leading a peaceful revolution to victory. Unfortunately, he was brutally killed on October 2, 1998, that makes shocking the Mongolians and political institutions.[14] Thus, the Democratic Coalition nominated G Ganhuyag and E Bat-Uul, but the president also did not agree with their proposals (Enkhbaatar et al., 2019, p. 50). During this period, the term of the law on the appointment of the prime minister expired, but the provision on consultation of the constitution was explained by Resolution No. 96 on August 21, 1998, but the president did not accept it and vetoed it (*Letter E/66*, 1998).

Finally, J Narantsatsralt, the mayor of Ulaanbaatar city was recommended by the president on December 8, 1998 (Enkhbaatar et al., 2019, p. 50). Then, J Narantsatsralt was appointed as the prime minister with 63.2 per cent of the votes on December 19, 1998. Yet, J Narantsatsralt's government was dismissed on July 21, 1999, just seven months later due

[14] After N Bagabandi won the presidential election in 1997. In June 1998, in order to solve the banking crisis, the opposition forces submitted a proposal to the parliament to dismiss the government, claiming that it had decided to merge the state-owned Sergeen Bosgolt Bank with the private Golomt Bank. Then, Elbegdorj’s government was dismissed. President N Bagabandi rejected the nominees of the ruling Democratic Coalition as the next prime minister, and the parliament failed to appoint a prime minister within the time limit set by the law. When members of Elbegdorj's government had been working as acting minister for 4 months, S Zorig was Minister of Infrastructure and was stabbed to death in his apartment on October 2, 1998. After this crime, three days later, 30 thousand people gathered to say goodbye to him, public mourning was announced throughout the country, and the people of Mongolia mourned for their beloved son. There are rumours that the ruling coalition was trying to negotiate with the president to nominate him as the prime minister. In any case, the people of Mongolia are sure that this crime was a political murder. At that time, the Democratic Coalition presented S Zorig to the prime minister and was preparing to negotiate with President N Bagabandi, which led to believe that his killing was a political murder among the people. The crime left a living witness, his wife Bulgan, but it has not been detected until now. It has been 24 years since many people were suspected in connection with the murder, but no one has been proven to be involved in the case.

to the official letter to Russia which was against the national interests. However, after the dismissal of J Narantsatsrat, he was not appointed as acting prime minister as the former Prime Minister Ts Elbegdorj. Mrs N Tuya, who worked as the Minister of Internal Affairs in J Narantsatsralt's cabinet, was appointed as acting prime minister. She became the first female acting prime minister in history. Then, the Democratic Coalition started again to negotiate with President N Bagabandi for the next prime minister. In the meantime, the Democratic Coalition was preparing to put forward the name of G Gankhuyag again on July 28, 1999 (Lkhagvaa, 2019c, p. 369). However, President N Bagabandi proposed the name of R Amarjargal again and then he became the prime minister based on the recommendation of the president.

These dilemmas between the president and the parliament created government instability at the highest level which became the main condition for amending the constitution in 1999. The amendment of the constitution became the turning point for the "flow" to turn in a different direction. It includes not only the president's consultation with the parliament if the political parties which have majority seats in the parliament fail to consult with the president to appoint a prime minister within 5 days, but they will also submit the name of the candidate to the parliament by the self (Article 33.1.2). But also that if the prime minister fails to negotiate with the president within 7 days on the issue of appointing his cabinet members and cabinet composition, he will submit it to the parliament himself (Article 39.2). This is similar to the fact that the president ultimately has no right over the structure (having several ministries), composition (having several ministers), and whom to appoint as ministers in terms of the constitutional regulation (Chimed, 2003, pp. 34–35). However, these amendments to the constitution were not approved during the second cohabitation due to the veto of the president and the decision of the Constitutional court. However, this constitutional change, which was initiated by the Democratic Coalition to eliminate the dilemmas of cohabitation and reduce the power of the president, was approved during the unified majority government that was formed in the next election (Amendments to the 1992 constitution, 2000).

President N Bagabandi started working as the head of NSC in 1997 when he was elected as president. He had experience as a member of the NSC because he previously served as the Speaker of the parliament during the tenure of President P Ochirbat from 1993 to 1996. When he was elected as the president and became the head of the NSC, there were

no dilemmas among the members of the NSC. In 1998, the NSC discussed and approved for the first time the official visit of President N Bagabandi to the countries of Central Asia and the Middle East including Turkey, Kuwait, and Kazakhstan. From this period, cooperation with Turkey was brought to a high level (Bagabandi, 1998b, p. 37). After his visit, he gave information about his visit to Turkey at the opening session of the 1998 spring session of the parliament that the Turkish side called Mongolia the "homeland of our ancestors" and made our visit significant by mentioning the ancient ties of history and culture. The parties announced that they will work together in the fields of building a road for the illuminated statues of Bilge Khan and Kul Tigin in the Kharkhorin and Orkhon valleys, protecting the Tonyukuk statue in the Tuv Province, increasing the number of students studying from Mongolia, cooperating in the military sector, and training military and police personnel. During his visit, he visited Ankara University and was awarded the title of "Honorary Doctor" by Professor Gunal Akbay. The Turkish business circles expressed their interest in investing in Mongolia's construction, mining, leather industry and other sectors and announced that they would send a research team to Mongolia (Bagabandi, 1998a, p. 53).

Currently, the cooperation started by President N Bagabandi developed the next level of cooperation under the Third Neighbour Policy of Mongolia to activate bilateral cooperation with Turkey. One example is now more than 930 Mongolian students are currently studying in Turkey (Uurtsaikh, 2018, pp. 101–111). As the commander-in-chief of the armed forces, President N Bagabandi has never had any serious dilemmas with the government and used military and defence personnel. However, the government was critical of the military reform policy. The President's position reminded us to focus on keeping the military forces down rather than on military defence, and on using the military for humanitarian and civilian purposes. In particular, it was reminded of the increasing mobilization of armed forces to rescue the citizens affected by natural disasters and other accidents in the country (Bagabandi, 1998b, p. 51). Thus, the Chief of the General Staff of the Armed Forces, G Damdinsuren, who was appointed by the previous president, was replaced by T Dashzevegi in 1998.

4.2.3. First marathon for the position of Prime Minister

After the Democratic Coalition won the parliamentary election in 1996, the relationship between the parliament and the government became more complicated due to

the dual duty that the membership of parliamentarians combines with the membership of the government. Thus, the Constitutional court issued a special resolution against the combination of two institutions, but this dilemma continues to this day in the political practice of Mongolia (Ochirbat, 2017, p. 162). Attempts were made to regulate the entry of members of parliament into the government by law in 1996 and 1998, but the Constitutional court cancelled each time (Enkhbaatar et al., 2017, pp. 45–48). But this arrangement made profound changes in the future political life. The conclusion of the Constitutional court was made after the appointment of M Enkhsaikhan as the Prime Minister in 1996, and since he was not elected to the parliament, he could be the head of the government. Therefore, the government of M Enkhsaikhan, the first government of the Democratic Coalition, has worked very well to adhere to Article 29.1 of the constitution, which states that a member of parliament cannot serve as a member of the government. However, M Enkhsaikhan's government was dismissed in April 1998. After that, Ts Elbegdorj was appointed the second prime minister of the Democratic Coalition. In his cabinet, 8 out of 10 members were members of parliament. Then, this dilemma arose again. At this time, Mr D Lamjav appealed to the Constitutional court regarding the dual duties of members of parliament on October 2, 1998. Then, the Constitutional court created a dispute and concluded that members of the parliament shall not hold concurrently any posts and employment other than those assigned by law (Constitutional Court Resolution, 1998). Following this provision, the governments that worked without a single member of parliament were the governments of M Enhsaikhan, J Narantsaralt, and R Amarjargal from 1996 to 2000 (Lkhagvaa, 2019, p. 353). This decision upset the members of parliament who were interested in combining with members of the cabinet. Yet, merely three cabinets out of 20 followed this provision of the constitution until now (Enkhbaatar et al., 2017, pp. 45-47).

The Democratic Coalition dismissed four prime ministers during its mandate from 1996 to 2000. It was an unacceptable term for citizens who had learned from the long-term stability of a one-party system in the communist period. In addition, there were so many transitional challenges has been created in society such as the bankruptcy of the banking system, the illegal privatization of industries, the corruption issues surrounding the casino law, unemployment, poverty, and violations related to the loss of social order (Lkhagvaa, 2019a, pp. 347–367). Remarkably, President N Bagabandi did not put any restrictions on these economic policies implemented by M Enkhsaikhan's government. And scholars who study these policies internationally wrote that Mongolia is the country with the most liberal

trade policy in the world (Moestrup & Ganzorig, 2007, p. 193). However, 24 members of the MPRP have signed a proposal to dismiss M Enkhsaikhan's government. However, the parliament investigated this issue and considered that there was no reason to dismiss the prime minister via issuing Resolution No.78 on October 17, 1997. After the failure of this dismissal attempt, M Enkhsaikhan's government was dismissed mainly by N Enkhbayar, Chairman of the opposition of the MPRP in the parliament, and Ts Elbegdorj, a leader of the Democratic Coalition (Byambadorj, 2022).

Then, one year after the main dilemmas were created among members of parliament in the Democratic Coalition that influential leaders of the coalition has not joined the democratic government. It was the first reason that influenced the government's instability. Then, they dismissed their government by themselves and M Enkhsaikhan's government was dismissed on April 13, 1998 (Lkhagvaa, 2019a, p. 350). At that time, it was an ironic case of dismissal of the government that the majority of parliament initiated and negotiated with the opposition MPRP to resign their prime ministers. The 1992 constitution stated that if the prime minister or half of the members of the cabinet resigned at the same time, the government is dismissed (Article 43.2). Thus, the parliamentary majority and the minority have agreed with the dismissal of the Democratic Coalition's government during this cohabitation. Then, Ts Elbegdorj was appointed as the prime minister and the head of government on April 23, 1998 (Enkhbaatar et al., 2018, p. 75). Ts Elbegdorj's cabinet was composed of eight members of the parliament and only two were non-members of the parliament. He believed that this was arranged in such a way as not to cause a breakdown in the relationship with the parliament (Lkhagvaa, 2019a, p. 353).

This time, 25 members of the MPRP and merely one member of the MUTP submitted a proposal to the parliament to dismiss Ts Elbegdorj. They explained the reason for the dismissal of the prime minister as "deliberately weakening the financial capabilities of the Reconstruction Bank and merging it with the privately owned Golomt Bank, which seriously harmed the country's security". Thus, 42 of the 75 members who participated in the general session of the parliament supported the dismissal proposal, while 33 members or 44 per cent rejected it. Ts Elbegdorj's cabinet was also dismissed by the provisions of the constitution, which states that if the prime minister or half of the cabinet members resign at the same time, the cabinet will resign as a whole (Article 43.2). After the dismissal of Ts Elbegdorj, the decision to appoint him as the acting prime minister was made and he worked for five

months, which aggravated the political crisis and made it difficult to appoint the next prime minister. Thus, J Narantsatsralt was appointed as the prime minister on December 19, 1998. J Narantsatsralt's government made significant changes in the management structure of the civil service and replaced the head of the Cabinet Secretariat of Government and the General Administration of Customs.

In particular, during this government, dilemmas have arisen due to the selection process for casino tenders under the Casino law. Investigating this issue, the majority of the parliament has suspended three members of the parliament. After that, another dilemma has been created among the majority that Prime Minister J Narantsatsralt's letter to Yu D Maslyukov, the First Deputy Minister of the Government of the Russian Federation on January 19, 1999. In the letter, Prime Minister J Narantsatsralt responded with approval to Mongolia's request for the Mongolian side's opinion on the privatization of 49 per cent of the Russian side of the joint venture "Erdenet" copper mining company with Russia (Resolution 57, 1999). Then, J Narantsatsralt proposed to resign from the parliament on July 22, 1999, stating that the moral and legal basis for working as a team has disappeared. Thus, in Article 43.4, if at least ¼ of the members of the parliament formally proposed the resignation of the prime minister, Prime Minister J Narantsatsralt resigned on the initiative of the members of the parliament and even with the support of his government members (Ochirbat, 2017, p. 268). However, the ministers of J Narantsatsralt's government continued to work in the cabinet of the newly appointed Prime Minister R Amarjargal, and his government lasted until July 26, 2000, when the Democratic Coalition was defeated in the next parliamentary elections. However, since the issue of dismissing the government was actively discussed, no proposal was made to dismiss the members of the cabinet.

At that time, a total of 25 members of the majority and minority of the parliament were sharply criticizing the government's policy. These members of the minority group were joined by some "resentful" members of the majority of the parliament who are interested in becoming the prime minister and members of the government. This majority and opposition faction has brought the instability of the government to the highest level. At that time, the issue of dismissal of the government was organized by secret ballot. It was impossible to know which members voted for the dismissal of the government. The main criticisms of the government by the parliament included privatization, issues related to Mongolia's interests, and the casino law. These criticisms of the government's activities also had a major impact

on the instability of the government. Although the Democratic Coalition had 50 members, it was impossible to know who voted against the government due to voting was done by a secret ballot. In connection with this voting rule, the 2000 amendment of the constitution was amended that "the Speaker and Vice-Speaker of the parliament shall be nominated and elected from among the members of the parliament by open ballot…" (Article 24.1).

4.3. The Third Cohabitation: Democratic President Kh Battulga vs MPP Parliament between 2017 and 2020

Foregoing the 2016 parliamentary election, the Election Law was amended that the 2016 election will be held under the single-member district system based on the principle of 76 constituencies on May 5, 2016. It was discussed in the parliament that the multi-member majoritarian electoral system affects the formation of an influential two-party system, while the single-member district majoritarian system gives more opportunities to other small political parties and individuals (Sanjaa, 2020). It was a stimulating election in terms of candidates that GECM announced a total of 498 candidates from 12 parties, three coalitions and individuals competed in the 2016 parliamentary elections. Also, 69 individuals were registered in this election which was the largest number of individuals in democratic history. Then, the final result of the election was released with a ratio of the MPP 65, MNDP 9, New-MPRP 1 and only individual candidate, country singer S Javkhlan, who was only elected one of the 69 individual candidates.[15] There has always been controversy about counting votes and the electronic voting system when presenting election results. However, this year, the results of constituencies were broadcasted live on TV through the screen placed in the GECM, which was a technological solution that ensured the transparency of the election. At the end of the elections day, when the MPP won a total of 65 constituencies, M Enkhbold, Chairman of the MPP immediately declared "we understand that there is a huge responsibility behind this great hope". Moreover, Z Enkhbold, the leader of the Democratic Party, which won nine seats, said, "we accept the election results and respect the choice of the people of Mongolia" and concluded the seventh election of the parliament (Khulan, 2016).

[15] At the 26th Congress of the MPRP, 99.3 per cent of all representatives voted to change the name of the party from MPRP to "Mongolian People's Party (MPP)" on November 5, 2010. However, due to internal dilemmas in the party, N Enkhbayar, who was the third president of Mongolia (2005-09) has established the New-Mongolian People's Revolutionary Party (New-MPRP) and became Chairman of the New-MPRP. In this way, the ex-communist MPRP was divided into two parties: MPP and New-MPRP.

So, after the election, the ruling ex-communist MPP nominated J Erdenebat, who was previously the Minister of Finance for the Prime Minister of Mongolia on July 6, 2016. Then, his nomination was approved by 100 per cent of the votes by 202 members of the MPP conference based on secret voting. On July 7, 2016, President Ts Elbegdorj, who won as a candidate from the Democratic Party, and whose mandate was ending within his interim period, was appointed without any dilemmas (Dorj, 2016). However, the MPP won 65 seats, but M Enkhbold, Chairman of the MPP did not follow the rule that the chairman has to become the prime minister. Notwithstanding, he became the Speaker of the parliament (Adiyasuren, 2016). It was clear in the political scope that he is preparing himself to participate in the 2017 presidential election. Then, the presidential election was held on June 26, 2017. Three candidates contested the presidential election who was Speaker of the parliament M Enkhbold from MPP, Kh Battulga, the head of the Judo Federation of Mongolia from the Democratic Party, and S Ganbaatar, a member of parliament from the New-MPRP. Then, Kh Battulga, the 54-year-old, champion of world sambo wrestling won 50.6 per cent, and M Enkhbold, the candidate of the MPP won 41.16 per cent of the votes on July 9, 2017. Finally, Kh Battulga was elected as the 5th President of Mongolia (Oyumaa et al., 2017b, p. 186). After that, the third cohabitation began with the parliament consisting of 65 MPP members and President Kh Battulga from the Democratic Party.

4.3.1. Presidential Activism vs Parliamentary Supremacy

The unique feature of the cohabitation of this period is that it was a continuation of the period of recovery of economic conditions and recovery of foreign direct investment in Mongolia compared to the previous decades. Therefore, the MPP, which won 65 seats in the parliament, decided to amend the constitution. In general, the working group for drafting amendments to the constitution was established seven times from 2008-2019, and in 2011, 2012, and 2015, the draft amendments to the constitution were submitted to the parliament, but they were not discussed. Recently, 62 members of parliament prepared a draft of amendments to the constitution which was finally approved on November 14, 2019 (State Ikh Khural, 2022). However, the effect of this amendment was not only to reduce the powers of the president but also to shorten his re-election period. However, it can be considered that the powers of the members of parliament and the prime minister have been increased. Therefore, in 2000 and 2019, Mongolia has been trying to escape from the cohabitation

situation of semi-presidentialism by reducing the president's power as much as possible (see Appendix-3).

However, this is not a significant reduction of institutional dilemmas, but rather an aggravation of dilemmas and the basis for the usurpation of power, which will allow frequent amendments to be made to the constitution. In opposition to this amendment, President Kh Battulga vetoed it and the conduct of the referendum and expressed that it is necessary to comply with the law. According to his veto, the MPRP won an absolute majority of seats in the parliament and held the legislative power alone. The amendment has not resolved the dilemmas related to the illegal activities of the legislative (Office of the President, 2019a). However, according to the 2019 amendment of the constitution, the president was not allowed to be re-elected again. It means that President Kh Battulga was elected only once in the four-year term between 2017 and 2021 and after that, his four-year term expired in 2021 without re-election for a second term (Ulziibayar, 2021). It was a main dilemma between the president and the parliamentary majority in 2021 (see Appendix-3). But there were no demonstrations or political struggles due to the COVID-19 rule.

In terms of the right to issue decrees, President Kh Battulga has been exercising his power to issue decrees without any dilemmas. Within his mandate, he issued three decrees calling for the public, seven decrees approving regulations, and one decree approving policies, activities, and programs, but no decrees were annulled by the parliament as they were deemed inconsistent with the law. Although the right of the president to issue decrees is a right considered within the scope of executive power, the constitution provides for the annulment of the president's decrees if the parliament deems them to be inconsistent with the law, so it is a matter of institutional dilemma (Article 34.1 and 34.2). In addition to the right to issue decrees, the power that presidents of Mongolia have the power to initiate laws which the presidents of some premier-presidentialism subtypes do not have. During the 2017-2020 cohabitation period, President Kh Battulga initiated seven laws and one draft resolution of the parliament, which were not hindered by any restrictions or prohibitions from the parliament (Enkhbaatar et al., 2019, pp. 58–61).

Since his election, President Kh Battulga has been criticizing the activities of the parliament. Therefore, he has started to actively use his veto power. Kh Battulga issued a total of 11 vetoes within the framework of this cohabitation, 7 were not accepted by the parliament, 3 were accepted, and 1 was withdrawn (ULIS, 2022c). After the president's

election, he was a very active political player against winning the MPP with 65 seats. Thus, Prime Minister J Erdenebat resigned just two months after he was elected as the President on July 9, 2017. Then, he put his first partial veto on Parliament's Resolution No. 58 of 2017 to appoint the new government, saying that he would not support Ch Khurelbaatar, who will serve as the Minister of Finance in the new government on October 26, 2017. In this veto, Mongolia is completely under the control and oppression of "thirty families" connected with interests and corruption in the infrastructure and mining sectors, and if any project or program does not benefit them, it is stuck, and only they get the benefits that Mongolians deserve for a long time. Therefore, it is said that Ch Khurelbaatar, the candidate for the Minister of Finance, is one of the representatives of the "thirty families" (Munkhbold & Munkhtulga, 2018, p. 267). However, the parliament stated it was unnecessary to accept the president's veto and the MPP majority appointed Ch Khurelbaatar as the Minister of Finance. After that, the President vetoed again the 2017 Budget law, the 2017 Law of the Social Insurance Fund, and the 2018 Budget law. At this time, Ch. Khurelbaatar was appointed as the Minister of Finance and the first budget was approved. However, these vetoes were not accepted by the parliament (Batzaya, 2019).

In 2018, two members of the parliament D Murat and D Gantulga filed a case against an unruly woman by the prosecutor's office based on the complaints of the victims. Thus, when the prosecutor's office submitted a proposal to suspend the member of the parliament, the parliament deliberated and issued a resolution that there was no need to suspend the member. The problem of the two members shocked society, and the people were very upset by the actions of the two members of the parliament, as the public opinion polls, the stories and photos of the victims were spread on social networks. Therefore, the parliament accepted the president's veto of Parliament Resolutions No. 45 and 47 of 2018 stating that there is no need to suspend the members of the parliament (Resolution 59, 2018). After that, MPP member D Gantulga was released from membership on his initiative, while D Murat was not released (Resolution 48, 2018). After this veto, the 2019 Budget law of Mongolia and accompanying laws and resolutions were completely vetoed on November 15, 2018. It was clear that the parliament also refused to accept it (Batzaya, 2019).

The presidential veto has become more active in 2019. The parliament has accepted the veto of the President on the Law on Amendments to the General Administrative Law (Resolution 64, 2019). Soon The tax package law was vetoed again. Ch Khurelbaatar was,

the Minister of Finance commenting on the use of the repealed law of 2006 to veto the draft tax package law on May 15, 2019. After that, the president withdrew the veto. Because of this, there were criticisms on social networks that the president's advisors did their work incompletely and without consideration. Generally, president Kh Battulga has supported amendments to the constitution. Yet, he vetoed Parliament Resolution No. 73 on the approval of the amendments to the Constitution of Mongolia on September 20, 2019. President Kh Battulga is the negotiator of the constitutional amendment. The draft submitted by him was combined with the amendment draft of the constitution prepared by the parliament. The MPP started the process of consolidating and negotiating the draft, President Kh Battulga headed the working group, and new Prime Minister U Khurelsukh was appointed as its deputy. This is the decision of just before a month. However, the political position of the president has been changed and the veto was imposed. The veto was accepted by the parliament (Resolution 77, 2019). After that, the parliament refused to discuss the vetoes imposed on the Law on Defense, the Law on the 2020 Budget, the Law on the Procedures for Compliance with the Law on the Future Heritage Fund, and the Law on the Social Insurance Fund's 2020 Budget on December 12, 2019 (Resolution 103 and 104, 2019). However, the parliament accepted the partial veto on the Law on Parliament on May 7, 2020, and began to comply with it from August 20 (Resolution 15, 2020).

President Kh Battulga has dismissed the State Prosecutor General and deputy prosecutors appointed by the previous president within the scope of appointment and certain powers. The constitution stipulates that the president shall appoint the chief justice, prosecutors and his/her deputies for a term of six years in consultation with the parliament. However, they were dismissed based on the recommendation of the NSC before the legal term expired on September 10, 2019. Also, according to the decree, Ts Zorig, the Chief Justice of the Supreme Court appointed by the previous president was released from his position and Kh Batsuren was appointed on September 5, 2019 (Office of the President, 2019b). He appointed 16 judges and three members of the Constitutional court within his power, which did not cause any dilemmas in the parliament (Enkhbaatar et al., 2019, pp. 63–65). However, there were other dilemmas related to the dismissal of ambassadors.

President Kh Battulga has initiated the issue of recalling and appointing ambassadors which was discussed at the parliament session on May 17, 2018. President Kh Battulga proposed the recall of two ambassadors who were M Enkhsaikhan, who previously served

as the Prime Minister, and Ambassador Extraordinary and Plenipotentiary to the Kingdom of Sweden and S Bayar, a member of the MPP and Ambassador Extraordinary and Plenipotentiary to the United Kingdom caused a great stir in the political sphere (Office of the Parliament, 2018). Also, in the process of discussing the appointment of ambassadors at the parliament, the government proposed to appoint N Chimgundari as the ambassador to Australia, B Khurts as the ambassador to South Korea, and B Tenger as the ambassador to Thailand at the end of 2017. But the president did not support them. The President gave his reasoning, "Because these candidates do not meet the age criteria for holding the position, violated the merit principle of civil service when appointing them, and believe that they cannot hold the highly responsible position of ambassador to Mongolia's important "third neighbour" countries at an appropriate level, it is not possible to issue a decree on their appointment and a Letter of Credentials" (Sosorburam, 2021).

For President Kh Battulga, the conditions for the dissolution of the parliament were not created. Because the MPP, which won 65 seats in the parliament, had no interest in dissolving the parliament even though there were inter-institutional dilemmas. Therefore, Kh Battulga's speeches from the parliament chamber, which initiated the dissolution of the parliament, received a lot of public support. President Kh Battulga became the first president to formally call for the dissolution of parliament. In his speech to addressing the nation after taking the oath was:

> "I will not support the policy of conspiratorial officials who have trampled on the rule of law. Their nefarious activities will be stopped by the law. We will fight against decisions that involve trafficking in public services and any kind of criminal activity. The dark system that impoverishes the citizens and enriches the pockets of the few will be abandoned. We will abolish the cruel standards that violate human rights and discriminate against our citizens" (Office of the President, 2017a).

It was attacking the majority of the parliament, the members of the MPP. Therefore, he called for the dissolution of the parliament itself twice in his speech at the parliament session during his mandate. His speech at the parliament session was that:

> "On October 29, 2018, I proposed the dissolution of the parliament itself on May 23, 2019. Yet, M Enkhbold the Speaker of the parliament did not accept the proposal. About half a year has passed since then, but the work of the parliament has not

improved significantly. Therefore, the parliament is called upon to dissolve prematurely as it is no longer able to exercise its mandate. Since its establishment, the parliament has violated the trust of the voters and acted against the law. Companies affiliated with high-ranking government officials have taken loans from the Small and Medium Enterprises Fund (SME) with an annual interest rate of three per cent. It is like robbing the opportunities of ordinary citizens..." "… In Mongolia today, the parliament is not able to lead the people to prosperity. Therefore, we call for the political courage of the parliament to decide to dissolve itself. This will prove not only to Mongolians but also to the international community that Mongolia can clean itself. Many people will support this" (Ariunbold, 2019).

In doing so, he became the first president to formally initiated the dissolution of parliament.

4.3.2. Dilemmas between President and Prime Ministers

President Kh Battulga started criticizing the government's activities and continued to demand the dismissal of Prime Minister J Erdenebat since winning the 2017 presidential election. During previous cohabitations, after the appointment of President P Ochirbat and P Jasrai were working in the power-sharing cooperation in terms of government activities in 1993-1996. On contrary, when N Bagabandi became the president in 1997, Prime Minister M Enkhsaikhan's cabinet was dismissed 11 months after the 1997 presidential election during the second cohabitation. Yet, in the third cohabitation, Prime Minister J Erdenebat was resigned two months after Kh Battulga was elected as the president in 2017. The reason for the resignation of Prime Minister J Erdenbat, President Kh Battulga became close in relationship with U Khurelsukh, who was appointed as the Deputy Prime Minister from the MPP. It is demonstrated that the "friendship" between the president and the deputy prime minister began when the prime minister and the deputy prime minister were involved in a situation of dilemma. Then, Prime Minister J Erdenbat was resigned from the parliament in July 2017. After that, President Kh Battulga easily signed a proposal for supporting U Khurelsukh as a candidate for prime minister on September 27, 2017 (Tuul, 2017).[16] For three years, which lasted from 2017 to 2020, the good relationship between the president

[16] U Khurelsukh was the 30th and 31st Prime Minister of Mongolia and Chairman of the MPP between 2017 and 2021, and he was elected as the 6th President of Mongolia on June 25, 2021.

and the prime minister was widely discussed as "...Mongolia is working as if it has two prime ministers". It is related to the president being responsible for the construction of the railway projects (Zuunii medee, 2021).

However, in the results of the third cohabitation, the president and the prime minister created a different atmosphere in the parliamentary majority due to the negotiation of power-sharing in government projects. Since then, the ruling MPP with 65 seats has been divided into two factions with 33 and 32 members. The 33 factions consisted of the newly appointed Prime Minister U Khurelsukh and his cabinet supported by President Kh Battulga, while the 32 factions consisted of the ministers who worked in the cabinet of the former Prime Minister J. Erdenebat and supporters of M Enkhbold, the Speaker of the parliament. President Kh Battulga and the 33 factions of MPP demanded again the resignation of M Enkhbold, the Speaker of the parliament. Soon after they also successfully dismissed M Enkhbold in 2019 and appointed G Zandanshatar who belongs to the 33 factions as the new Speaker of the parliament (iKon, 2020). The peculiarity of the cohabitation in this period is that new Prime Minister U Khurelsukh was able to get the support of 33 members of the MPP, 9 members of the Democratic Party and the president elected by the Democratic Party. It influenced the dual executive based on power-sharing conditions continued until the parliamentary election of 2020. In the division of MPP, 33 members have joined President Kh Battulga of the Democratic Party and resigned the MPP prime minister and even the Speaker of the parliament. These two dilemmas including the parliament and the government had never happened before during the previous two cohabitations.

When the structure and composition of the newly formed government were presented to the president, a dilemma arose in the process of government establishment between the president and the prime minister. While U Khurelsukh, who was appointed as the prime minister agreed with the president on the structure and composition of his government, the president was against the appointment of Ch Khurelbaatar as the Minister of Finance. In this matter, the interests of the president and the prime minister differed over the appointment of the Minister of Finance. This is because the cohabitation between President Kh Battulga and Prime Minister U Khurelsukh was a mutual understanding and power-sharing on executive power, but there were several dilemmas in terms of the appointment consultation such as the Minister of Finance (Office of the President, 2017c). However, the MPP majority in the parliament retained the Minister of Finance without dismissing him. The issue of

criticizing the government accountability on the part of the president was conveyed by Ch Khurelbaatar, the Minister of Finance continued to be expressed through the president's veto. He was also critical of the president's actions, and the media accused the two politicians of accusing each other many times. Finally, Ch Khurelbaatar was appointed as Minister of Finance without any consultation and support from the president.

As noted above, one of the main rights of the president is to instruct the government which is not common in semi-presidential systems. President Kh Battulga has never been involved in dilemmas within this right. He was active in the field of foreign policy and instructed the government within this field. In terms of foreign relation policy, he visited the United States, the two countries established a strategic partnership, and the United States became the fifth country with a strategic partnership with Mongolia. He emphasized that Mongolia is committed to keeping the United States as an important trade partner and major investor. It is possible to expand and develop mutually beneficial relations and cooperation between Mongolia and America in the fields of economy, investment, banking, and trade (iKon, 2020). Moreover, he also was so close to the President of the Russian Federation, Vladimir Putin, who arrived on the 80th anniversary of the victory of the Battle of the Khalkhyn Gol River. Both of them Kh Battulga and Putin announced that the relations between Mongolia and Russia have reached the level of a comprehensive strategic partnership. As a result, Mongolia became the second country with a comprehensive strategic partnership. China is the first country with which Mongolia has a comprehensive strategic partnership (MFA, 2019). However, there was relatively little criticism of the government's activities regarding the dismissal of the government. This is because U Khurelsukh was appointed as prime minister in support of President Kh Battulga at the government level. Thus, the president was actively involved in government activities.

President Kh Battulga used his power actively on the NSC and its actions since his election in 2017. The NSC consists of three officials: the president, the prime minister, and the Speaker of the parliament. However, there are many cases where these three officials disagree with each other due to their views and party affiliations. Therefore, President Kh Battulga paid more attention to taking over the leading rule of the NSC. After he was elected, on November 3, 2017, he appointed A Gansukh as the secretary of the National Security Council (Office of the President, 2017b). When President Kh Battulga was elected in 2017, political power was changed due divided MPP majority. He supported dismissal of the Prime

Minister J. Erdenebat and the Speaker of the parliament M Enkhbold. Prime Minister U Khurelsukh, the newly appointed "shadow" leader of the "the 33 factions" of the MPP, and Speaker of the parliament G Zandanshatar have started working with President Kh Battulga at the NSC level. In this regard, Prime Minister U Khurelsukh said that the three members of the National Security Council, the president, the Speaker of the parliament and the prime minister, are all seeing through the same window. We have no dilemmas of opinion. They claimed that the three of us are working together for the basic interests, independence, and security of the country (Unuudur Newspaper, 2020). After that, they accumulated unlimited governmental power based on NSC and limited parties' ideology and participation at the parliament and the government level.

Thus, several provisions were suspended and terminated in 2019 that included the Law on the Legal Status of Judges, the Law on Prosecutors, and Anti-Corruption Laws were amended to suspend judges from their posts, dismiss Chief Justices, terminate the mandate of the Prosecutors General and its deputy, and terminate the mandate of the head and deputy head of the IAAC (Udriin Sonin, 2020). In this way, a legal framework was created to dismiss the management of all judges, the IAAC and prosecutors at the "recommendation" of three members of the NSC. This goes down in history as a serious attack on the independence of the judiciary. As the result, the Salkhit Silver Mining deposit case resulted in the death of one person, the suspension of many judges, and one judge who escaped to the United States. It is still unclear how long the case of the 17 judges who were "removed" from their positions was in connection with the case of the Salkhit Silver mining deposit (iKon, 2020). Some members of parliament also protested against three members of the NSC, and there is a bitter history of giving independent courts to dictators in other countries. They were afraid of passing a law that would lead to a dictatorial system (Tuguldur, 2019). Some opposition members criticized the transfer of judicial power to the hands of three leading politicians within the NSC as doing the same thing as Kazakhstan's dictator Nazarbayev (Bat-Uul, 2019). But after the 2020 parliamentary election, some members of the parliament, led by B Enkhbayar revised these provisions that according to the recommendation of the NSC, the suspension of judges from their positions, the dismissal of Chief Justices, the termination of the mandate of the prosecutor and his deputy, and the suspension of the mandate of the Chairman and Deputy Chairman of the National Security Council are to be repealed (Udriin Sonin, 2020).

In terms of the right of the armed forces, President Kh Battulga initiated several military and defence legislations such as the “Peacetime and Wartime Organizational Chart of the Armed Forces”, “Strategic Deployment Plan of the Armed Forces”, “General Plan for the Use of the Armed Forces in War”, “The Armed Forces” plan to establish a military group from the peacetime composition of the forces” within the right of the president and the Commander-in-Chief of the armed forces, in June 2020. The main ideology of the above legislation is consistent with the concept of the Law on Amendments to the Law on Armed Forces, which also establishes the Special Forces, Construction-Engineering and Cyber Security Forces in the structure of the armed forces. President Kh Battulga has expressed his interest in using the Armed Forces more in the construction of infrastructure projects, especially in the railway infrastructures. He was thinking and discussing the legal framework and projects that would come if an 18-year-old young man joins the army for three years, with a profession, an apartment, and savings (Turmunkh, 2020, p. 64). Mongolians expressed their opinion that carrying out large-scale national development work by us will become the foundation of policies and actions to independently build the future well-being of our country and nation and ensure our national security (Battulga, 2021).

4.3.3. Vast Majority Parliament vs Prime Ministers

As noted in previous sections, one of the main dilemmas was dual duties which members of the parliament combine with members of the government since the adoption of the democratic constitution in 1992. This situation is actively discussed before and after parliamentary elections and is the main target of criticism from the opposition. After the 2016 parliamentary elections, when the ruling MPP approved the structure and composition of the government for Prime Minister J Erdenebat’s cabinet out of a total of 16 members of the government, 8 members of parliament combined with members of the government. Yet, U Khurelsukh was appointed as the Prime Minister on September 6, 2017. The structure and composition of U Khurelsukh's government have 16 members, and 15 ministers are 100 per cent members of the parliament except him. Explaining this, Prime Minister U Khurelsukh said that it was not seen as a privilege to be a member of the parliament and a member of the government. However, it was considered the responsibility for further work. From today, the ministers will have the dual responsibility of being a member of the parliament and the government. Therefore, if they are called dual-responsible ministers, the ministers will be more appreciated (Khurelsukh, 2017). Therefore, the dilemma related to the members of

parliament combined with members of the government has faced strong criticisms from the opposition and the citizens within the framework of this cohabitation. Ultimately, it was finalized by stating that the position of the prime minister and no more than four members of parliament can be combined with members of the government in the 2019 amendment to the constitution (Article 39.1).

It was clear that the main institutional dilemma in the third cohabitation began after President Kh Battulga took the oath of the president on July 9, 2017. Until then, the MPP, which won 65 out of 76 seats in the parliamentary elections in 2016 had formed the government alone. The main loophole of the dilemma was that M Enkhbold, Speaker of the parliament did not follow the common standards of the leader of the party who won the 2016 parliamentary election as the prime minister. Yet, he became the Speaker of the parliament. Thus, the appointment of J Erdenebat, a young politician who has not yet been known to the public, as the Prime Minister of Mongolia. This choice was based on the political prediction that M Enkhbold will be nominated by the MPP as a candidate for the 2017 presidential election. Indeed, he competed strongly with Kh Battulga and was narrowly defeated in two rounds of elections. Thus, when Kh Battulga was elected as the president, he openly supported Deputy Prime Minister U Khurelsukh. Then, the MPP was divided into two factions. After the 2017 presidential election, it provides with a beneficial opportunity to politicians led by Deputy Prime Minister U Khurelsukh began to fight for the dismissal of Prime Minister J Erdenebat and Speaker M Enkhbold. U Khurelsukh's factions were supported by President Kh Battulga and nine members of the opposition Democratic Party in the parliament. When some members of the majority MPP in the parliament submitted the proposal to the Deputy Chairman of the parliament to dismiss Prime Minister J Erdenebat, "Since his appointment, J Erdenebat has made decisions and actions that have repeatedly violated the laws of Mongolia. This activity was not in the interests of Mongolia but in the interests of a few groups. Also, in the recent 2017 presidential election, the people of Mongolia voted for the government's actions. Therefore, the prominent members of the parliament are proposing to resign him" (Tuguldur, 2017). Yet, Prime Minister J Erdenebat has not accepted his resignation and expressed that:

> "In the 25 years since Mongolia adopted its democratic constitution, 13 governments have worked and our cabinet is the 14th of them. Two of these governments have completed their four-year mandate as stipulated in the constitution, and 11 were

dismissed only after 1-2 years of periods. The parliament is going to discuss today whether this number will not be increased to 12 and whether this story will be added to another case. The dismissal of the government has become a wrong precedent that hinders the country's development and harms the economy rather than being a positive mechanism of accountability. We sometimes criticize some foreign investments as 'economy killers', but in reality, it is we politicians who stifle Mongolia's development and are the 'domestic killers' of our economy. Over the past year, our government has been working honestly and tirelessly for the common interests of Mongolia."

However, 42 of the 73 members who participated in the session resigned from Prime Minister J Erdenebat submitted by more than 30 members of parliament (Resolution 55, 2017). But faction 32 of MPP has not accepted the dismissal of the government. They strongly criticized U Khurelsukh in this matter. One representative of faction 32 was N Nomtoibayar who has given the interview that "the main dilemma was created by Deputy Prime Minister U Khurelsukh who joined with the president from the Democratic Party to dismiss the MPP's government. It has become clear that U Khurelsukh is a "spy" who infiltrated Kh Battulga's Democratic Party. Such a spy is called a "kitten" by the intelligence agency" (Nomtoibayar, 2017). However, after making the statement, information spread that the member of the parliament N Nomtoibayar was blamed for the death of a former member of the parliament and a member of the Democratic Party who died in the Government Palace and that he may have had external influence. Thus, a proposal was made to the court to set restrictions and take restraining measures against a member of parliament N Nomtoibayar for giving the false test. The Sukhbaatar District Court of First Instance of Criminal Cases discussed the prosecutor's proposal and refused to accept it (iKon, 2020).

All these political contradictions showed that dilemmas between faction 33 and faction 32 of the MPP have turned into an even sharper form. Some members of faction 32 held a press conference to collect the signatures of 27 members of parliament to resign from U Khurelsukh on November 19, 2018. They are requesting the dismissal of Prime Minister U Khurelsukh. First, there was a demand to hold government members and party leaders accountable for issues related to SME funds. To date, no charges have been filed. Secondly, the Prime Minister cannot work within the framework of the constitution. The Prime Minister himself is inciting the people to riot. Thirdly, he cannot hold the ministers of his cabinet accountable, he is held hostage by them. Fourthly, he acted irresponsibly in drafting

and approving the Budget Law. Fifth, attention is paid to the problem of bringing money into the offshore area and no action is taken. He never does specific work in this matter. Sixth, the civil servants lost their lives in the government palace. Also, foreign intelligence agencies have repeatedly announced that they have conducted special operations on the territory of Mongolia and conducted such operations in agreement with the government (Khayankhyarvaa, 2018). At the session of the parliament on November 30, 2018, the issue of the resignation of Prime Minister U Khurelsukh was discussed, 73 members participated in the session of the parliament and 40 members did not support the dismissal of the government. As the result, the government of U Khurelsukh was retained by 40 members of parliament and the votes of 54.8 per cent of the members who participated in the session (iKon, 2018b).

Before this incident, two members of U Khurelsukh's government were dismissed from their duties by the parliament. The first incident occurred in August 2018 when the heads of the Ministry of Road and Transport Development were drunk and killed one of their colleagues. Specifically, B Makhbal, a head of the Department of State Administration and Management of the Ministry of Road and Transport Development was investigated in the case of the death of T Gombosuren, a head of the Department of Inspection, Evaluation, and Internal Audit of the Ministry of Road and Transport Development. A criminal case was opened against B Makhbal within the Special Section of Criminal Law (iKon, 2018a). Due to this incident, the majority of the parliament once again came into a dilemma, but it was also the main reason for the dismissal of the prime minister by holding the parliament accountable to the government. Yet, J Bat-Erdene, who was Minister of Road and Transport Development resigned in connection with this case (Resolution 74, 2018). Second, this is the case of the SME Fund which extremely displeasures society as a whole. Since the SME fund plays a special role in the economic development of developing countries. According to World Bank research, SMEs alone account for 40 per cent of employment and up to 60 per cent of the gross domestic product (GDP) in developing countries. However, many prominent members of the parliament contacted and received high-value loans from this fund, and society accused them of stealing the opportunities of citizens (Bolortuya, 2020). Even Prime Minister U Khurelsukh’s younger brother received a loan of 1.3 billion MNT (Tuguldur, 2018). Due to this case, B Batzorig, the Minister of Agriculture and Rural Development was found guilty of taking a loan of 3 billion MNT from a company related to him and 8.6 billion MNT illegally disbursing it to others. Thus, in connection with this case,

B Batzorig, the Minister of Agriculture and Rural Development was dismissed from his position (Resolution 81, 2018).

Overall, the opposition Democratic Party expressed a passive tendency towards the attempts to criticize the government within the parliament and to dismiss the prime minister and the ministers of the cabinets before the term. However, the 32 factions of the MPP, acting as the opposition, repeatedly raised the issue of holding the government and ministers accountable. Besides these unclear situations between the parliament majority and government, the president began to play a major role in the government institution due to creating the dual executive with power-sharing based on constitutional powers. Thus, President Kh Battulga, rather than criticizing the activities of the government, was mostly expressing his opinion on cooperation and power-sharing. In 2020, he addressed in the parliamentary session that there are a lot of responsible tasks ahead of you, such as supporting the export of mining minerals, quickly completing the construction of railways and infrastructures, passing laws and regulations necessary to facilitate and increase mining exports, and distributing income from resources in an accessible manner. In the past, despite the delay, as a result of understanding and close cooperation with the government, the construction work of the Gashuunsuhait-Tavantolgoi and Tavantolgoi-Dzuunbayan railways was started. In the future, the parliament and the government are responsible for starting the construction of the Altanshireet-West-Urt and West-Urt-Khoot railways. Along these railway routes, there are 36 major mineral deposits including Tavantolgoi, Oyutolgoi, Harmagtai, Tsagaan Suvarga, Manlai, Kharaat Uul, Tokhum, and Tumurt, which will greatly boost mining exports. The next step will be to add value to mining products and build processing plants. It is your responsibility to do this together. It is necessary to immediately stop the use of clean underground water for mining by urgently building a system to irrigate the Gobi region along with the railway infrastructure, and to fight against desertification" (Battulga, 2020). It has been observed in the third cohabitation that dual executive with power-sharing is the creation of cooperation between oligarchic groups to accumulate more governmental power in their interests.

4.4. Conclusion

Cohabitation is a situation in which the president and prime minister are elected from two different parties. The presidential party is not represented in the cabinet. This suggests

that the semi-presidential system is associated with the serious dilemmas and instability of democracy in the literature. In Mongolia, cohabitation was the first situation created after the adoption of the 1992 democratic constitution. It was formed three times in 1993-1996, 1997-2000, and 2017-2020 depending on the results of the parliamentary and presidential elections. Each of these three situations has created its own unique set of institutional dilemmas and caused different outcomes.

In the first parliamentary elections since the adoption of the new constitution in 1992, the MPRP won 70 of the 76 seats and formed an absolute majority. After that, the first cohabitation took place when P Ochirbat, a former MPRP member nominated by the Alliance of Parties for Democracy and MSDP, won the presidential election in 1993. This cohabitation made a significant contribution to the development of Mongolia's democracy as there were a small number of dilemmas at the government level and the president and prime minister were able to cooperate. Notwithstanding that there were a total of 15 dilemmas between the president and the parliament, and the main dilemma was the president's veto. At that time, out of 12 vetoes by President P Ochirbat, parliament did not accept seven of them. However, no serious dilemmas have occurred in the scope of amending the constitution, issuing decrees, exercising the right to initiate laws, the right to addressing messages in the parliament and proposing the dissolution of the parliament. Two dilemmas arose in the relationship between the president and the government: the issue of the appointment of the prime minister, which occurs during cohabitation, and the intensive criticising of government activities on the issue of transitional reforms. President P Ochirbat and the MPRP parliament had two different positions in terms of the candidate for prime minister. The first candidate proposed by the president was not accepted by the parliament. Finally, the second candidate proposed by the parliamentary majority was accepted by mutual agreement between them.

Therefore, the relationship between the president and the prime minister of this period was the first case in Mongolia where the relationship between the president and the prime minister worked under the action of power-sharing. It provides room for the prime minister who was able to work for the full term of four years. This also made a major contribution to the support of democratic transition. However, the main factor affecting the relationship between the parliament and the government is the mutual control and balance mechanism. One of the dilemmas between these two institutions was that the first parliamentarian was a

member of the government. However, this problem has not caused any problem to escalate the dilemma between the institutions. Thus, the first hypothesis, "H1: Dilemma is expected to arise between the president and the parliamentary majority, and between the parliamentary majority and the prime minister under cohabitation". was supported during the first cohabitation. Since the vast majority MPRP parliament has fully supported their prime minister and warned to beware of premature resignation. Thus, the second hypothesis, "H2: Under cohabitation, changes in the government are expected to occur at a higher level" was not supported in this cohabitation situation. As the president and prime minister mutually exercised their powers, the dilemma between the institutions was reduced as much as possible during the difficult period of the democratic transition. Since the tendency to support the democratic transition by prioritizing the interests of the democratic constitutional concept was above the narrow political interests between the three institutions, the government was very managed to work well for stability.

The stability and low economic recovery of the previous cohabitation allowed the Democratic Coalition to win 50 out of 76 parliamentary seats in the 1996 parliamentary elections. The MPRP won 25 seats. After that, the MPRP candidate N Bagabandi won the presidential election, creating the second cohabitation for many dilemmas. This cohabitation caused the main dilemma between the president and the parliament. It brought the instability of the government to the highest level from 1996 to 2000. A total of 18 dilemmas have arisen between the president and the parliamentary majority. These include the field of constitutional amendments, presidential vetoes and criticising the parliamentary majorities. At this time, President N Bagabandi vetoed 16 decisions of the parliament. This dilemma has made the relationship between the president and the parliament even more complicated. This process first time led to the initiative to amend the new constitution. Therefore, there is a dilemma related to the amendment of the constitution. There were main three dilemmas between the president and the government, the main dilemma was the appointment of the prime minister. During the term of office of this parliament, four governments have changed, and President N Bagabandi has actively exercised his powers of consultation in the process of appointing three prime ministers. In other words, the prime minister and the government belong to the Democratic Coalition, but in political practice, merely the candidate chosen by President N Bagabandi could lead the government. The parliamentary majority is in a situation where they cannot appoint a prime minister and form a government unless they can

consult with president N Bagabandi. It pushed deeply the parliamentary majority to change the constitution.

In terms of the parliament and the government, there a total of six dilemmas arose between the two institutions. Although the majority of the parliament consists of the Democratic Coalition, the marathon between the prime minister and the cabinet member has been going on within them, and in this context, parliamentarians have started to combine with members of the government. The main dilemma between the parliament and the government during this period was the dismissal of three governments due to the political competition for the prime minister within the majority of the parliament. However, there was an unsuccessful attempt to dismiss the prime minister once. Therefore, the first hypothesis, "H1: Dilemma is expected to arise between the president and the parliamentary majority, and between the parliamentary majority and the prime minister under cohabitation" is confirmed within the second cohabitation. Moreover, as the dilemma between the parliament and the government reached its maximum level then, the second hypothesis, "H2: Under cohabitation, changes in the government are expected to occur at a higher level" is also proven in the second cohabitation. From 1996 to the 2000 parliamentary term, a total of four governments changed which was a state of shock to Mongolians who adapted their mentality to the authoritarian communist leadership system of the time. Thus, it influenced years of distrust of democracy among the citizens. Therefore, the MPRP won by 95 per cent in the 2000 parliamentary election.

The third cohabitation was that it was formed much later than the previous cohabitations, in 2017. As a result of the 2016 parliamentary election, the MPP won an absolute majority of 65 parliamentary seats. However, the third cohabitation was created when the candidate of the Democratic Party, Kh Battulga won in the 2017 presidential election. It can be supposed that the relationship between the president and the parliament during this period confirmed the strengthening of the semi-presidential system of government in political practice. President Kh Battulga was elected from the Democratic Party and openly clashed with the vast majority of the MPP. It has created a total of 18 dilemmas between them. The dilemmas were one amendment to the constitution, 11 dilemmas in presidential veto, a call for the dissolution of the parliament due to the corruption case of SME fund, and four dilemmas related to the appointment process of diplomatic officials. Given all this, President Kh Battulga became the first president to be

deprived of the term to re-election by the amendment of the constitution. The main dilemma that arose at the level of the president and the government is that the president divided the parliamentary majority into two factions. Due to divided factions, the MPP majority faction with the president's support dismissed one government and appointed a new prime minister who had the fully supported of the president. After that, they started working with power-sharing and dual executives within government policies.

Therefore, within the third cohabitation, the parliamentary majority and the government turned into only one faction of the MPP and the presidential government. This is because the dilemmas between the president and the government are at a very low level due to the power-sharing of conspiracy politics. There were four dilemmas linked with the appointment and dismissal of the prime minister, changes in the composition and structure of the government, and leading to the NSC. However, the dilemma between the parliament and the government directly depended on the division of two factions between the parliamentary majority. At this time, a total of six institutional dilemmas occurred between the parliament and the government, including two cases of dual duties of members of the parliament and government, a case of dismissal of the government, a case of attempt to the premature dismissal of the prime minister, and two cases of premature dismissal of government members. Therefore, within the framework of the above three variables, the first hypothesis, "H1: Dilemma is expected to arise between the president and the parliamentary majority, and between the parliamentary majority and the prime minister under cohabitation" is confirmed within the third cohabitation. However, a total of six dilemmas between the parliament and the government have been confirmed in the second hypothesis of "H2: Under cohabitation, changes in the government are expected to occur at a higher level".

Overall, situations of cohabitation in Mongolia show different effects at each time and condition. Therefore, it is difficult to generalize them only as a framework of cohabitation or joint exercise of power and to draw a general conclusion by combining the dilemmas in this context. Moreover, the stability of the government during the first cohabitation caused the unified concept of understanding the democratic constitution for the politicians of that time. In the second cohabitation, the government was dismissed 11 months after the presidential election. The situation worsened in the third cohabitation that the government dismissed just two months after the 2017 presidential election. However, the dilemmas between the president and the government and the parliament and government appear to be

few, but in terms of content, they are the main dilemmas that create the main instability of government in Mongolia. The next chapter will analyze the institutional dilemmas in situations of divided minority government and divided government.

5. DIVIDED MINORITY GOVERNMENT AND DIVIDED GOVERNMENT: PRESIDENTS VS CONSENSUS PARLIAMENTS

The previous chapter considered three different situations of cohabitation since 1992 in Mongolia. In this chapter, a divided minority government and a divided government will be discussed within their effects and challenges in terms of democratic institutions. The first problematic situation is a divided minority government designated by Skach. She (2005) argued that:

> It is the most risk-prone subtype of presidentialism (divided government) with the most risk-prone subtype of parliamentarism (minority government). It also combines, potentially, the worst-case scenario of both these frameworks – the gridlock of presidentialism with the cabinet instability of parliamentarism – into one (Skach, 2005d, p. 124).

In this situation, neither the president nor the prime minister, nor any party or coalition enjoys a majority in the legislature. She stated that "the absence of any clear majority in a semi-presidential system can predictably lead to an unstable scenario, characterized by shifting legislative coalitions and government reshuffles, on the one hand, and continuous presidential intervention and the use of reserved powers, on the other". Additionally, instability may raise: "the greater the legislative immobilism, governmental instability, and cabinet reshuffling resulting from the minority position of the government, the more justified or pressured the president may feel to use his powers beyond their constitutional limit, for a prolonged period". As a result, chaos is a fundamental factor that affects the creation of society. In terms of the presidential position, "the president is frozen in this scenario for his full term or until a majority in the legislature can be formed". Thus, the president pushes to call for the early election of the parliament. However, in a situation where the political party itself cannot control the political majority, and there is an anti-party president, this problem will become even more difficult (Skach, 2005, pp. 17–20).

Indeed, as Skach noted, a divided minority government is not only a highly unstable form but also can be dangerous for democratic consolidation. Thus, it is associated with democratic failures in many countries in terms of empirical evidence (Elgie, 2007, p. 69). It is led to an uncertain scenario that includes the increases in the possibility of interference by

the president as the party coalition and the government change, the immunity of the legislative institutions weakens, the instability of the government increases, the change of the government cabinet due to the minority reaches its peak, and the president tries to use his powers to the limit of the constitution, etc (Skach, 2005, pp. 17–18).

The third situation is a divided government, which was described by Shugart that "a situation in which a legislative majority is held by a party or pre-election coalition that is different from that of the president". From this point of view, it can be seen "as a form of the coalition government" (Shugart, 1995, p. 327). Unlike cohabitation, the presidential party is represented in the cabinet. It is also deemed to be a perilous situation due to the president's party is the sole party that competes for a real majority. Then it provides the president with opportunities that he or she tries to accumulate his legislative and executive powers, which will lead to hyper-presidentialism (Lijphart, 2004; Pasquino, 2007). Thus, an institutional dilemma is expected to take place between the president and the parliamentary majority. Even occurs between the parliamentary majority and the prime minister due to presidential influences. In other words, "political and institutional degeneration" is created on the result of which presidential ambitions first and concentrating power on a president (Pasquino, 2007, p. 25). Thus, during the divided government, the president played an active role between the parliament and the government to increase his political power. It pushes the situation that the president and prime minister become more political allies (Beuman, 2013, p. 146). Indeed, the result is often considered to be a lack of accountability and conspiracy. In this case, while the president is the de facto party leader, the government's accountability to parliament reduces due to subordinating between the prime minister and the president (Duverger, 1980; Samuels & Shugart, 2010). Thus, the hypotheses of this chapter were as follows:

H3: "An institutional dilemma is expected to take place between the president and the parliamentary majority under a divided minority government and a divided government".

H4: "The institutional dilemma is expected to take place between the parliamentary majority and the prime minister under a divided minority government and divided government".

In Mongolia, a divided minority government was followed by the parliamentary term of 2004-2008 after the 2004 parliamentary elections and the 2005 presidential elections.

Since then, a divided government was formed after the 2008 parliamentary election and the 2009 presidential elections. Therefore, these periods are divided into two categories: a divided minority government in 2005-2008, and a divided government in 2009-2012. This chapter analyzes the relationship between the president, the parliamentary majority, and the prime minister in two cases: a divided minority government and a divided government. In this context, it was discovered that there were different dilemmas in each case. These dilemmas are associated with particular activities and hypotheses which were described in Chapter 2. In this chapter, the first, divided minority government situation is discussed first as how it creates dilemmas between a multi-party parliament and government and a president who was elected from MPRP. Then the second, a divided government situation will be analyzed which considers dilemmas between the parliament and the government created by the MPP and the Democratic Party and the president who is firstly elected from the Democratic Party. These two situations will be analyzed within the main indicators of variables among the institutions.

5.1. Divided Minority Government: Ex-Communist President N Enkhbayar vs Consensus Parliament between 2005 and 2008

Just before the parliamentary elections, on June 27, 2004, the elections were held based on the one-mandate majority system, and the principle of 76 constituencies. This election was based on a reduced majoritarian system, with 76 constituencies and one mandate per constituency, which gave smaller political parties and independents a little more opportunity. Thus, in the 2004 parliamentary elections, seven parties, three coalitions, and 15 individuals contested a total of 244 candidates. This number was three times less than the number of candidates in the previous 2000 parliamentary elections. Thus, the results of the election were obtained: ex-communist MPRP has 36 seats, “Motherland-Democracy Coalition” has 34 seats, Mongolian Republic Party (MRP) has 1 seat, and three individuals. There were five women elected who were 6.7 per cent, the youngest member was 30 years old and the oldest was 63 years old. Moreover, 117 observers from countries and international organizations such as Russia, Japan, China, USA, England, France, Korea, India, Australia, Germany, Czech Republic, and Bulgaria participated to observe this election (Oyumaa et al., 2017a, pp. 139–141). The first session of the parliament began on July 9, 2004, when the MPRP and the “Motherland-Democracy Coalition” could not resolve the remaining two disputed constituencies as a result of the election. After the parliamentary election, these two

constituencies were provided two main parties one by one, then the MPRP has 37 seats and the "Motherland-Democracy Coalition" has 35 seats. However, the non-participation and quorum of the MPRP session made it difficult for the parliament session to proceed normally. Thus, for the first time since 1992, the two largest parties of Mongolia, the MPRP and the "Motherland-Democracy Coalition" were forced to form a divided minority government.

After the election, a consensus began to form a divided minority government between the MPRP and the "Motherland-Democracy Coalition", which won a majority of seats in the parliament. On August 12, 2004, the two parties issued a joint declaration which was signed by all members of the parliament from both. The declaration stated that:

> "We, the members of the parliament, who were elected as candidates from the MPRP and the "Motherland-Democracy Coalition" were deeply aware of the situation resulting from the 2004 parliamentary elections. Therefore, we declare that we will work diligently to establish a divided minority government and conduct stable and productive activities in accordance with the common interests of the people and the law, adhering to the principle of joint responsibility based on mutual trust and control" (Erdenetuya et al., 2008, p. 194).

After this declaration was made, N Enkhbayar, who previously served as the prime minister from 2000-2004, was elected as the Speaker of the parliament on August 13, 2004. However, Ts Elbegdorj, an influential member of the "Motherland-Democracy Coalition", was elected as the prime minister on August 19, 2004 (p. 195).

After that, it became clear that the main contest in the presidential election in 2005 will be between N Enkhbayar, Chairman of the MPRP, who was elected as the Speaker of the parliament, and M Enkhsaikhan one of the established members of the "Motherland-Democracy Coalition". But for M Enhsaikhan, even if he gets the right to be a candidate from his party, there is little hope of success, at least it is doubtful whether he will be able to gather the votes of his party's supporters. According to a survey conducted by Sant Maral Foundation in April 2005, M Enkhsaikhan had only 41 per cent, while for the main competitor Enkhbayar, it was 73 per cent (Tsag tur journal, 2005). Thus, when the general results of the presidential election held on May 22, 2005, were released, N Enkhbayar, the candidate of the MPRP received 53.44 per cent of all voters, M Enkhsaikhan, candidate for

the Democratic Party, 20.05 per cent, B.Erdenebat, the candidate of the Fatherland Party 11.33 per cent, and B Jargalsaikhan, MRP candidate received 13.83 per cent of the votes (Oyumaa et al., 2017b, p. 85). Consequently, N Enkhbayar won the third presidential election, it pushes to create the conditions for the main dilemmas of a divided minority government.

5.1.1. President's Activism vs Non-majority Parliament

A major factor influencing a divided minority government during this period was the high level of political protest for the unaccepting MPRP majority and institutional participation of the MPRP. Before the election, the "Civil movement for a healthy society" movement had a strong influence on N Enkhbayar's rating. Has this movement arisen spontaneously? Or was it the order of political forces? Many people asked the question and some of them answered it themselves. However, this movement has been created on the basic socio-economic condition. After the election, people's lives did not improve as politicians promised. Everything went the other way around, and in the previous two years, the forced price increased sharply, unemployment reached 49 per cent and poverty reached 50 per cent according to polls, and the increase in gasoline and meat prices inflated the inflation and pressured the masses even more. According to the estimates of the International Monetary Fund, inflation in 2004 reached more than 10 per cent, and in the first 5 months of 2005, it reached about 15 per cent. It was in this situation that the civil movement for a healthy society began. The movement set several goals, one of which was the fight against N Enkhbayar. But the "Civil movement for a healthy society" movement has received public support since its inception. According to a March 2005 survey, 52.6 per cent of Ulaanbaatar voters supported the movement, 10.9 per cent condemned it, and almost one in three remained neutral. 37 per cent of those who had a positive opinion about the movement of the citizens considered the movement to be an initiative that emerged due to the needs of the times, 20 per cent ignored it as the activity of politicized people, 15.2 per cent said that it was a conspiracy of a certain political party, and 28 per cent said that they did not know (Tsag tur journal, 2005). In addition to these great political dilemmas and unrest, there is no opportunity to amend the constitution at that time. Because the constitution stipulated that the amendments of the constitution shall be approved by the votes of at least three-fourths of all members of the parliament which is a total of 57 members (Article 68.2). This is a

condition that is untenable under the situation of a divided minority government. Therefore, during this period, there have not created proposals to change the constitution.

As for President N Enkhbayar, he has exercised his authority to issue decrees without any dilemmas. Within the scope of his authority, he issued seven decrees calling on the public, nine approving regulations, and two approving policies, activities, and programs, but none of the decrees was invalidated by the parliament (Enkhbaatar et al., 2019, p. 58). Although the power of the president to issue decrees is a power considered within the scope of executive power, the constitution provides for the annulment of the president's decrees if the parliament deems them to be incompatible with law, so it is a matter of inter-institutional dilemma (Article 34.1; 34.2). In addition to the right to issue decrees, the president has the power to initiate laws. Remarkably, this power is not common to the presidents of semi-presidentialism and does not always have in the president's powers. During a divided minority government in 2005-2008, President N Enkhbayar initiated 11 laws that established norms, eight amendments to the Laws, and 3 drafts of the parliament's resolutions, which were not invalidated by any restrictions or prohibitions from the parliament (Enkhbaatar et al., 2019, p. 61). In the analysis of these initiated laws and resolution projects, there were initiatives aimed at more social and economic support, such as the development of strategies to support the development of the student lunch program and the private sector, which have not been used as a factor in any dilemma by the parliament (Office of the President, 2015, p. 202).

As for President N Enkhbayar, when he was the Prime Minister from 2000 to 2004, he was in a relatively peaceful situation. Because at that time, the MPRP won 72 of the 76 seats, and he was Chairman of the MPRP. Therefore, the government led by him was one of the two governments that worked in the whole four-year term of office. However, after the parliamentary elections of 2004 and the election of the president in 2005, he began to work with great dilemmas. One form of this is the presidential veto. As Munkhbold and Munkhtulga (2018) noted, the president's right to veto has not yet reached a consensus, there are no criteria, and it has been implemented as a surprise gift from the president to the parliament (Munkhbold & Munkhtulga, 2018, pp. 90–91). Therefore, the main factor behind the president's veto is the dilemma between the parliament and the president's institution. Compared to the other four presidents, President N Enkhbayar had relatively few vetoes. During his term of office from 2005 to 2008, he vetoed a total of 9 times, of which 7 vetoes

were accepted by the parliament, and 2 vetoes were not accepted (p. 93). The main reasons for the dilemma between the president and the parliament were the adoption of the budget law and the election law. Therefore, the budget law of 2007 was vetoed. When he approved the 2007 budget law, he added 19 billion MNT to the general budget by making a list of 250 million MNT investments for each member of the parliament in their constituency. It only relates to the year before the election. Therefore, it has become the lack of possibility that equal and fair parliamentary elections have been created. Moreover, from the point of view of the narrow interests of the electoral territory, the additional investment was decided on the principle of equal distribution, regardless of the unique features of the locality and other conditions. This undermines the principle that the administration will spend the budget according to the territorial allocation. Therefore, the 2007 budget law is completely vetoed by the president (*Letter E/49*, 2006). The decision of the parliament to distribute money to its members created a lot of frustration in society at that time. Because the government allowance provided to each child is no longer known. However, people believed that it was unfair that members of parliament allocated 250 million MNT to their constituencies (Munkhjargal, 2006). Also, some influential members of the opposition party openly opposed this issue and believed that it would lead to the withdrawal and destruction of democracy. Thus, one of the opposition leaders E Bat-Uul (2006) said:

> "… there is a very serious problem. It is a political investment. We know that democratic elections and free democratic elections are collapsing behind this unfair investment. Now it will soon be 500 million, and then 1 billion. So who can beat them?" (Constitutional Court, 2007).

However, the parliament approved the law without considering the president's veto. The dilemma about the money of this constituency first arose in Mongolian politics when the MPRP won the 72 seats in the parliamentary election in 2000 when each member secretly took 10 million MNT from the state budget. When this was revealed, the remaining four members of the opposition were silenced by giving money to "spend their constituencies" (Uyanga, 2009). This is how the so-called "constituency money" was created. Thus, as Bat-Uul told before, 250 million MNT in 2007, 500 million MNT in 2009, and a billion MNT in 2010 and 2011 were allocated to every 76 members for constituency investment (Urangerel, 2011).

The dilemma between the president and the parliament became more active before the parliamentary elections. On January 8, 2008, he vetoed the parliamentary election law to be held in June 2008. The Law on Parliamentary Elections invalidated the provision of Article 28 which stated, "at least 30 per cent of the candidates from the party and coalition are women". The president considered the invalidation of this provision and stated that the parliament has unreasonably backed away from the implementation of the state policy, which states that Mongolia will gradually implement measures to promote gender equality and increase the participation of women at the decision-making level in the Millennium Development Goals and is denying its previous decisions (*Letter E/02*, 2008). At that time, this provision also faced a lot of opposition from female politicians in society. International experience shows that the proportional system is more effective in achieving gender equality. According to a study by International IDEA, the representation of women in parliament in countries with proportional electoral systems is twice as much as in countries with majoritarian systems. In Norris's research which was cited by E Gerelt-Od and D Byambajav, the average representation of women in parliament was 10.5 per cent in 72 countries with a majority electoral system, 13.6 per cent in 36 countries with a mixed system, and 19.6 per cent in 67 countries with a proportional system as of 2005 (Gerelt-Od & Byambajav, 2020). However, despite these studies and the president's veto, the parliament did not accept the veto and invalidated the provision that at least 30 per cent of all candidates in the parliament election should be women. In 2011, Article 27.2 of the Law on Parliamentary Elections approved the provision that "at least 20 per cent of candidates from parties and coalitions participating in the elections shall be represented by women". Table 5.1 shows that the number of women elected in the parliamentary elections increases in each election.

Table 5.1. Female candidates in parliamentary elections (1992-2020)

Elections	Total candidate	Female candidates		Elected female candidate	
1992	293	-	-	3	(3.9%)
1996	302	-	-	8	(10.5%)
2000	602	-	-	9	(11.8%)
2004	244	40	(16.3%)	5	(6.6%)
2008	356	66	(18.5%)	3	(3.9%)
2012	544	174	(32%)	11	(14.5%)
2016	498	129	(26%)	13	(17.1%)
2020	606	151	(24.9%)	13	(17.1%)

Source: GECM data, 2020.

In the first years of his election, President N Enkhbayar reminded people to work actively because they trusted and voted for many parties and individuals, a unique feature of a divided minority government. For instance, since corruption is created following the financing of political parties, the government was urged to work independently on the financing of political parties (Enkhbayar, 2006b, p. 418). First, parliament has the difficulty of a divided minority government and spending time conflicting with each other to finish its term. Second, the political parties were reminded to strengthen their democratic reforms by making correct decisions openly and transparently (Enkhbayar, 2006a, p. 454). However, in 2008, when the parliamentary elections were approaching and the political dilemma reached its peak, he criticized the activities of the parliament and stated that the democratic institutions of Mongolia were in crisis (Enkhbayar, 2007, p. 477). He expressed again in the spring session of 2007 that citizens are not satisfied with the activities of the parliament. It is said that the actions of members who violated the constitution, failed to work in unity, and were unethical in this parliament did not represent the people, and the members of the parliament were caught in a conflict of interest (p. 477). Therefore, he appealed to the citizens that in the future, the parliament should have an obedient and vast majority, a strong minority, social control, and no conflicts of interest (Enkhbayar, 2008, p. 541). President Enkhbayar criticized the political parties that formed a divided minority government during his term of office, but when the parliamentary elections were approaching, he urged the citizens not to form a divided minority government in the next election. Thus, his addressing messages have shown that the president was not satisfied with the activities of the parliament in 2007-2008.

However, he did not propose to dissolve the parliament and did not make any appeals or give interviews to the media. In the constitution, when the regulation of dissolution of the parliament is included:

> "Unless otherwise provided by the constitution, if the parliament fails to appoint the prime minister within forty-five days after the president has submitted a proposal on the appointment to the parliament, the parliament may decide to dissolve itself or the president shall decide to dissolve the parliament" (Article 22.2).

It is reasonable to state that the negative consequences of this provision not giving the president the actual power to dissolve the parliament contributed to the obvious imbalance of democratic institutions. The parliament, which is itself a party to the dilemma, is

responsible for the right to resolve dilemmas between the legislative and the executive, making the parliament an indomitable institution. Since 1992, there have been only two prime ministers that have completed their mandate, one of which was the government led by President N Enkhbayar from 2000 to 2004. All other governments resigned early (Enkhbaatar et al., 2019, p. 59). As for President N Enkhbayar, he never made any proposal to dissolve the parliament.

In the case of President N Enkhbayar, there were relatively few dilemmas regarding his powers related to appointments compared to other presidents. For instance, S Batdelger was appointed as the Chairman of the State Supreme Court in 2005 after the 6-year term of Ch Ganbat expired. Also, 84 new judges were appointed during the term of office. However, M.Altankhuyag, the head of the State Prosecutor General appointed by the previous president, remained in his position (pp. 63-65). The fact that there were no serious appointment dilemmas during his mandate can be attributed to his role as an unopposed and strong partisan leader in MPRP.

5.1.2. President's Choice for MPRP Prime Ministers

From 2004-2008 divided minority government formed a total of three governments, creating the government instability that followed the 1997-2001 parliament. After N Enkhbayar was appointed as the President in 2005, he organized the process of dismissing two prime ministers. As a result of the 2004 elections, the MPRP and the "Motherland-Democracy coalition" created the declaration for forming a divided minority government and for the inclusion of other parties of the parliament in the government. Then, after the declaration of the cooperation between parties was approved, the "Motherland-Democracy coalition" and MPRP groups in the parliament reached an agreement on the issue of forming a "Grand Coalition" government and agreed to hold the positions of the Speaker of the parliament and the prime minister for two years. Thus, Ts Elbegdorj was appointed Prime Minister on behalf of the "Motherland-Democracy coalition" on August 20, 2004 (Erdenetuya et al., 2008, p. 16). When Ts Elbegdorj was appointed, previous president N Bagabandi's term of office (2001-2005) had not yet expired and proposed to appoint Ts Elbegdorj without any dilemmas during his interim period. Previously, during the 1996-2000 term of parliament, President N Bagabandi supported and appointed Ts Elbegdorj to the

position of prime minister in 1998 (Lkhagvaa, 2019c, pp. 352–357).[17] Moreover, N Enkhbayar became the Speaker of the parliament and supported Ts Elbegdorj for Prime Minister after the 2004 election. When Ts Elbegdorj has become prime minister, he visited N Enkhbayar's house to express his gratitude (Enkhbayar, personal interview, 2014). Ts Elbegdorj's cabinet was unique in that it created the first version of a divided minority government by including the representatives of each party sitting in the parliament with 17 members (Amarsanaa et al., 2013, p. 128). There were 13 government members in his cabinet who were both members of the parliament and the government (Enkhbaatar et al., 2017, p. 45). However, after N Enkhbayar was elected as the president in 2005, he suddenly supported M Enkhbold as a new Chairman of the MPRP and the prime minister, who was the mayor of Ulaanbaatar at that time, against Ts Elbegdorj. Before that, the "Motherland-Democracy" coalition won many seats in the parliament and caused the displeasure of M Enkhsaikhan, who was running for the position according to the Democratic Party's rule that "the chairman of the party with the majority in the parliament is the prime minister." Therefore, he started the process of dismissing the government in cooperation with the "Motherland" party which is part of the coalition and the MPRP. When the issue of resignation of Ts Elbegdorj's government was discussed in the parliament, in addition to the MPRP members, other members of the Democratic Party supported such as M Enkhsaikhan, M Sonompil, J Narantsaralt, J Bathuyag, L Gundalai, and B Jargalsaikhan, a Chairman of MRP (ikon news, 2017).

Thus, M Enhsaikhan was able to form a coalition that created the conditions for success in the 2004 election, but it was a mistake that he did not pay attention to representing the diverse interests of the members of the coalition parties. As a result, even those who had once been loyal to him allied themselves with his opponents and decided to oust him by almost 100 per cent of the vote. For Ts Elbegdorj, even if he became the prime minister, he understood that it would be difficult to keep the position for a long time without his team. His main support, the American team, which went abroad after the election and returned in 2004, faced considerable opposition from within the Democratic Party. M Enkhsaikhan, who resigned as Chairman of the Democratic Party, complained to the court, considering the

[17] Ts Elbegdoj was one of the 13 leaders of the democratic revolution in 1990 who first courageously initiated the creation of a democratic society in Mongolia, which had been under communist rule for 75 years, into a democratic and free economy through a peaceful revolution. Ts Elbegdorj served as the President of Mongolia from 2009 to 2017. Previously, he was elected as the prime minister twice, as the Deputy Speaker of the parliament once, and as a member of the parliament four times. Ts Elbegdorj was recognized as a neoliberal politician who supports human rights and freedom for democracy.

decision of his party to be illegal, and then formally dissolved the "Motherland-Democracy coalition". The disintegration of the coalition after this agreement further strengthened the position of N Enkhbayar as President for the presidential election of 2005. Thus, he has begun to force M Enkhsaikhan to support Ts Elbegdorj (Tsag tur journal, 2005). Thus, due to the lack of unity, the "Motherland-Democracy coalition" broke up, and M Enhsaikhan, J Narantsaralt, L Tsog, and D Batsogt formed the National New Party (NNP) in 2006 (VIP76 news, 2012c). As a result of this, the MPRP group in the parliament, which considered the government to be legally incompetent, requested the dismissal of Ts Elbegdorj's cabinet on January 11, 2006. The government of Ts Elbegdorj has resigned (Ochirbat, 2017, p. 262). After that, the "Motherland-Democracy coalition" disintegrated due to misunderstandings between the leaders, and the resignation of the "Grand Coalition" and a divided minority government after just over 1 year and 4 months brought the political dilemma to its peak. After the resignation of the government, the Chairman of the Democratic Party, R Gonchigdorj, announced to M Enkhbold, Chairman of the MPRP that he would form the government in consultation with other political parties, in which the Democratic Party would not participate in the new government (Erdenetuya et al., 2008, p. 216).

M Enkhbold, who overthrew Ts Elbegdorj along with his coalitions, became the prime minister on January 25, 2006. When he was appointed as the Prime Minister, President N Enkhbayar did not cause any dilemmas but supported him. When N Enkhbayar resigned from the MPRP membership[18] as President, M Enkhbold and S Bayar competed strongly for Chairman of MPRP. However, N Enkhbayar supported M Enkhbold as Chairman of MPRP and the Prime Minister (Ugluunii sonin news, 2016). His cabinet includes many representatives of business groups and M Enhsaikhan and J Narantsatsralt from the NNP, which had been established not long ago. M Enkhbold's mistake, who thought that he had formed a strong cabinet with this, became obvious after only one year. Small parties representatives of B Jargalsaikhan, Chairman of the MRP and L Gundalai, Chairman of the Mongolian Civil Party (MCP) and S Otgonbayar refused to be ministers, and the coalition government fell apart due to the internal division of the MPRP. During the reign of M Enkhbold, several politically characterized crimes influenced social shocks in 2006-2007. For example, J Narantsatsalt, Minister of Construction and Urban Development passed away in a car accident and B Dangaasuren, the head of the Independent Authority Against

[18] In the law on positions that are eligible for suspension from a party member, a citizen, elected or appointed to the position of president shall officially notify his suspension from the party member within 7 days.

Corruption of Mongolia (IAAC) passed away in Australia during his official visit, and D Badraa, the head of the Financial Regulation Committee was killed in front of his office and so forth. Then, President Enkhbayar began to support S Bayar, who served as the ambassador to Russia. He was proposed by the MPRP group in the parliament at the suggestion of President N Enkhbayar as the next Prime Minister. Finally, M Enkhbold was removed as the party leader easily and S Bayar was appointed in his place supported by President N Enkhbayar (VIP76 news, 2012). Soon after, S Bayar was supported as the prime minister, and the third government of a divided minority government situation was established on November 22, 2007 (Enkhbaatar et al., 2017, p. 45). This government worked until the end of the parliamentary term of 2008.

The instability of the government continued like the cohabitation period in 1996-2000, and the frustration of the citizens reached its peak. At that time, the dilemma between the president and the prime minister was focused on the conclusion of mineral contracts and the use of mining deposits. For example, President N Enkhbayar criticized the government that the incomprehensible unfavourable situation surrounding mineral resources harms foreign direct investment. In the Fraser Institute's research, Mongolia was in 30th place in terms of foreign investment conditions and has fallen back to 63rd place. This is greatly hindered by political dilemmas. Citizens were also criticized for being upset about the stifling of the free market (Enkhbayar, 2007, p. 477). However, he submitted the composition of the government to the parliament without causing any dilemmas. This is because President N Enkhbayar has supported M Enkhbold and S Bayar as prime ministers. However, neither M Enkhbold nor S Bayar was appointed as the party leader and prime minister with N Enkhbayar's support. Yet, they waited for the time when he would not be re-elected in the next presidential election of 2005 (Ugluunii sonin, 2016). N Enkhbayar also said that in 2014, the political and business group of S Bayar, Ts Elbegdorj, M Enkhbold, and S Batbold joined forces with foreigners to imprison me after I resigned as President because of the Tavan Tolgoi mineral resource. Because they released five per cent of the Tavan Tolgoi on the Hong Kong stock exchange and sold it for 4.5 billion dollars in 2007-2008 when S Bayar was the prime minister (Enkhbayar, 2014).[19]

[19] Coking coal of Tavan Tolgoi is among the top 10 reserves in the world. The yield of coking coal concentrate from plast IV is 66.9 per cent, which is superior to the quality of coking coal in the world market of Canada and Australia. The Tavan Tolgoi mineral resource is quite far from the infrastructure, but it has more than 6.5 tons of reserves. The plast IV is located in the center of the deposit, the conditions are the best, and the resource can last more than 100 years.

The Constitution of Mongolia states that the president is the head of state and the representative of the unity of the Mongolian people. Thus, the president has several powers such as participating in the appointment of the prime minister, submitting a proposal to dismiss the government to the parliament, vetoing laws and parliament decisions, appointing judges, and other positions, granting pardons, and issuing instructions to the government (Article 33). President's decrees on issuing instructions to the government become effective upon the signature of the Prime Minister (Article 33.1.3). On the other hand, the power to instruct the government cannot be exercised by the president alone and must be exercised with the support and signature of the prime minister. Successive presidents have exercised this power quite actively. President N Enkhbayar issued a total of 34 decrees from 2005-2008, seven of which were instructions to the government. N Enkhbayar has not issued an order to instruct the government in the year when he was elected as the president in 2005 and when his term of office expires in 2009. Considering the decrees on instructions to the government issued by President N Enkhbayar, there were one in 2006, two in 2007, and four in 2008. These decrees were issued on the development and implementation of strategies for the private sector, on organizing "Open Door Day" initiation to transparent the government's policies and activities, and on supporting Mongolian studies. However, no instructions have been given to lead to institutional dilemmas. If it is considered that the government refuse to implement the president's decree to instruct the government, the prime minister or a member of the government may be dismissed or resign at their request (Article 22.2, *Law on the Government*, 1993). However, President N Enkhbayar has never initiated the proposal to dismiss the government in this matter.

During President N Enkhbayar's period of 2005-2008, the members of the National Security Council were quite unstable. Two speakers of parliament and three prime ministers were replaced by the three members of the council. Notwithstanding, there were no such dilemmas to dispute the members of the NSC. President N Enkhbayar was actively working at the international level. He made a statement at the UN General Assembly calling on 5 nuclear-armed countries to renounce nuclear weapons because it has been 15 years since Mongolia declared its territory a nuclear-weapon-free zone (Office of the President, 2015, p. 220). However, in the last period of his mandate, 5 people were killed due to a protest against the results of the 2008 election. This was the biggest and the most extremist protest in the history of democracy in Mongolia. Thus, in his decree, he declared a state of emergency in the territory of Ulaanbaatar city for four days starting from 24:00 on July 1,

2008 (President Decree No. 194, 2008). He explained the incident because “the 2008 election was marred by fraud”. At this time, Prime Minister S Bayar told me to declare a state of emergency. However, due to the absence of Chief of Police Ch Amarbold and Prime Minister S Bayar, the riots became chaotic. Therefore, he said, the State of Emergency was declared after a discussion by the National Security Council. He blamed former Prime Minister S Bayar for all of this, and the 2009 presidential election was also rigged, and the Chairman of the MPRP S Bayar conspired with the Democratic Party to overthrow me (Enkhbayar, 2014). Besides National Security Council activities, President N Enkhbayar was considering the peacekeeping activities of the armed forces and their development. In that context, the number of field exercises increased, and events celebrating the history of Mongolia and the military were organized through the president’s initiatives. However, there has been no dilemma related to the use and organization of the armed forces or the appointment of the commander-in-chief in inter-institutional dilemmas. For example, General Ts Togoo, who was appointed in 2002 under the presidency of N Bagabandi, continued to work as the chief of the general staff of the armed forces (news.mn, 2021).

President N Enkhbayar has repeatedly criticized his dissatisfaction with the government's activities. At first, he supported the activities of a divided minority government and called for unity, but as the election year approached, he sharply criticized it. Because the instability of the government reached its peak during the term of this parliamentary election. He actively participated in the appointment of the Prime Minister and took an active part in making Ts Elbegdorj, M Enkhbold, and S Bayar the Prime Ministers. For him, the main criticism of the government's activities was the fight against corruption and political and business groups surrounding the establishment of mining and mineral contracts. In his speech at the spring session of 2008, Transparency International informed that Mongolia has fallen to the 99th place in terms of corruption. Likewise, in another survey conducted by the Asia Foundation, 90 per cent of people expressed corruption as the most extensive problem in Mongolia. At the government level, they said that 69.8 per cent of the institutions leading in corruption and conflicts of interest were the Land Offices, 65.1 per cent of customs, 57 per cent of the cabinet, and 54.3 per cent of ministries (Enkhbayar, 2008, pp. 533–534).

5.1.3. Competition for Government Members

This parliamentary election was characterized by the creation of the first divided minority government in Mongolia. Since 1992, there have been two cohabitations in 1992-1996 and 1996-2000, and one unified majority government in 2000-2004. During this period, the MPRP formed a majority twice, and the Democratic Party and its coalition formed the government once. But this time, the appointment of the divided minority government consists of three cabinets of three prime ministers. These were Ts Elbegdorj's government in 2004-2006, M Enkhbold's government in 2006-2007, and S Bayar's government in 2007-2009.

The composition of Ts Elbegdorj's government was characterized by the creation of the first version of a divided minority government by including representatives of each party sitting in the parliament with seventeen members. Thirteen of these government members were both members of the parliament and the government (Enkhbaatar et al., 2017, p. 45). According to the constitution, the ministers of this government were appointed individually by the parliament. After the resignation of Ts Elbegdorj's government, on January 25, 2006, M Enkhbold, Chairman of the MPRP and a member of the parliament, was elected as the prime minister. Thus, the parliament issued a resolution on the appointment of members of the government on January 28, 2006, which consists of the prime minister and seventeen members of the government (Resolution 17, 2006). Fifteen ministers in the government were members of the parliament, and the number of double-serving ministers was increased by two from the previous government, which upset the society. S Bayar was appointed as prime minister on November 22, 2007, after the resignation of M Enkhbold's government. In December 2007, Prime Minister S Bayar partially appointed members of the government to be approved by the parliament. In his cabinet, eight ministers out of sixteen were members of parliament (Enkhbaatar et al., 2017, p. 45). This created expectations in the society that S Bayar's government would work independently and decisively. It has received a lot of support from the citizens. Therefore, one of the factors that enabled the victory of the MPRP in the 2008 elections was the reduction of the combined positions of members of the parliament and the government.

The constitution stipulates that “the parliament shall discuss and decide whether to dismiss the prime minister within 15 days after receiving the president's proposal or the prime minister's statement on its initiative” (Article 43.3 of *Constitution 1992*). Therefore,

during the period of a divided minority government, there were four attempts to dismiss the government before the term. In two of them, the government was dismissed prematurely (Table 5.2). During the previous cohabitation period of 1996-2000, the government was dismissed in 3 out of 4 attempts.

Table 5.2. Premature dismissals of governments (2004-2008)

Nr	Date	Governments	The decision of the Parliament
1.	January 11, 2006	Ts Elbegdorj's government resigned due to the resignation of MPRP's 10 members of parliament who worked in the government.	The government was dismissed. After the presidential election of 2005, the government of Ts Elbegdorj was resigning because the MPRP presented the petition of its ministers and 50 per cent of the cabinet resigned. Thus, the Chairman of the MPRP, M Enkhbold, was appointed as the Prime Minister.
2.	November 8, 2007	Prime Minister M Enkhbold submitted a request for dismissal and dismissed himself.	The government was dismissed at the request of Prime Minister M Enkhbold. S Bayar, who was appointed as Chairman of the MPRP, was appointed as the new Prime Minister.

Source: ULIS, 2022

One of the major dilemmas within the situation of a divided minority government was three attempts by members of parliament to dismiss the government. First, on October 25, 2006, members of the Democratic Party group raised the issue of dismissing the government. For them, the reasons for dismissing the government were related to factors such as the fact that the government is unable to work on the principle of the cabinet, that it has become stagnant without fighting corruption, that the plans for the development of the country are not clear, and that the government does not have a platform. Yet, the MPRP majority in parliament has kept their government from dismissing prematurely (Olloo News, 2006). The second case was that representatives of the Democratic Party, the MPRP, and the Civil Will Party in the parliament tabled a draft of a resolution to dismiss the government by a total of 28 members. They stated that there are many reasons for dismissing the government such as the Mi-8 helicopter, which was on emergency duty, crashed, killing 15 people, the members of the government overspent the state budget by 58 billion MNT, the money of the "Buman Sunlight" program was mediated, member of parliament Ts Bataa crashed a helicopter while hunting. However, the members of the Democratic Party gave the reason that the government did not take responsibility. But, 63 per cent of the members of the parliament decided that there was no need to dismiss the government (Mongolyn medee, 2007). The third case was the demonstration and protest organized by the "Civil movement for a healthy society"

movement on July 1, 2008, which they felt was a mess in the elections held in June 2008 at the parliament session, and eventually turned into a riot, as a result of which two houses were set on fire, many people were injured, and 5 people lost their lives. The Democratic Party accused the government of this incident and submitted a motion to dismiss the government on July 17, 2008. This was the last time that the 2004-2008 parliament, which ends in just 7 days, discussed a motion to dismiss the government in its last session. At the end of the meeting, the MPRP group presented their conclusions and said that there is no clear reason for dismissing the government. S Bayar's government will work until the end of its term of office (Adima, 2008).

Another factor contributing to the instability of the government is the repeated attempts by the parliament to resign members of the government. Attempts to dismiss the government were first activated during the divided minority government from 2004 to 2008 when members of parliament proposed the dismissal of ministers six times. Table 5.3 shows the result of these attempts that it was not necessary to change the ministers in four cases, and in two cases, they resigned from their positions.

Table 5.3. Dismissal attempts of governments (2004-2008)

Nr	Date	Governments	The decision of the Parliament
1.	December 21, 2006	M Zorigt and S Oyun, members of Citizen Will Party and members of the parliament proposed to dismiss S Tsengel, Minister of Transport and Tourism	The proposal to dismiss was not supported.
2.	January 04, 2007	Prime Minister M Enkhbold proposed to dismiss L Gundalai, Minister of Health	The parliament issued resolution No. 01 in January 2007 on the dismissal of a member of the government.
3.	January 19, 2007	A Murat, member of parliament and other members proposed the dismissal of L Odonchimed, Minister of Social Security and Labor	The proposal to dismiss was not supported.
4.	February 06, 2007	L Gundalai, a member of parliament proposed the dismissal of B Jargalsaikhan, Minister of Industry and Trade	The parliament issued resolution No. 22 in June 2007 on the dismissal of a member of the government.
5.	May 2007	L Gansukh and M Zorigt, members of parliament proposed the dismissal of B Erdenebaatar, Minister of Fuel and Energy	The proposal to dismiss was not supported.
6.	May 15, 2008	Z Enkhbold and R Erdeneburen, Members of Parliament proposed the dismissal of D Gankhuyag, Minister of Food and Agriculture	The proposal to dismiss was not supported.

Source: ULIS, 2022

The first case was on January 4, 2007, when MP M. Enkhbold dismissed the Minister of Health L Gundalai, which brought the dilemma between the parliament and the government to a high level. The Minister of Health is to be dismissed from his post due to his violation of ministerial ethics, the fact that the chamber is flooded with complaints about him, and his fistfight with the Minister of the Environment (Unuudriin Mongolia, 2007). L Gundalai said that the MPRP violated the "National Unity Agreement" and resigned me due to irreparable reasons. Therefore, it was announced that the MPRP will be sued (Gundalai, 2007). After that, the former Minister of Health, the member of parliament L Gundalai submitted a proposal to dismiss Minister of Industry and Trade B Jargalsaikhan on February 6, 2007. At that time, B Jargalsaikhan was the representative of the Mongolian Republic Party in the government. The reason for the dismissal of B Jargalsaikhan was that he signed the permission to provide Daitsuki company of Japan with the mining license for 101 hectares of the Tavan Tolgoi coking coal deposit. This mining license was the strategic deposit and was explored with state budget funds, estimating all reserves (Ardyn Erkh, 2007). In Table 5.3, MPRP retains its cabinet members, but ministers of other parties are easily dismissed prematurely.

The level of criticism of the government by the parliament has reached its highest level at this time of a divided government. Therefore, the parliament is corrupting the law by creating an artificial bureaucracy during the implementation of the laws rather than the activities of the divided minority government. Power was transferred to the ministries by approving the Tender Law on contract implementation of public services approved by the parliament, but it became even more difficult when many officials signed the policy by corrupting it. This means that tender selection is stuck at less than 40 per cent of its total performance (Nyamdorj, 2006, p. 449). The Prime Minister's failure to hold the cabinet members accountable creates the situation arbitrarily. For example, the prime minister submitted to the parliament a request for the dismissal of 3 members of the government and the release of one member, but he withdrew his proposal. Such reckless activities cannot work according to the principles of the cabinet. Members of the government are violating the budget law. He was criticized for the loss of work responsibility and the loss of many lives (Lundeejantsan, 2007, p. 492). Among these, the main dilemma that is fueling inter-institutional dilemmas is that the parliament dismissed members of the divided minority government one after the other and replaced them. In the history of the Mongolian parliament, the parliament of 2004-2008 appointed a total of 59 ministers in the government

of three prime ministers: Ts Elbegdorj, M Enkhbold, and S Bayar. Among these, 49 ministers if duplicates removed and 43 out of 59 ministers were members of parliament, and 35 out of 49 ministers without duplication were members of parliament. These 35 members are almost 50 per cent of the parliament (Otgonbayar, 2015).

5.2. Divided Government: Democratic President Ts Elbegdorj and MPRP Parliament between 2009 and 2012

The situation of the 2004-2008 divided minority government led to political crises at all levels of society. Therefore, as a result of the 2008 election, the victory of the ex-communist MPRP increased the public's frustration, and the July 1 incident occurred in losing five young men's lives, which will be remembered negatively in the history of Mongolian democracy. Before this incident, B Battulga, Director General of GECM (2008) informed that 12 political parties, a coalition of three parties and 45 individual candidates expressed their participation in the 2008 parliamentary election which was organized on June 29, 2008. There were 356 names on the ballot to be elected as members of the parliament, 311 of them were from political parties and coalitions, 45 were independent candidates, and 66 were female candidates. One of the features of this election is that some candidates violated the parliamentary election laws and created a lot of chaos during the election process. In the 2008 parliament, 39 members of the MPRP, 25 members of the Democratic Party, one member of Civil Will and Green Party and one individual were elected in parliament. But the issues of the 7th, 18th, and 25th constituencies of the parliament elections are under investigation by the Police Office (B. Battulga, 2008, pp. 1–3). But this time, the GECM approved only 66 out of 76 candidates for the parliament and considered the remaining 10 candidates as controversial. After that, a public protest against the election results was organized in the centre of the capital city, and five young people were killed due to violent chaos between the citizens and the police.

Thus, the political crisis reached its highest level and influenced social opposition against the MPRP. However, the MPRP won the 2008 parliamentary election, they decided to form a divided government again. The current divided government was merely between MPRP and the Democratic Party. They have decided to cooperate by signing an agreement until the 2012 parliamentary election (Batbold & Batbayar, 2008). Thus, S Bayar, who was working as the prime minister, remained in his post and explained that the main reason for

forming a divided government was to urgently exploit the strategic deposits that will be the main impetus for Mongolia's development in the future and bring benefits to the people. He said that he formed a non-standard government because “non-standard decisions were made” (Bayar, 2008).

Besides that, the reputation of President N Enkhbayar at that time also fell greatly due to the incident of July 1, 2008. Soon, on May 24, 2009, the presidential election of Mongolia was held across the country. In this election, President N Enkhbayar from the MPRP and former prime minister Ts Elbegdorj from the Democratic Party will run as a candidate. The Civil Alliance decided that they will not nominate a candidate for the president and will support a candidate from the Democratic Party. When the election results were compiled, it became clear that 51.21 per cent supported Elbegdorj of the Democratic Party and 47.41 per cent supported Enkhbayar of the MPRP. Then, Ts Elbegdorj, who was elected by majority vote, was sworn in on June 18, 2009 (Oyumaa et al., 2017b, pp. 110–111). Thus, a non-standard divided government was re-established, with a majority parliament of the MPRP and the president of the Democratic Party. This, like the previous four years, exacerbated the institutional dilemmas, and politicization took place among citizens in the society. However, this government has boldly started mineral resources projects, which have been controversial for many years.

5.2.1. President vs Parliament

The issue of amendments to the Constitution was actively discussed after the results of the 2008 election. It was mentioned above that the MPRP and the Democratic Party formed a working group and signed an agreement to form a divided government. He agreed to reform the state system by making amendments to the agreement, the constitution, and the Law on Elections (Batbold & Batbayar, 2008). Thus, on the initiative of President Ts Elbegdorj, the National Security Concept was newly approved by the parliament. It contains a provision that Mongolia will continue to be firm on the path of choosing a parliamentary form of government, and state policy will be aimed at refining and perfecting this system. In other words, it was considered to improve the structure, composition and organization of the parliament. Therefore, there was an inevitable political need to study the issue of amendments to the constitution. Therefore, taking into account this situation, in January 2011, Speaker of the parliament D Demberel issued a resolution to establish a working group

(Sukhbaatar, 2011b). In this resolution, the leader of the working group, a member of parliament J Sukhbaatar (2011) said that the working group consists of 40 members and twenty of them are members of the parliament. We found that there is a social need for amending the 1992 constitution again. About 40,000 people from all provinces participated in the survey research. More than 50 per cent of respondents chose the answer that they need to change. So, first, there is a social requirement. Second, there is a political need. Thirdly, there is an administrative requirement to optimize the control and accountability system to improve government actions. It was stated that due to these three needs and reasons, there was a need to amend the constitution (Sukhbaatar, 2011a). Also, the main issue that caused a stir in society about this change was the change in the number of members of parliament from 76 to 99. However, this draft constitution was not supported by the parliament due to strong opposition from society. President Ts Elbegdorj also expressed his opposition that he did not support the amendment of the constitution. J Sukhbaatar, the leader of the working group, condemned this and demanded to explain the reasons (Sukhbaatar, 2011a).

Compared to the previous presidents, President Ts Elbegdorj actively initiated laws and issued decrees in terms of his entire mandate between 2009 and 2017. For this form of a divided government, three laws initiated by him were also discussed and approved in the parliament without any dilemmas. During his term of office from 2009-2012, he initiated and approved the revision of the law on parliament, the law on mental health and the law on awarding of the Chinggis Khan Medal (VIP76 news, 2021). He also issued decrees that included 11 public appeals, 12 regulations, three policy approvals, structure approvals, and authorizations during his mandate (Enkhbaatar et al., 2019, p. 58). In terms of entire decrees, he issued nine decrees in 2009, 11 decrees in 2010, five decrees in 2011 and three decrees in 2012. These decrees include the creation of a fund to support Mongolian studies, the celebration of a book festival, the teaching of the constitution, the approval of the structure of the President's office, the reduction of corruption, the establishment of a national tree planting day, and the approval of the rules of some organizations (ULIS, 2022a). Thus, the president’s initiated laws and decrees did not create any dilemmas between the president and parliament.

Yet, the main dilemma between the president and the parliament was connected with the president's veto. However, this form of a divided government is relatively experienced compared to the previous divided minority government and actively worked to improve the

country's economic and social life. Therefore, they paid attention to large mineral resources projects. President Ts Elbegdorj vetoed the decision of the parliament four times during his mandate, the parliament received three vetoes and rejected one of them. His first veto was the 2010 budget law. The veto was placed on the funding of constituencies to be spent in each constituency of the members of parliament, which was discussed within the mandate of the previous parliament. In the previous parliament, the government decided to spend 250 million MNT investment for each member of the parliament in their constituency, but this time, the 2008-2012 parliament planned to spend one billion MNT per year. He strongly opposes this issue and this decision of the parliament will not help to improve democracy, justice and accountability system, which Mongolia needs like air and water. It will be a wrong precedent that will not affect the reputation of the state. A democratic society does not hide its shadows. The faults are obvious. That's why it warms up. In order to deal with the problem objectively, I submitted a letter to the parliament and the government asking for an explanation about this wrong standard known as "constituency money" or "MP's money", but they did not answer because of the clear reason and belief that they were able to stop this bad standard. When approving the budget, the parliament approved the law knowingly against my warnings, so I veto the 2010 budget law as a whole (*Letter E/24*, 2009). However, the parliament refused to accept the veto and re-approved the money for the district, which was 4 times more than in previous years, from 250 million to 1 billion.

After that, President Ts Elbegdorj vetoed Resolution No. 50 of October 27, 2010, of the parliament on the new determination of salaries for high-ranking government officials and similar positions. In his veto, the government stipulated that the 2008-2012 operational program would increase salaries, pensions and allowances three times over the 2008 levels. In the first instance, it was decided to raise the salaries of high-ranking government officials by 30 per cent. This decision is not the right decision at a time when the government is struggling to solve "The higher education funding, student scholarships, allowances, and social security" law initiated by the president. Raising the salaries of high-ranking government officials without passing the Law on Scholarships and Allowances for Students and Youth does not meet the government's goal of establishing justice and serving its citizens without discrimination. Therefore, before this decision, I believe that the parliament should resolve the issue of student salaries and allowances. Therefore, this law is partially vetoed (*Letter E/23*, 2010). But the parliament accepted the veto and decided to discuss it again. The president did not impose a veto until 2012 after two controversial vetoes which

influenced dilemmas in the social atmosphere. Lastly, in 2012, there was a veto on forwarding the effective date of the law "On Prevention of Conflicts of Public and Private Interests in Public Service" (*Letter E/07*, 2012). Moreover, he vetoed legislation that the parliament and the government can appoint candidates to the Judicial Council (*Letter E/13*, 2012). However, the parliament did not accept his vetoes.

In addition to the veto power, one example of President Ts Elbegdorj's criticism of the parliament's policies and activities was his speech to the parliament on behalf of citizens. In his speech, he strongly criticized the parliament on foreign investment and mining projects. In 2010 and 2012, he said that the parliament did not decide to improve the railway and the Tavan Tolgoi mining deposit. They criticized that it should have been decided in the time required by the law. Also, if the decisions discussed and approved by the parliament had been implemented, more than 3000 km of railways would have been laid in Mongolia today, and several power plants and hundreds of factories would have been built. The requirement for the government is not to solve the problem centrally but to solve it locally at the level of enterprises as much as possible. The issues that need to be resolved by the parliament have been specified by the law and the constitution. The more the issue is raised, the more quarrels and divisions increase, the more goods that can be seen as people climb the mountain become more, the more the problem goes up to the parliament, the more divisions and quarrels, can the solution be right or not? (Elbegdorj, 2015). In his speech in 2009, the president said that parliament has not done any of the following: reforming the budget, reducing budget expenditures, reforming the social welfare policy, and the structure of government organizations. Therefore, a divided government was formed by parliament to do all this. If you can't change it, who will change it? He also criticized the parliament for the need to decentralize the budget policy to local levels (Elbegdorj, 2009). Although he criticized the policy and actions of the parliament, he was able to cooperate with the parliament to a reasonable extent, especially in activating mining projects. As for him, he has not made any proposal to dissolve the parliament.

However, President Ts Elbegdorj was the president who has been able to use the full power of appointment the most actively. Due to his inability to cooperate with S Batdelger, the Chief Justice of the Supreme Court, S Batdelger has submitted his request to leave before his 6-year term (Solongo, 2010). Then, Ts Zorig was appointed in his place that the Chief Justice of the Supreme Court. Likewise, the State Prosecutor General released M

Altankhuyag. Also, M Altankhuyag was appointed as the State Prosecutor General after N Enkhbayar was elected as the President. But President Ts Elbegdorj released him from his duties on May 10, 2010. A year and a half before the end of the legal mandate, M Altankhuyag resigned due to his request. It is said that he is doing it at his request, but actually, it was political pressure, particularly, the pressure from the president.

At that time Ch Ulaan, who was an MP from MPRP once attacked his former party leaders at a group meeting in the parliament saying, "Why is the party sitting idly by when M Altankhuyag is being pressured?" D Dorligjav, the head of the Office of the President, took over the position of the Chief Prosecutor from M Altankhuyag. He was replaced on May 14, 2010, at the general session of the parliament. In addition to M Altankhuyag, his deputy Tserenbaltav also resigned at his request. President Ts Elbegdorj even pressured Ch Sangaragchaa former head of the Anti-Corruption Agency to resign while speaking at the general session of the parliament. After that, Ch Sangaragchaa and D Sunduisuren, deputy chairman of IAAC were released on November 17, 2011. It criticized the president saying that how the petition was presented differently by the parliament was widespread. The society also perceived the issue as part of the dilemma between the president and the parliament (VIP76 news, 2012b).

5.2.2. President's Activism vs Non-standard Government

After the uprising against the MPRP majority in the 2008 elections, tension arose for President N Enkhbayar, who was involved in the appointment of the prime minister. First, he was influenced to appoint a prime minister in November 2007 and supported S Bayar as a prime minister. Therefore, after the 2008 elections, when the Democratic Party raised the issue of S Bayar's dismissal, the MPRP retained him without dismissing him but continued to appoint him on September 11, 2008 (Resolution 10, 2008). Thus, S Bayar continued to work as the Prime Minister after the 2008 elections. However, neither Prime Minister S Bayar nor Ts Elbegdorj belongs to different political parties, they worked together based on the previous experience of a divided minority government between 2004 and 2008. Thus, N Enkhbayar lost in the presidential election and Ts Elbegdorj was elected as the president on June 18, 2009 (Enkhbayar, *Personal Interview*, 2014). On October 6, 2009, Prime Minister S Bayar was able to sign the Oyu Tolgoi Agreement which is one of the largest mining

reserves in the world.[20] Thus, it was always in the consideration of social and political dilemmas in Mongolia. In this ceremony of the Oyu Tolgoi Agreement, The Mongolian side was represented by the head of the working group for negotiations with investors, Minister of Mineral Resources and Energy D Zorigt, member of the working group Minister of Finance S Bayartsogt, and Minister of Environment and Tourism L Gansvkh signed with representing the investors of "Rio Tinto International Holdings Limited". President Ts Elbegdorj, Speaker of the parliament D Demberel, Prime Minister S Bayar, members of the parliament, government and high-level officials attended the ceremony. Yet, just three months after the signing of the agreement and after Ts Elbegdorj was elected as the president, Prime Minister S Bayar submitted his resignation due to health reasons (Resolution 67, 2009).

During the mandate of President Ts Elbegdorj, high-level officials resigned at their request, raising suspicions in the society again, and the phrase "pressure of the invisible hand" appeared. This also happened to Prime Minister S Bayar (Batbayar, 2022). Then, S Batbold was nominated for the position of prime minister On May 28, 2010. President Ts Elbegdorj sent a letter expressing his support for S Batbold, who was nominated as prime minister, to D Demberel, Speaker of the parliament (Olloo News, 2009). Although Prime Minister S Batbold and President Ts Elbegdorj belong to different political parties, during the previously divided minority government of 2004-2008, when Ts Elbegdorj was the Prime Minister of the Democratic Party, S Batbold was a Minister of Industry and Trade and representing the MPRP in 2004-2006 (Uransukh, 2009). These events have resulted in the disappearance of the concept of political parties in Mongolian politics and society. There is growing suspicion that a mafia group called "MANAN" has been formed jointly by the MPRP and the Democratic Party. Former president N Enkhbayar (2014) clarified that S Batbold, the main coordinator, and Ts Elbegdorj and S Bayar were members of the "MANAN" oligarchical group (Enkhbayar, 2014). However, one of the advantages of a divided government is that they were able to successfully attract foreign investment from the western countries of the "Third neighbouring countries" by promoting the main mineral resources projects that could not be implemented when the political parties elected alone in

[20] First, the company "Ivanhoe Mines Mongolia Inc" conducted exploration and determined the reserves of the Oyu Tolgoi deposit from 2000 to 2008. The reserves of the deposit are 25.368 million tons of copper, 1028 tons of gold, 6144 tons of silver, and 81600 tons of molybdenum. In 2009, the Government of Mongolia signed an "Investment Agreement" with the company "Rio Tinto International Holdings Limited" to use the copper and gold deposits of Oyu Tolgoi. In the agreement, it will be owned by "Rio Tinto" company for 30 years, and the project's initial investment will be 4.3 billion USD.

the parliament. During the 2008-2012 period of divided government, the prime minister and the government also worked stably, and S Batbold completed his term of office.

Although President Ts Elbegdorj and Prime Minister S Batbold worked without any dilemmas during this divided government situation, political dilemmas and citizens' protests did not stop in society. In particular, other small parties and some factions of the MPRP and the Democratic Party expressed their displeasure with the activities of the divided government. One of them was former President N Enkhbayar. He often addressed the citizens against the activities of the divided government and President Ts Elbegdorj. The main political dilemma was between MPRP and N Enkhbayart in 2010, Prime Minister S Batbold changed the name of the Mongolian People's Revolutionary Party (MPRP) to the Mongolian People's Party (MPP) because he was Chairman of the MPRP. This allowed some politicians and factions of the MPRP led by N Enkhbayar, who took the name of the MPRP and established the New-MPRP (Jambalsuren, 2021). After that, on April 15, 2012, the IAAC accused N Enkhbayar of corruption and put him in prison. Citizens supporting N Enkhbayar also accused President Ts Elbegdorj of being behind the in this case (Saruultugs, 2014). Former President N Enkhbayar still accused Ts Elbegdorj and S Bayar of being the main representatives of the “MANAN” mafia which rigged the 2005 elections to divide the mineral wealth (Enkhbayar, 2017). On the other side, many citizens opposed to the Oyu Tolgoi agreement signed by the government continued to protest in the streets and demand the dismissal of the government and the dismissal of the three ministers who signed the agreement. However, Ts Elbegdorj did not make any proposal to dismiss the government or change its structure of the government.

In addition to these political dilemmas, President Ts Elbegdorj has participated in the activities of the government relatively little during this term. He gave instructions to the government three times from 2009 to 2012. These instructions are mostly associated with increasing the production of milk, dairy products, potatoes, vegetables, fruits and berries (2010), about aligning government policies and activities with the content of the concept in connection with the newly approved National Security Concept (2011), the development plan to strengthen the national capacity to protect against earthquake disasters (2011) (ULIS, 2022b). From these instructions, a list of laws that need to be amended, revised, or newly developed in accordance with the Concept of National Security of Mongolia will be drawn up for each sector, and the development of relevant draft laws will be coordinated with the

“Basic Direction for Improving the Laws of Mongolia until 2012”. The clause to be implemented will activate his full power to participate in his further political activities, especially in the activities of the government. According to Article 33 of the constitution, the government's instructions become effective only when the prime minister co-signs them, so Prime Minister S Batbold did not refuse to sign the instructions.

One of the most powerful powers of the executive branch of the president is the power to chair the National Security Council. Within the scope of this mandate, it is the mandate to determine the issues to be discussed at the meeting and to schedule the meeting. The NSC consists of the President, the Speaker of the parliament, and the Prime Minister (Article 5.1, *Law on National Security Council*, 1992). During his presidency, the members of the NSC worked relatively stable. For example, Speaker of the parliament D Demberel and Prime Minister S Batbold completed their term of office without any changes. Within this mandate, the president appoints the Secretary General of the National Security Council. Ts Enkhtuvshin was appointed as the secretary of the NSC. During the term of office of the head of the NSC, the issuance of mineral licenses and exploration licenses was prohibited, and the decision was not presented to the government. This is because the president's adviser went to the Minerals Resources Authority of Mongolia (MRAM) and verbally stated that the NSC prohibited the issuance of new special licenses for minerals on April 20, 2010. When the MRAM clarified the decision from the Ministry of Mineral Resources and Energy, the minister of the sector was not aware of it. In that sense, the president participated government activities deeply which was the main cause of the institutional dilemma between the two institutions. Yet, the government is flexible about this issue and has decided to follow the decision of the NSC (Altantuul, 2010). Later, this decision was passed by the parliament on June 17, 2010, and no new mineral exploration licenses were issued for 5 years (*Law on Prohibition of New Licenses for Mineral Exploration*, 2010).

As the president is the Commander-in-Chief of the armed forces, the president has full power to appoint the leadership of the General Staff of the Armed Forces (Article 33.2). Therefore, after being elected as President, Ts Elbegdorj appointed Ts Byambajav as the Chief of the General Staff of the Armed Forces. Ts Byambajav held this position from 2009 to 2015 (Choijamts, 2016). President Ts Elbegdorj continued to support the activities of the armed forces participating in the UN peacekeeping operation in Sierra Leone since January 2006. Also, his son E Erdene served in South Sudan as part of the UNMISS peacekeeping

operation conducted by the United Nations (Dari, 2013). President Ts Elbegdorj supported the armed forces sector compared to other presidents and expressed his opinion on this matter. He said that "the successive management of this sector will fulfil the goal of making the armed forces of Mongolia small, competent and professional, and raising the reputation of Mongolia internationally. You have a lot of responsibility. Today, universities have a great role to fill the ranks of the armed forces with capable and well-educated young people. We are in favour of solving the social problems of staff in the armed forces" (VIP76 news, 2009). That is why more than 40 generals were born during his mandate. The title of a senior officer of the General Staff of the Armed Forces is directly conferred by the president. This limited the ability and authority of the Minister of Defence to exercise civilian control over the General Staff and units. The Ministry of Defence was the reason for the lack of reputation of its subordinate agency (Uuganbayar, 2019). Therefore, a dilemma between the president and the prime minister has resulted in increasing the power of the armed forces. This contributed to the decline in the reputation of the Ministry of Defence. However, this dilemma did not reach the level of using armed forces.

In the mandate of Ts Elbegdorj, although he cooperated at a high level with the divided government consisting of the majority of the MPRP, some of its activities were openly criticized. For example, the government was criticized for using mineral deposits, fighting corruption, and railway issues. During that time, the decision on a major investment project made by the divided government, parliamentary parties were able to work together to implement the Oyu Tolgoi deposit successfully. President Ts Elbegdorj attended the general session of the parliament in November 2011 and said: "With the signing of the Oyu Tolgoi Agreement, we as a family have taken a step forward" (Elbegdorj, 2011). As the president, during the 2008 parliamentary elections, he reminded the parties to pay 1-1.5 million MNT to the citizens of the "Treasure share" and "Motherland's endowment", which the Democratic Party and the MPRP had promised to voters (Elbegdorj, 2010).

5.2.3. Raises of Consultation between Parliament and Government

In 2008, the fifth parliamentary election was held in 26 enlarged constituencies with 76 mandates. 46 members of the MPRP, 27 members of the Democratic Party, one candidate from the MCWGP, and one individual candidate were elected as members of the parliament. The term of office of the State Great Khural established by the fifth election was quite

special. For example, by forming a divided government through political consensus and setting major goals to jointly implement the agenda, political stability was ensured and many important tasks faced by society were solved positively (State Ikh Khural, 2017, p. 1). However, the effects of the global financial crisis, the government's release of 60 billion MNT for the bankruptcy of Anod and Zoos Bank, and the fact that the perpetrators of the incident that killed 5 people on July 1, 2008, were not identified, caused the public's frustration to the highest degree (Selenge, 2009). Also, N Enkhbayar, who served as president from 2005 to 2009, fought against the divided government of the MPRP and the Democratic Party named them as oligarchical MANAN mafia (Enkhbayar, 2017). N Enkhbayar had a good opportunity that MPRP to change its official name MPRP to Mongolian People's Party (MPP). Then, he established and formed the new party, New-MPRP. In this divided government situation, MPP created two governments in coalition with the Democratic Party. It is shown that the government was stable compared to the previous situation of a divided minority government in 2004-2008.

The first government was the government of S Bayar who was appointed as the Prime Minister in 2007 and was reappointed after the 2008 parliamentary elections. On October 6, 2009, Prime Minister S Bayar actively participated in the Oyu Tolgoi agreement with the support of President Ts Elbegdorj. S Bayar's government was established on September 11, 2008 (Resolution 10, 2008). At this time, since a divided government is being formed again, there was a debate about the fact that a member of parliament should not combine with a member of the government. However, when the divided government was formed, the members of the parliament started competing to work in the government. When Prime Minister S Bayar formed his cabinet, 11 of the 15 ministers were members of the parliament, which caused a scandal in society. In the meantime, Ts Elbegdorj was elected as the fourth president of Mongolia by defeating N Enkhbayar in the May 24, 2009, presidential election. Thus, S Bayar resigned on October 28, 2009, due to health reasons, and this dispute was put to rest. After S Bayar was dismissed, S Batbold was appointed as the Prime Minister of Mongolia on October 28, 2009, and 9 out of 14 ministers in his government were both members of the parliament and the cabinet, which calmed the social atmosphere a little (Enkhbaatar et al., 2017, p. 45). In general, in the political practice of Mongolia, each political party promises to not serve a member of the parliament and the government simultaneously, and this is one of the main dilemmas that come to the fore every time the election approaches. However, the party that won the majority of seats in the parliament

entered into a political competition among its members for the position of a member of the government, which continues to this day.

One interesting thing is the question of why Prime Minister S Bayar resigned after signing the Oyu Tolgoi Agreement and is still in Mongolian politics. He resigned as Prime minister at his request three months after the election of the president and less than a month after signing the Oyu Tolg Agreement. It may be a hidden mutual agreement between the president and the prime minister rather than a dilemma between the parliament and the government. This is because former President N Enkhbayar addressed that Ts Elbegdorj, S Bayar, and S Batbold are oligarchs regardless of the party and continued to fight with them. On the other hand, Ts Elbegdorj and S Bayar announced that N Enkhbayar was involved in corruption crimes. Especially, President Ts Elbegdorj fought against corruption during his mandate. When he was participating in "Am neevel" TV program, he said "during my mandate, the corruption index was ranked 120 in 2009. After I fought against the corruption crime, it was down to 72 in 2015. It is fact that international organizations do not lie" (Elbegdorj, 2022). In any case, the parliament accepted and resolved S Bayar's request for release on October 28, 2009 (Resolution 67, 2009). Thus, S Batbold's government started its action plan, and they worked until the end of the parliamentary elections in June 2012. Therefore, no serious dilemmas between the parliament and the prime ministers have arisen during the current divided government situation.

Yet, some members of the parliament made proposals to dismiss the members of the government. This situation has increased since the beginning of 2011. It can be considered that the interest of the members of the parliament to join the government is due to the approaching of the parliamentary elections. Because at that time, some members were critical of the Oyu Tolgoi Agreement. The members of the parliament made a lot of proposals to punish the members of the government who participated in that agreement. Table 5.4 demonstrates that the issue of ministers' dismissal was discussed in the parliament session three times between 2011 and 2012.

Table 5.4. Resignation of ministers discussed by parliaments (1997-2021)

Nr	Date	Governments	The decision of the Parliament
1.	January 23, 2011	Ts Batbayar and Ts Sedvaanchig, Members of Parliament proposed the dismissal of D Zorigt, Minister of Mineral Resources and Energy	The proposal to dismiss was not supported.
2.	May 15, 2011	S Erdene, G Bayarsaikhan and D Gankhuyag, Members of Parliament proposed the dismissal of D Zorigt, Minister of Mineral Resources and Energy	The proposal to dismiss was not supported.
3.	April 27, 2012	D Zagdjav and Ch Ulaan, Members of Parliament proposed the dismissal of Ts Nyamdorj, Minister of Justice and Internal Affairs	The proposal to dismiss was not supported.

Source: Adapted from "The main features of parliamentary governance: Common standards, Mongolian characteristics" (pp.72-73), 2018 by Enkhbaatar et. al.

For the first time, on January 23, 2011, MPs Ts Batbayar and Ts Sedvaanchig proposed the dismissal of D.Zorigt, Minister of Mineral Resources and Energy, who signed the Oyu Tolgoi Agreement, but the parliament did not dismiss him. After that, on May 15, 2011, the members led by S Erdene proposed D Zorigt's dismissal again but failed to get support in the parliament. They accused him of working for the interests of the Oyu Tolgoi company and weakening the Mongolian government by defending the Oyu Tolgoi company. Thus, the MPP kept him without dismissing him (Delgertsetseg, 2011). In the third case, on April 27, 2012, two months before the parliamentary elections, Ts Nyamdorj, Minister of Justice was proposed to be dismissed by his party members D Zagdjav and Ch Ulaan. According to their demands, on the night of April 12-13, 2012, during the arrest of former President N Enkhbayar, the personnel of the police organization neglected their main duties of fighting crime, preventing it, protecting social order, and ensuring peaceful living conditions for citizens. It provoked a serious violation of the Constitution of Mongolia and an attack on the powers of the parliament and the rights of members of the parliament specially protected by law. Minister of Justice and Internal Affairs, Ts Nyamdorj should bear the political and ethical responsibility for this wrongdoing (VIP76 news, 2012a). The opposition faction which supports N Enkhbayar in the MPP has proposed Ts Nyamdorj's dismissal. Parliament discussed their proposals and decided that there was no need to resign. Overall, the interest of the members of the parliament was to sit in the minister's seat for the next time, they removed the government and its ministers one by one, which caused dilemmas between institutions from time to time and made the government unstable. However, during the

divided government, this situation was managed as much as possible in the form of consensus, so it can be considered that the dilemmas between the three institutions did not reach a high level. Yet, political dilemmas in society became highest levels and involved many politicians, small parties, NGOs, and citizens. It became a huge political crisis against the divided government. Some MPs who have not supported Oyu Tolgoi Agreement have supported them and joined them.

Although the parliament explained its main reasons for holding the divided government accountable and dismissing its members in connection with the Oyu Tolgoi Agreement, they did not support the dismissal of the government. For example, Prime Minister S Bayar resigned at his request. The next Prime Minister S Batbold was not proposed to be dismissed. Although some members of the parliament proposed to dismiss three members of S Batbold's government, the parliament itself did not support their dismissal. Therefore, the parliament demanded the government work more openly and transparently and criticized the reduction of cases of corruption. In particular, the environment was destroyed due to the outdated technology of mining, which was harmful to the environment, and wrongful activities that neglected rehabilitation, and while the livestock in the countryside was scarce, they demanded to organize the licenses and permits that were issued in a disorderly manner (Demberel, 2009). The parliament also warned that mining and energy projects should be carried out quickly for the common interest of the country. However, former President N Enkhbayar, who no longer had any political power, continued to explain that the operation of the divided government was a conspiracy to steal Mongolia's wealth from foreign investors, which was the reason for his imprisonment (Enkhbayar, Interview, 2014). However, he was of the position that he should confess to the crime of bribery by IAAC. President Ts Elbegdorj said that everyone is equal before the law. There is no provision in the law that a person named N Enkhbayar has more rights. It was stated that there should be no escape from the fair implementation of the law (Elbegdorj, interview, June 26, 2012). In addition, the civil movement protested against the Oyu Tolgoi Agreement and criticized the activities of the government, held many demonstrations in the streets and even shot arrows at the Government House (Bolortuya & Ariunbileg, 2011).

5.3. Conclusion

There was a divided minority government situation in Mongolia between 2004 and 2008 that created the most prone dilemmas in the democratic institutions since 1992. In this situation, the president was elected by MPRP, Prime ministers were representatives of MPRP and the Democratic Party. After that, the parliamentary election in 2008 provided an opportunity for MPRP to establish their government, but it faced a huge protest and chaos against the MPRP on July 1, 2008. Then, political two main parties both the MPRP and the Democratic Party agreed with negotiation on establishing a divided government called a "non-standard government" in which the president was elected by the Democratic Party.

A divided minority government was formed in 2004. The main feature of this divided minority government was the government cabinet, which included representatives of all parties in the parliament, and the president elected by the MPRP. In this situation, the dilemma between the institutions of the president, the parliament and the government has become extremely tense. As the president, he exercised his powers of initiating laws, the influence of amending the constitution, issuing decrees, and appointing without any dilemmas. However, he was in dilemma with the parliament by vetoing the decisions of the parliament nine times. However, this dilemma did not reach the proposal to dissolve the parliament. This is also a mandate that arises if the prime minister cannot be appointed by the constitution, so it has not been given the opportunity to be implemented in this situation. Dilemmas between the president and parliamentary institutions were 12 during a divided minority government. Curiously, the prime minister resigned seven months after the presidential election. As the president, he was more active in the appointment of the prime minister because he did not lose his partisan leadership in his party. Therefore, the prime minister was selected by the president and appointed by the parliament. Moreover, President N Enkhbayar was actively involved in the process of dismissing two prime ministers and appointing two prime ministers. It means he could not deal with prime ministers and tried to get executive power on one hand. However, no official proposals from the president have been made for the premature dismissal of the members of the government. On the other hand, while the activities of the divided minority government were supported by calling for unity when the election year approached, the situation of criticizing the divided minority government increased from the president's side. He also criticized not only the reduction of corruption but also warned that the corruption index had reached a historic high. There were

five dilemmas between the president and the government. However, there was a big dilemma between the parliament and the government. Due to the prevailing interest of the members of the parliament to combine with the member of the government. At that time they reached the highest level in history, and there were 35 members out of 76 members of parliament working in the composition of the three governments. This became the main reason for the government's instability by the parliament. During this period, three prime ministers and six government members were discussed being dismissed and, four of them were dismissed by parliament. There were 17 dilemmas between the parliament and the government.

Although the MPP won in 2008, they formed a divided government called a "non-standard government" due to political crises and chaos. The main form of the dilemma between the president and the parliament was exercised through his veto. Out of 4 vetoes, the president accepted one veto and rejected three vetoes. At this time, high-ranking officials appointed by the previous president, such as the Chief Justice, Chief Prosecutors, and Director General of IAAC began to submit petitions to be released before the end of their term of office. This is known in the public as the "invisible hand" of the president. However, the powers to initiate laws and issue decrees were exercised without dilemmas. The process of proposing amendments to the constitution has begun but it could not receive complete support from the president and the parliamentary majority. There were nine dilemmas between the president and parliament during the divided government. In terms of the president and government relations, four months after being elected as the president, Prime Minister S Bayar submitted his petition and expressed his request to resign due to health reasons. As a result, the nomination of S Batbold by the MPRP for the next prime minister has created suspicion in the political scope that he was ordered by the president. Even President Ts Elbegdorj never made any proposal to dismiss Prime Minister S Batbold. However, the president was actively involved in the activities of the government as the head of the NSC and the Commander-in-Chief of the armed forces. It can be seen that it was working by creating a dual executive. On the other hand, there were positive effects such as being more active in the fight against corruption by criticizing the government's activities, imprisoning the previous president, and being able to move the worldwide mineral resources projects that had been disputed for a long time. There have been six dilemmas between the president and the government. During this period, until the next parliamentary election, the government worked very stably.

Indeed, there were more dilemmas between the parliament and the government which created nine dilemmas. In terms of the divided government situation, 11 and 12 members of parliament worked in the two governments. As the election period approaches, some members are encouraged to join the government and propose the dismissal of three government ministers, but they have not been able to get the support of the parliament. These proposals are not related to the party, and sometimes the MPP and the Democratic Party members together made the dismissal proposals of ministers of the government. The parliament criticized the government does not pay attention to reducing the bureaucracy and corruption of the government, and the Oyu Tolgoi Agreement which could not be implemented legally without a conflict of interest. Then, some members proposed to dismiss government members third times. Two of them belonged to D Zorigt, Minister of Mineral Resources and Energy. There were many dilemmas in this situation, however, the government instability was relatively stable compared to previous situations, but social protests were at the highest level at that time.

In terms of the situation of a divided minority government, the first hypothesis was confirmed which is the H3: "An institutional dilemma is expected to take place between the president and the parliamentary majority under a divided minority government and a divided government". Because the dilemmas between the president and the parliament have mostly occurred through the president's veto. Yet, the contextual hugest dilemma occurred between the president and prime ministers. It pushed dilemmas between the parliament and prime ministers and the government instability. Thus, in the context of the second hypothesis, H4: "The institutional dilemma is expected to take place between the parliamentary majority and the prime minister under a divided minority government and divided government". During the divided minority government, the dilemma between the parliament and the prime ministers is more dominant. Thus, this hypothesis is confirmed too. Based on these hypotheses, the presidential power is more involved in the appointment of the prime minister, but since then, the dismissal of the government and the dismissal of the members of the government indicates that the parliament has become extremely dominant. Second, in terms of the situation of a divided government, there were main dilemmas that existed between the president and parliament through the president's veto power. It supports H3 is confirmed that the president and parliament had many dilemmas due to the criticizing corruption, constituency financing, and appointment and dismissal of several positions. In terms of H4, it was also confirmed that there was a potential competition created between

members of the parliament to combine with members of the government. These two situations influenced the “MANAN” political dilemma due to the power-sharing situation between the president, prime minister, and several members of parliament from both parties the MPP and Democratic Party.

Overall, the main dilemmas occurred at the level of the parliament and the government and the president and parliament under a divided minority government and a divided government. The dilemmas in the divided minority government are also more intense when compared to previous cohabitations. The next chapter will examine the effect of institutional dilemmas during the situations of unified majority governments.

6. UNIFIED MAJORITY GOVERNMENTS: REDUCING PRESIDENTIAL POWERS AND PUSHING THE PURE PRESIDENTIALISM

The previous two chapters consider the semi-presidential situations of cohabitation, a divided minority government, and a divided government in Mongolia. Indeed, these situations have created many challenges in terms of institutional stability and democratic performance. Besides, semi-presidentialism designed the next situation which was a unified majority government due to the result of two elections. Mongolia again faced the new experience of semi-presidential effect and struggles. This chapter considers unified majority governments and their effects on institutional dilemmas in Mongolia.

This situation is created when the president, prime minister, and parliamentary majorities belong to the same political force. In this situation, most scholars are predicted that the president and prime minister have a little conflictual level. Linz (1994) and Lijphart (2004) argued that the unified majority government influence creates hyper-presidentialism and democratic instability (Lijphart, 2004; Linz, 1994). In their account, the fact that the president belongs to the majority of political forces. Thus, he or she may receive the parliamentary support enough that provides him with the possibility of using his constitutional powers to the beyond. Therefore, a pure presidential system is created by strengthening the president's power through the parliament (Lijphart, 2004; Samuels & Shugart, 2010). The struggle for this power may create dilemmas with the president and prime minister as individual behaviour (Skach, 2005, p. 16). Yet, they have the same political agenda and have no choice but to work together to achieve it. The level of this dilemma will be the basis for the successful implementation of the political agenda in the future.

On contrary, a unified majority government is the main subtype to reduce institutional dilemma, this subtype allows a great opportunity for both the parliament and the government to accomplish their agenda (Skach, 2005b, p. 15). Because it influences the chances that governments will be more stable due to an increasing legislative majority. However, Skach (2005) warned that the unified majority government is not immune to dilemmas if "the president and prime minister are from different factions within the majority, a dilemma may increase". This is because the main dilemma arises from the semi-presidential constitution, which divides the executive into two. In particular, personal differences play a crucial role

in that who should direct government between the president and the prime minister. If the president has a leadership role, dominates the legislature and executive. Or, a president may decide to dominate "because he loses confidence in his prime minister and doubts his capacities" (Skach, 2005, p. 16). Thus, if the president is a partisan leader, he tries to accumulate too much power in the executive and the legislative which is the main risk of a unified majority government (Beuman, 2013, p. 173).

In Mongolia, the unified majority government was formed twice between President N Bagabandi, the MPRP parliament and Prime Minister N Enkhbayar in 2001-2004. After that, it was formed in 2009-2013 under President Ts Elbegdorj, the Democratic Party parliament and Prime Ministers of N Altankhuyag, and Ch Saikhanbileg. Based on the case of Mongolia and theoretical arguments developed within these unified majority governments, the first hypothesis is derived from that:

H5: "While the government is unified, an institutional dilemma is expected to occur between the president and the prime minister. But the government instability exists at a minimum level".

This hypothesis is the main hypothesis. Before it was mentioned the individually negative relationship between the president and the prime minister, restricts the possibility of fully implementing the agenda. For Mongolia, the opportunity to be elected as the president and to exercise his or her powers is more connected to partisan leadership. It provides the president with more support from the parliament. Therefore, the second sub-hypothesis is:

H6: "An institutional dilemma is created on the basis of the president trying to accumulate more power during the unified majority government".

This chapter will test these hypotheses based on the research variables and will focus on whether the unified majority government that originated in Mongolia is within these hypotheses or not. Therefore, the findings are divided into two main sections in this chapter. First, it will analyse the institutional dilemma and the factors affecting it from 2001 to 2004 President N Bagabandi, the MPRP parliament and Prime Minister N Enkhbayar. The next part will analyse the institutional dilemma and cooperation that occurred under President Ts Elbegdorj, the Democratic Party parliament and Prime Ministers of N Altankhuyag and Ch

Saikhanbileg between 2013-2016. Finally, conclusions will be described based on the main findings.

6.1. The First Unified Majority Government: Silent Dilemmas in the Ex-Communist MPRP from 2001 to 2004

The effects of cohabitation in 1997-2000 led to a deep social, political, and economic crisis in Mongolia, and the public's trust in the government collapsed completely. The inter-institutional dilemmas during this cohabitation period eventually turned into a deep crisis before the 2000 parliamentary elections. Therefore, it affected the parliamentary election which was held on July 4, 2000, 82.43 per cent of all voters participated, and compared to the 1996 election, the number of parties, coalitions, and candidates that participated in the election was twice as large. Of the 602 candidates for the parliament, 575 were from 13 political parties and three coalitions, and 27 were individual candidates. Observers from 38 countries, including Turkey, the United States, Japan, Germany, and Great Britain, came to observe the election. Thus, when the results of the election were announced, the MPRP won 72 seats, the Democratic Coalition won 1 seat, the Mongolian Civil Will and Green Party coalition won 1 seat, "Ekh oron - Mongolian New Democratic Socialist Party (MNDSP)" won 1 seat, and an individual candidate won 1 seat (Lkhagvasuren, 2017, pp. 84–85). Interestingly, the only seat for the previous Democratic Coalition was taken by J Narantsatsaralt, who served as the Prime Minister from 1998-1999. This parliamentary election gave the MPRP an unexpected advantage, but on the contrary, it served as a great reminder for the Democratic Coalition to realize the results of divided and internal tensions and that the stability of the government is the main desire of the Mongolians (Lkhagvaa, 2019b, p. 23). It has become a core step to forming the Democratic Party due to the process of unification of parties for democracy.

After the parliamentary elections of 2000, the MPRP formed the government and nominated N Enkhbayar as the prime minister, who was the head of the parliamentary group of the MPRP in the previous parliament. Even President N Bagabandi negotiated without any dilemmas (Resolution 11, 2000). Soon after, on May 20, 2001, in the third election of Mongolia, N Bagabandi, who was nominated by the MPRP, won 58.13 per cent of all voters, R Gonchigdorj, who was nominated by the Democratic Party, got 36.53 per cent, and L Dashnyam, who was nominated by Mongolian Civil Will and Green Party coalition, got 3.54

per cent of votes (Yadamsuren, 2017a, p. 61). As a result, the MPRP won consecutive elections in the parliament and the president, and for the first time, the unified majority government was established since the adoption of the new Constitution in 1992. Since then, the new Prime Minister N Enkhbayar has actively participated in the legislative and executive powers based on his role for the new leader of the MPRP, and thus began the dilemma with President N Bagabandi. In this section, it will be considered the main relations and dilemmas between President N Bagabandi and the MPRP parliament and government as well as the main dilemmas between the parliament and the government.

6.1.1. Ex-communist President N Bagabandi vs Ex-communist Parliament

MPRP and MPRP-elected President N Bagabandi were the biggest winners in the inter-institutional dilemma arising from the cohabitation situation of 1997-2000. In other words, the dilemma between the president and the parliament, and the dilemma between the president and the prime minister reached their peak. Thus, the Democratic Coalition lost its reputation among the voters (Munkhbayasgalan, 2010). At that time, there were hardly any experts and political scientists to understand and warn about the effects of cohabitation in Mongolia. These dilemmas continued even though the constitution was amended in 1999, but it was annulled by the Constitutional court (Ochirbat, 2017, pp. 373–375). It continued in the unified majority government of 2000-2004. One of the main reasons for this dilemma was that President N Bagabandi who was not a politician participated in the process of approving the 1992 constitution together with the leaders of the pro-democracy parties and the MPRP. Therefore, he had a lack of understanding of the spirit of the new democratic constitution and was one of the secretaries of the Communist Party and even though not being known to the public (Byambadorj and Khatanbaatar, 2022). Moreover, N Enkhbayar, who was elected as the Prime Minister in 2000, was also a politician who did not participate in the process of approving the Democratic Constitution of 1992. From 1990-1992, he held the position of the first vice-chairman of the Culture and Arts Development Committee. After N Enkhbayar was appointed as the Prime Minister, he organized the discussion of the amendment to the constitution, which was the main dilemma with President N Bagabandi during the term of the previous situation of cohabitation in 1996-2000. As a result of these amendments, the institutional design and its system of checks and balances were lost within the seven main amendments, so then Mongolian political scientists called it “Seven changes for the worse” (see more details in Appendix-2). The controversy over the amendments to

the constitution increased the dilemma between President N Bagabandi and Prime Minister N Enkhbayar. This is because the constitutional amendment increased the powers of the prime minister and the parliament by reducing the powers of the president, especially for Articles 33.1.2 and 39.2 (see Appendix-2). This will be discussed in detail in the context of the dilemmas between the president and the prime minister. In the case of President N Bagabandi, during the previous term of office, was in dilemma with the Democratic Coalition and worked well with the MPRP, but this time, it became public knowledge that he was in dilemma with the MPRP that was reducing his power step by step. Indeed, it is the main feature of cohabitation and the unified majority government subtype of semi-presidentialism.

In terms of decree power, he exercised his authority to issue decrees without any dilemmas with parliament. President N Bagabandi issued 17 decrees aimed at the public. These decrees do not include pardons and awards of medals related to the ceremonial powers of the president. The parliament has not initiated a dilemma with the president not to exercise the power to issue decrees. This is because there is a provision in the constitution that the president or the parliament can revoke the president's decree. Yet, this type of serious dilemma has never occurred in particular issues and areas (Article 34.2). The president's decrees were issued in the context of granting pardons, awarding medals, honouring our history and culture, approving crime prevention programs, and approving procedures to improve the fight against corruption. Also, President N Bagabandi has started issuing decrees on awarding the title of academician on the recommendation of the Academy of Sciences (Office of the President, 2015, p. 189). It is seen that the dual executive was implemented, which is more focused on the implementation of the government. In addition to the power to issue decrees, one of the powers granted to the president is the power to initiate laws. For the president and the parliament, there have been no serious dilemmas within the power of initiating laws. N Bagabandi initiated a total of 38 laws during his term of office, 16 draft laws, 14 amendments to laws, and 8 draft resolutions of the parliament (Enkhbaatar et al., 2019, p. 61). This power makes the president equal in power to the parliament, so there is a lot of potential for the dilemma. Therefore, in some cases, there are cases where the parliament withdraws or does not discuss the law initiated by the president. It occurred during this unified majority government once on September 10, 2004. It was like nine months before the end of their term of office, he submitted his official letter to the parliament for the appointment of judges of the Supreme Court. However, due to a dilemma

in relations with N Enkhbayar, who was Chairman of the MPRP and appointed as the Speaker of the parliament at that time, the issue was not resolved. So, on November 22, 2004, the president once again submitted a demand and demanded the urgent appointment of judges of the Supreme Courts. But the parliament left this issue without discussion (Office of the President, 2015, pp. 180–182). This dilemma was the main issue of the political dispute of that time, and it continued to be a dispute caused by the incompatible relationship between two people: N Enkhbayar and N Bagabandi.

The dilemma between President N Bagabandi and Prime Minister N Enkhbayar has been active in the form of a veto in the parliamentary arena. In this context, President N Bagabandi vetoed 15 times from 2001 to 2005. For example, he did not veto after being elected as the president in 2001 but six times in 2002, four times in 2003, twice in 2004, and three times in 2005. President Bagabandi vetoed the decision of the parliament 16 times during the previous cohabitation period of 1997-2000, but three vetoes were not accepted by the parliament. However, eight vetoes or 53.3 per cent, have not been partially or fully accepted by the parliament within this unified majority government (Enkhbaatar et al., 2019, p. 48). Therefore, his number of vetoes is the highest compared to the previous presidents, with 31 vetoes in two terms, making him the president who had the most dilemmas with the parliament during the situation of cohabitation and the unified majority government. Among these vetoes, the parliament has partially or completely rejected some of the most controversial laws such as laws on courts and prosecutors, laws on taxation, laws on the transfer of state-owned assets, and laws on political parties.

The dilemma between the president and legislative institutions was the power of appointment, it was evidenced in the case of amendments to the law of courts and prosecutors. President N Bagabandi vetoed amendments to the Law on Courts and Law on Law on the Prosecutor's Organization on November 14, 2002 (*Letter E/54*, 2002 and *Letter E/55*, 2002). According to the amendments to the law on courts, which states that the Chief Justice of the Supreme Court will receive the same salary as the prime minister, the parliament has amended his or her salary to correspond to the rank of a high-ranking government official. Also, in the Law on the Prosecutor's Organization, the provision that the State Prosecutor General has the same powers and income as a member of the government has been changed and amended to state that the State Prosecutor General will receive a salary commensurate with his rank as a high-ranking government official. The

parliament has not discussed the presidential veto on these two clauses. This is because parliament did not want to provide the same salary as Prime Minister N Enkhbayar, Chairman of the MPRP and other officials appointed by the president's institution, such as judges and prosecutors. Therefore, the parliament has not accepted the president's veto.

One of the public protests that followed was the veto on Law on the Political Party. The law approved by the parliament caused the displeasure of citizens in the provision of financial support from the government to political parties. Then, the president vetoed this law, and the fact that the veto requires the government to provide financial support to political parties is contrary to the concept of the principles that separate the activities of the party and the state and may also negatively affect the development of civil society. It is believed that any political party should work on the principle of self-financing. Also, the Supreme Court has ordered to monitor the activities of the party and to issue a decision to dissolve the political party, which leads the court to participate in the internal activities of the political party and carry out political activities, which may undermine the independence of the court (*Letter E/05*, 2005). But the parliament did not accept his veto and approved the Law on the Political Party. Therefore, this dilemma is more related to President N Bagabandi's criticism of parliamentary activities. Small dilemmas like this increased the veto of the president in the parliament, while the MPRP leader and Prime Minister N Enkhbayar worked through the parliament and the government to further reduce the powers of the president and distance him from the political arena. Therefore, N Enkhbayar, who took full power of the parliament and the government when the unified majority government started, amended the constitution immediately at the end of 2000 despite the president’s veto. Apart from that, the personal behaviourisms of these politicians also have a double influence, which is reflected in the speeches and interviews given at the level of the parliament and the government.

The president criticized the activities of the parliament and expressed his opinion in the sessions of parliament about reducing corruption, conflict of interest and economic decline. One of his critical speeches to the parliament addressed that the election year of 2004 will be a responsible year when greeting the entire nation on January 1, 2004. He said that because the parliament and local elections will be held, it will be a year of responsible “New Choices” for the Mongolian people. After his speech, the MPRP group in the parliament and the MPRP's Board of Directors submitted a request to the president to

reconsider and correct this position, believing that he had campaigned against the party. However, the Office of President N Bagabandi responded by saying that there will be new programs called "New Choice", a new vote will be held, and the newly elected members will receive a new mandate. There is no meaning here that you should not elect your current members of parliament. It doesn't mean that you choose other new people. However, he made a statement that the people themselves should know which party to elect for new elections this year (Office of the President, 2015, p. 172). Remarkably, the opposition Democratic Party mostly used this speech in its election campaign of 2004. The value of this speech was revealed in the parliamentary elections of 2004 when it became a truly balanced "New Choice". Some politicians have called it the "Royal Choice". The MPRP won 72 seats in the parliament during the unified majority government of 2000-2004. According to the GECM, they won 37 seats after an effect of the president's speech on the "New Choice" appeal, while the Democratic Party won 35 seats and the divided minority government was formed in the 2004 elections (Yadamsuren, 2017b, pp. 139–141).

However, these vetoes and the open struggle with the parliament did not lead to the dismissal of the parliament. At this time, the conditions for the dissolution of the parliament were changed by amending the constitution in 2000. According to the 1992 constitution, the parliament shall be dissolved "if at least two-thirds of its members consider that the parliament is unable to carry out its mandate, or if the president in consent with the Speaker of the parliament proposes to do for the same reason, the parliament may decide to dissolve itself". But, this provision was amended in 2000 that "unless otherwise provided by the constitution if the parliament fails to appoint the prime minister within 45 days after the president has submitted a proposal on the appointment to the parliament, the parliament may decide to dissolve itself or the president shall decide to dissolve the parliament" (Article 22.2). President N Bagabandi insisted that this provision was impossible to implement in terms of political practice. In other words, there is no reason not to appoint a candidate for the position of prime minister, especially during 45 days when eight candidates are discussed for at least eight weeks. This is an attempt to deceive the voters with empty words that the parliament has been dissolved and to mitigate to some extent the criticism of the unhelpful changes to the constitution. On the other hand, the parliament exercises legislative power and is the supreme body of state power. Yet, the president belongs to the executive branch and can dissolve the parliament without consulting anyone. Thus, this amendment is mostly exercised in countries with a presidential system. Unfortunately, it was applied to Mongolia

(*Letter E/01*, 2000). In general, he firmly adhered to the position that the head of state should not be given the power to dissolve the parliament. This indicates that he had no interest in dissolving the parliament (*Letter E/51*, 2000).

During the situation of the unified majority government in 2000-2004, President N Bagabandi, there were not any serious dilemmas in regard to the appointment and dismissal power for particular positions. This is because the Chief Justice of the Supreme Court, Chief Prosecutor, and Deputy Prosecutor had been appointed, and these officials were working within their six-year term. Ch Ganbat, the Chief Justice of the Supreme Court and M Altankhuyag, the Chief Prosecutor who was appointed within the term of President N Bagabandi before 1997 and served until the end of the term of office (Enkhbaatar et al., 2019, pp. 63–65). President N Bagabandi appointed a total of 117 judges during his term of office, and there was only one dilemma. In the last period of his term of office on September 10, 2004, when the proposal for the appointment of new judges was submitted for consultation with the parliament, the parliament delayed the proposal for many months, which led to the request of the president. It was mentioned above that this dilemma of the parliament greatly hindered the president from issuing the decree (Office of the President, 2015, pp. 180–182).

6.1.2. President vs Strong Prime Minister

After N Enkhbayar was appointed as the Prime Minister on July 26, 2000, he actively organized the action of reducing the powers of President N Bagabandi by making amendments to the constitution, which further increased the dilemma deeply between President N Bagabandi and Prime Minister N Enkhbayar. His main idea to amend the constitution was that on December 29, 1999, when the Democratic Coalition was in the majority in the parliament, they tried to amend the constitution in dilemma with President N Bagabandi. Yet, it was annulled by the Constitutional court at that time. However, the MPRP parliament copied the previous amendments and approved them on December 14, 2000 (Constitution of Mongolia, 2000). However, until now, researchers claim that the amendment itself is an act of violation of the constitution, and on November 29, 2000, the Constitutional court issued Resolution No. 02, revoking the amendment of the 1999 Constitution (Ochirbat, 2017, pp. 373–375). The main dilemma was created in regard to

reducing the president's powers and increasing the powers of the parliament and the prime minister.

First, the amendment has reduced the presidential right to involve the appointment and dismissal of the prime minister based on the unsuccessful amendment of 1999 (Table 6.1).

Table 6.1. President's right on the appointment of prime minister in the 2000 amendment

Original provisions of the constitution in 1992	Amendments to the Constitution in 2000	The effect of the institutional dilemma
President's right: "to propose to the parliament the candidature for the appointment to the post of prime minister nominated from the majority party in the parliament; if none of them has a majority a candidate nominated from the party which has the largest number of seats in consultation with other parties and to propose the dismissal of government to the parliament" (Article 33.1.2).	President's right: "to propose to the parliament the candidature for the appointment to the post of prime minister nominated from the majority party or coalition in the parliament; if none of them has a majority a candidate nominated from the party or coalition which has the largest number of seats in consultation with other parties if such party failed to propose a candidate on consultation with other parties, a candidate who received the majority of votes from parties and coalition which sits in the parliament within 5 days" (Article 33.1.2).	Although efforts were made to limit semi-presidentialism, it was an arrangement that undermined the principle of checks and balances on state power.

Source: The Constitution of Mongolia, 1992 and 2000.

President N Bagabandi did not agree with the parliament on this matter. He stated that when the president does not have the right to approve or reject, calling it a "president's proposal" is unreasonable. This is because the party and coalition use the president for "mediating" instead of submitting their proposal by themselves to the parliament. The responsibility of the candidate for the prime minister to the parliament and the voters has been removed from them and placed on the president (*Letter E/01*, 2000 and *Letter E/51*, 2000). However, Prime Minister N Enkhbayar resolved the issue with an amendment of 2000. Yet, it has become the fundamental reason for institutional dilemmas between the parliament and the president heretofore. He said that this step removed the vagueness of the democratic institutions of Mongolia, and was of great importance in overcoming the institutional dilemmas and getting out of the deadlock (Enkhbayar, 1999, pp. 1–2). Ironically, the main dilemma between President N Bagabandi and the previous Democratic Coalition was used against him again and disrespected by his party and the new MPRP leader N Enkhbayar.

The next provision of the 2000 amendment to the constitution was approved by Prime Minister N Enkhbayar and the MPRP was the provision related to changes in the structure of the government (Table 6.2).

Table 6.2. President's right on the structure and composition of government in the 2000 amendment

Original provisions of the constitution in 1992	Amendments to the Constitution in 2000	The effect of the institutional dilemma
"The prime minister shall, in consent with the president, submit a draft law on the structure and composition of the government, along with amendment thereto, to the parliament" (Article 39.2).	Additional provision: "If the prime minister is unable to reach a consensus on this issue with the president within 7 days, then the prime minister shall submit it to the parliament" (Article 39.2).	The prime minister doesn't need to consent with the president in terms of the structure and composition of the government. In other words, the first part has become an insignificant and empty provision.

Source: The Constitution of Mongolia, 1992 and 2000.

President N Bagabandi expressed his position on this provision that in fact, the president was unable to participate effectively in the formation of the government undoubtedly distorts one of the main concepts of the constitution, which is the separation of powers and the system of checks and balances of the democratic institutions (*Letter E/01*, 2000 and *Letter E/51*, 2000). When the researcher Ch Enkhbaatar wrote about this, the provision turned into an insignificant and empty provision that reduced the powers of the president. In other words, at that time, it was aimed at reducing the power of the president, but it was not aimed at comprehensively solving the dilemmas of the executives (Enkhbaatar et al., 2016, p. 131). Although this time, the unified majority government formed a political practice that had no basis for applying the provision. However, Prime Minister N Enkhbayar changed the provision due to the individual political competition between him and N Bagabandi who wanted to reduce the powers of President N Bagabandi by influencing the parliament due to his over-accumulated powers. In this regard, N Enkhbayar said that the main idea of the change is that if the prime minister submits a proposal to change the structure of the government in the future, there will be no dilemma on the part of the president (Enkhbayar, 1999, pp. 1–2).

The dilemma between President N Bagabandi and Prime Minister N Enkhbayar was tense on the issue of the appointment of the prime minister and the government, but within the framework of the power to give instructions to the government, it was implemented without any dilemma. For example, President N Bagabandi, during his term of office, gave

more instructions in the field of culture and humanity, such as supporting the history and heritage of Mongolians and celebrating historical anniversaries. During his tenure, he gave 22 instructions to the government (ULIS, 2022b). However, the government and the prime minister have been working together without creating any dilemma within the power to instruct the government. For example, they approved the program for the establishment of an international anti-terrorist coalition in the field of the NSC and the armed forces, the development of military construction until 2015, and cooperated in monitoring the implementation of these programs. Also, with the initiative and support of the president, he worked together with the participation of the Mongolian armed forces in UN international peacekeeping operations (Bagabandi, 2004, p. 58).

In this situation of the unified majority government, Prime Minister N Enkhbayar was in the position of the winner-takes-all that essentially won President N Bagabandi by reducing his most important powers concerning the appointment of the prime minister and cabinet structure and composition. Thus, the mandate of President N Bagabandi has become more ceremonial and symbolic. On contrary, Prime Minister N Enkhbayar at that time accumulates all the powers of the parliament and the government within the framework of political practice. Notwithstanding, there was no serious dilemma between N Bagabandi and N Enkhbayar within the framework of the armed forces and the defence sector. President N Bagabandi has actively exercised his powers as the head of national security and the Commander-in-Chief of the armed forces. During this mandate, he changed the secretaries of the NSC twice. In 2003, R Bold was replaced by D Gotov. Additionally, he received a scientific doctorate in political science, the subject of National Security and Foreign Policy (Office of the President, 2015, pp. 140–189). During this time, foreign relations were struggling with the threat of terrorism, so he organized many prevention activities within the framework of the National Security Council, meeting with the leaders of special-purpose organizations and assigning tasks (Bagabandi, 2004, pp. 92–98).

President N Bagabandi was active in power to lead the Commander-in-Chief of the armed forces of Mongolia. It was during his 2001-2005 mandate that he began working to make the armed forces more professional. Because this was the time when activities to prevent the threat of international terrorism were active within the framework of the unified majority government. In the field of armed forces, President N Bagabandi and Prime Minister N Enkhbayar did not cause any dilemmas, but they cooperated with mutual

understanding in terms of including Mongolian military troops in international programs and preventing the threat of terrorism. Within this policy, in 2002, President N Bagabandi approved the program of military development until 2015 (Office of the President, 2015, p. 150). In 2003, Law on the Anti-Terrorism was initiated and approved within the framework of the law-making authority (Bagabandi, 2004, p. 93). The most important policy on the armed forces, he initiated and approved the laws on Military servicemen's duties abroad and in International Organizations. He called this the wind of reform in the armed forces and urged the armed forces officers to work hard (Bagabandi, 2004, p. 58). Within the framework of this policy, since 2003, the personnel of armed forces have been closely cooperating with the United States and the UN to begin participating in the Command Staff School of Military Operations Planning Team, Operation "Iraqi Freedom", the UN program to build the Afghan National Army, and peacekeeping operations in Western Sahara and Congo (pp. 64-67). He encouraged the armed forces that 2003 was a year full of new events for the armed forces. When I met with the President of the United States about the operation of the Mongolian military troops in Iraq, US President said, "more than 700 years ago, Mongolian troops ruled Baghdad. This time, it was the turn of your troops to uplift Baghdad" (pp. 63-64).

Prime Minister N Bagabandi and Prime Minister N Enkhbayar were able to work together without causing any deep dilemma in the field of the common interests of the country, national security and the armed forces, but they clashed more fiercely in the field of media and at the speech of parliament session. One of the signs of this is the speech of President N Bagabandi at the 2004 parliament session. He criticized N Enkhbayar's government for not reducing corruption, unemployment, and poverty, for not supporting democracy, for restricting freedom of speech, and for not developing a free press (pp. 38-39). Politicians from other parties supported him and criticized Prime Minister N Enkhbayar. Politicians led by D Byambasuren, who served as prime minister, also criticized N Enkhbayar and said that a new image of a dictator is emerging (Byambasuren, 2003, p. 92). Also, former Prime Minister M Enkhsaikhan, leader of the Democratic Party, claimed that N Enkhbayar is the godfather of corruption (Enkhsaikhan, 2012). Moreover, it is no coincidence that on January 1 of the 2004 election year, President N Bagabandi criticized parliament and addressed the entire nation to make a "New Choice" (Office of the President, 2015, p. 172). In 2005, when N Enkhbayar started to discuss the issue of changing the name of the MPRP, N Bagabandi sternly said at the spring session of the parliament, "Who doesn't like the name of this party, is there any devil meaning in the name of this party". Finally, he

extremely said his famous political aphorism before the 2005 presidential election, "Prevent the harm that can be caused by a person in a long yellow *deel* – coat[21]" This was said to N Enkhbayar indirectly because of this, N Enkhbayar's reputation extremely fell. Yet, N Enkhbayar won the 2005 presidential election in a rather difficult manner (Munkhbayasgalan, 2010).

6.1.3. Weak Parliament and Strong Prime Minister

After the 2000 elections, N Enkhbayar was elected as a Chairman of the MPRP and Prime Minister and accumulated both legislative and executive powers in his hand. Then, he forcibly amended the 1992 constitution and reduced the powers of President N Bagabandi based on individual behaviourism. However, not only the president's power was reduced, but this change also led to many dilemmas in political practice such as a member of the parliament tried combining with a member of the government, dismissal of the government, attempts to dismiss the government prematurely, and attempts to dismiss members of the government. It was also continued during the next parliamentary terms until today.

In particular, the fact that the members of the parliament have dual duties as a member of the government has become a topic of eternal dilemma. After the 2000 parliamentary elections, the parliament appointed N Enkhbayar as Prime Minister on July 26, 2000. He formed his cabinet with 13 members, four of whom were elected by parliament members (Enkhbaatar et al., 2017, p. 45). This also led to the risk of increasing the political dilemma at that time, so it became one of the grounds for amending the constitution (Table 6.3).

[21] "*Deel"* is a Mongolian traditional costume. At that time, N Enkhbayar wore a long yellow *deel* with a dragon pattern and participated in traditional celebrations. Thus, it was generally understood that the words were referring to N Enkhbayar.

Table 6.3. Dual duty regulation in the 2000 amendment

Original provisions of the constitution in 1992	Amendments to the Constitution in 2000	The effect of the institutional dilemma
"Members of the parliament shall be remunerated from the state budget during their term and shall not hold concurrently any posts and employment other than those assigned by law" (Article 29.1).	"Members of the parliament shall be remunerated from the state budget during their term and shall not hold concurrently any posts and employment other than those assigned by law except for the post of the prime minister and member of the government" (Article 29.1).	The system of checks and balances has been lost completely. The instability of the government was further affected due to this provision.

Source: The Constitution of Mongolia, 1992 and 2000.

President N Bagabandi strongly opposes this provision, and the parliamentarian who is a member of the government defends the government's position and opinion in discussing and resolving the issues submitted by the government and will significantly increase the influence of the government on the legislative activities, which will limit the activities of the parliament. He also said that the parliament will have to monitor the activities of its member ministers, and the control over the government and its members will be significantly worse (*Letter E/01*, 2000 and *Letter E/51*, 2000). However, the parliament of that time could not raise any objection to this additional amendment. Therefore, on behalf of the 72 members of the parliament, the representatives of the opposition gave a voice to the society. One of the brave politicians at that time was former Prime Minister D Byambasuren who addressed a speech at the theoretical and practical conference on "Improving the Institute of the President" held in 2003. He stated that the vast majority of parliament's amendment of the constitution was an illegal decision, and thereby not only the institution of the presidency was insulted but also the Constitutional court too. It is also an approach aimed at concentrating everything in one hand. It is warned that now Mongolia will slip into a situation where the next *Führer* will be born (Byambasuren, 2003, p. 92). In his speech, he was mocking Prime Minister N Enkhbayar as a dictator.

The main reason for criticizing N Enkhbayar in this way is that during the period of a unified majority government, whenever he and his government were not dismissed, there was not any immense dilemma in the parliament. This is because, even though the MPRP won 72 seats, it did not fight strongly against corruption and illegal activities at that time. One of the events that took place during this period was the sudden death of L Enebish, the Speaker of the parliament and one of the influential leaders of the MPRP who opposed Prime Minister N Enkhbayar in the parliament after the 2000 election. It is said that L Enebish, the

most influential man of the MPRP, had an open dilemma with N Enkhbayar. His sudden death is attributed by some to a positional war within the MPRP (Assa News, 2014). Likewise, N Enkhbayar made up his government members from political outsiders who are not well-known in politics leading to the revelation of his corruption cases. Because N Enkhbayar received a large amount of corruption through those ministers. It was clear how the lives of the members of the government are improving year by year. For example, N Enkhbayar's government of the Minister of Education, Minister of Social Security, Minister of Foreign Affairs, and Minister of Infrastructure brought out the cases of corruption and vested interests with facts, which aroused public frustration. At this time, John R Dinger, who was also the US ambassador, said that Enkhbayar's government was too corrupt (Ganbat, 2015). As John R. Dinger said, the Corruption Index of Mongolia was strongly worsening at this time, ranked 85th out of 145 countries in 2004, and 85th out of 185 countries in 2005 (Transparency International, 2004 and 2005).

Although criticizing N Enkhbayar's government, he is accumulating power alone, the cases of corruption and interests are shocking the society and so forth in the free media and newspapers, his government was trying actively in developing the social economy of Mongolia through the stable conditions of the government. One of the results of this was the "Big Debt" to Russia, which was 11.4 billion transferable ruble debt, arising from loans taken from the Soviet Union between 1949 and 1991. The government of N Enkhbayar managed to cancel this "Big Debt" (Enkhbayar, 2005, p. 223). Mongolians have been actively pursuing the issue of suppressing this huge debt since 1990. In 2000, the government headed by N Enkhbayar started to intensively negotiate with Russia about the debt. The Russian side decided in December 2003 that 98 per cent of which was written off, and the rest of 2 per cent which is 250 million dollars must be paid by the Mongolian side by end of the December 2003 (Bayarkhuu, 2016). At that time, Mongolia's economy was very weak to provide 250 million dollars. However, the Democratic Party criticized the government that some countries do not accept this until now. They cancelled 100 per cent of the debts of countries such as Cuba, which owed much more than Mongolia in the negotiation of the "Paris Club". Mongolia has no reason to pay two per cent debt.

On the contrary, the Russians stationed their troops in Mongolia for free for many years and used the world's largest deposit of copper and molybdenum "Erdenet" almost for free, owes it to Mongolia (Ganbat, 2015). President N Bagabandi also said that the foreign

debt, which was equal to 40 per cent of GDP in 1995, increased to more than 80 per cent as of 2002. He was criticized for paying more attention to investment and productivity than aid and loans (Bagabandi, 2005, p. 209). The parliament, which used to praise the government in a communist way, saying that it would support the government and that the government's agenda was a smart document, began to change in 2001. The Speaker of the parliament L Enebish criticized the activities of the parliament, saying that democracy is being violated, the criminal situation is worsening, and that he supports the free press and the freedom to publish citizens' opinions (Byambadorj, 2005, p. 16; Enebish, 2005, pp. 52–53). However, since the sudden death of the Speaker of the parliament, L Enebish, on September 29, 2001, no harsh criticism of the government was spoken in the parliament. However, only President N Bagabandi has sometimes criticized Prime Minister N Enkhbayar and the parliamentary majority.

6.2. The Second Unified Majority Government: Presidential Activism in Accumulation of Powers between 2013 and 2016

The sixth parliamentary election of 2012 provided the Democratic Party with a special opportunity that it was given a chance to form the government second time in the democratic history of Mongolia. Before that, they formed the government in the parliamentary elections of 1996, and it was mentioned in the fourth chapter that cohabitation caused considerable difficulties and dilemmas for them. After this election, the presidential election held in 2013 was also decided in favour of the Democratic Party, and Ts Elbegdorj was elected president for the second term.

The 2012 parliamentary election was held for the first time in a new legal environment using a mixed election system both majoritarian and proportional. N Luvsanjav, Chairman of the GECM (2012) announced the results of the 2012 election that “11 political parties and 2 coalitions have expressed their participation in the elections to the parliament, and they have been registered and approved by the General Election Committee. 544 citizens were registered as candidates for the parliament elections, of which 354 candidates were registered in 26 constituencies, 190 candidates were registered on the party and coalition lists, 26 were individual candidates, and 174 were female candidates. The result was reported that in the 2012 parliamentary election, 25 members from the MPP, 31 from the Democratic Party, 2 from the MCWGP, 11 from the “Justice” coalition of the New-MPRP and New-MNDP, and

3 individual candidates were elected as members of the parliament (Luvsanjav, 2016, pp. 5–6). There were 9 women which was 11.8 per cent of the MPs, which is a significant improvement from previous elections. The GECM report on the results of this election has created doubts in society that the MPP, which was in power from 2008-2012, is going to rig the elections. Why are you going to approve the mandate of 72 members from the total of 76 MPs? Questions were raised in the community as to why the other 4 member constituencies remained controversial. Finally, after the controversial issue of 4 members was resolved, the Democratic Party became 34 and the MPP 26 members of the parliament.

Next year of the parliamentary election, the sixth presidential election of Mongolia was held in 2013. In terms of previous elections, P Ochirbat in 1993, N Bagabandi in 1997-2001 and 2001-2005, N Enkhbayar in 2005-2009 and Ts Elbegdorj 2009-2012 were popularly elected in the presidential elections of Mongolia. The fourth president Ts Elbegdorj won in the 2013 presidential election as the president in his second term, nominated by Democratic Party GECM announced on June 28, 2013, that Ts Elbegdorj, the candidate of the Democratic Party had 622,794 voters, or 50.23 per cent of the total number of voters who participated in the election, B Bat-Erdene, the candidate of the MPP, had 520,380 voters, or 41.97 per cent of the total number of voters who participated in the election. N Udval, nominated by the New-MPRP, received 80,563 votes, or 6.50 per cent of the total number of voters who participated in the election (Sodnomtseren, 2016, p. 146). One of the stimulating events was that N Udval was the first female candidate in the presidential election history of Mongolia.

As a result of the parliamentary and presidential elections, the Democratic Party was involved in the situation of a unified majority government for the first time. Likewise, from this period, the president actively participated in the activities of the legislative and executive powers and then began dilemmas to contradict them. Therefore, this section will be discussed dilemmas in the relationship between President Ts Elbegdorj and the parliament and the government, as well as the main dilemmas between the parliament and the government.

6.2.1. Democratic President Ts Elbegdorj vs Democratic Parliament

A frequently discussed topic after each election is the question of constitutional change. This is because the 1992 constitution was submitted to the parliament four times until 2015. The first two amendments were introduced in 1999 and 2000 and were seriously

influenced by provisions that reduced the powers of the president. For example, the president's proposal for the appointment of the prime minister and the dismissal of the prime minister was changed to the different regulation that the president needs to submit his or her proposal to the parliament within five days. It added a time limit of five days to the proposal, which was criticized in the political sphere that the main power of the president has become an obligation rather than a power (Enkhbaatar et al., 2017, p. 38). After that, in 2011 and 2012, a working group on the amendment of the constitution was established and the issue of the amendment of the constitution was submitted to the parliament, but it was not discussed (State Ikh Khural, 2022). However, during the period of the unified majority government in 2015, some members of the parliament initiated a working group to develop amendments to the constitution and submitted them to the parliament. The contents of the amendment proposed by the working group were to increase the number of members of parliament from 76 to 99 and to change the one-chambered parliament into two chambers. President Ts Elbegdorj also did not support the constitutional draft submitted by members of the Democratic Party, which has a majority seat in the parliament. He disagreed with the ruling Democratic Party and opposed it together with the opposition MPP regarding the amendments to the constitution (Zaya, 2022).

However, he actively initiated laws and issued decrees. Some of the laws initiated by him were debated in the parliament and rejected that activating dilemma between the president and the parliament. He initiated a total of 35 laws during his mandate from 2013 to 2016. Of these, 8 laws were approved, 4 were withdrawn, 5 were returned, 14 were approved for discussion, and 4 were not decided whether to be discussed or not by the parliament (Office of the President, 2016, p. 88). Analysing these laws in dilemmas, there were laws covering some issues within the scope of the parliament's powers. For instance, the laws under restrictions and have been withdrawn such as the Law on the Government, the Law on Citizenship of Mongolia, the Law on Political Parties, the Law on Permanent Neutrality Position of Mongolia in International Relations, the Law on the Responsibility of Elected and Appointed High Government Officials, the Freedom of the Press, and the Law on Public Enterprises Laws. It is shown that parliament didn't want the transfer its powers to the president, especially to form the government and approve some laws related to it (Office of the President, 2021). Among these laws, the law of permanent neutrality position of Mongolia was met with a lot of support and opposition due to the great uproar in the society. In the end, the parliament refused to approve it. Moreover, during his term of office

from 2013 to 2017, he approved a total of 26 decrees in which there were no dilemmas in the implementation of all of these decrees (ULIS, 2022a). These decrees include approving policies, giving directions to the government, celebrating anniversaries, approving medal regulations, approving police court regulations, and making changes to the selection of judges. These approved decrees did not create any inter-institutional dilemmas.

Although the president did not support the amendment of the constitution initiated by members of the Democratic Party and was in dilemma with the parliament within the scope of his mandate to initiate laws. He spent his term of office with relatively few dilemmas in terms of veto power. President Ts Elbegdorj vetoed the decision of the parliament four times during his term of office from 2013 to 2017, the parliament accepted three vetoes and rejected one. Analysing these vetoes, the Mongolian Naadam Festival Amendment Act was vetoed on July 8, 2013, after the president was re-elected in 2013. He took the position of modernizing the Naadam Festival in line with international standards and taking into account current development trends.[22] Therefore, the entire law was vetoed, and it was considered necessary to change the content of the Naadam Festival to comply with international standards, get the opinions of professional organizations, and discuss it with all the people of Mongolia (*Letter E/04*, 2013). The parliament accepted the veto and did not create a dilemma. The second veto is a partial veto of some provisions of the Amnesty Law in the context of the 25th anniversary of the establishment of a permanent parliament and the first democratic election in Mongolia on August 17, 2015. In the veto, it was partially vetoed because it included several conditions that don't meet the amnesty condition such as bribery, abuse of power by public officials, illegal enrichment, and misappropriation of public funds. These issues must be included in the conditions of non-amnesty (*Letter E/19*, 2015). The parliament accepted the veto. It was at this time that President Ts Elbegdorj publicly demonstrated his active fight against corruption and high-level officials' crimes and was called the secret owner of the reason for the imprisonment of the third President, N Enkhbayar. The corruption index of Mongolia was ranked 120th in the world in 2009, the

[22] The Naadam Festival is a summer festival of the Mongolian nation and a triathlon sports competition. These are national wrestling, national archery and horse racing. Since 1990, the MPP and the Democratic Party have been at the dilemma in terms of name of the Naadam Festival. The communist name of the People's Revolution Anniversary Festival, which began in 1921, was changed after the Democratic Party won the 1996 parliamentary elections. They celebrated the 790th anniversary of the founding of the Mongol State. In 2006, it was celebrated as "the 800th anniversary of the establishment of Great Mongolia". As of 2015, Naadam Festival has been named together with all its historical anniversaries. For example, since the year of the unification of the Hun States, the festival has been collectively called "2224 years of the Hun State, 809 years of the establishment of the Great Mongolia State, and the 94th anniversary of the People's Revolution.".

last year of N Enkhbayar's presidency. However, after Ts Elbegdorj was first elected as the president, it continuously decreased from 2009, and in 2015, it ranked 72 out of 167 countries (Transparency International, 2009 and 2015). The third veto was vetoed on August 17, 2015, on Parliament Resolution No. 94 of 2015 on the establishment of Administration Courts. According to the veto, the cost of the newly established Administrative Court of Appeals was not approved in the 2016 budget, so it is being vetoed because it will cause difficulties in the continuous and normal operation of court activities (*Letter E/23*, 2015). The parliament also accepted the veto on this resolution. But his last veto was on September 16, 2016, Parliament Resolution No. 26 of 2016 on the Returning the Laws included Law on Criminal Procedure, Law on Law Enforcement, Law on Prosecutorial Organizations, Law on Execution of Court Decisions, and Laws on Domestic Violence. He said that he is vetoing the resolution because it violates the principle of rule of law, undermines the continuity of the state, and sets a wrong precedent. However, this period was the last year of his second term and interim, and the parliamentary elections were held and the MPP won in 2016. Therefore, the parliament did not consider it necessary to accept his veto (*Letter E/18*, 2016).

Since his re-election in 2013, President Ts Elbegdorj's activity in relations with the parliament has weakened a little. He did not attend the 2013 fall session and the 2014 spring session of parliament. Thus, he started participating in the autumn session that opened on October 1, 2014, and the spring session that opened on April 6, 2015. However, he did not participate in the autumn session that opened on October 1, 2015. After that, he participated in the opening ceremony of the regular spring session on April 5, 2016 (Office of the Parliament, 2016). This session was unique in that it was the last session of the 2012-2016 parliamentary mandate. This is because Article 33.3 of the Constitution of Mongolia states that “The president can attend the parliament session at his pleasure”. Therefore, the president of Mongolia participates in the opening of the session and other sessions according to his basic mandate (Article 33.3). During the mandate of this parliament, there were years when he supported mining, railway and infrastructure projects and actively worked on reducing corruption. The parliament also worked hard to solve main mineral resources projects and infrastructure investments. First, Oyu Tolgoi, one of the five largest and leading factories in the world has been established and is operating in South Gobi. 3,000 people work, 95 per cent of whom are Mongolians. These young people are working energetically by mastering the world's best techniques and technologies. “It produces the copper concentrate labelled “Made in Mongolia” and is packaged and exported to China. Since the

Mongolian government has solved all the problems related to open-pit mining during the 2012-2016 parliamentary mandate. They requested that the investors need to take loans and operate the underground mine.

Second, the 2012-16 parliament solved another big infrastructure project that the Tavantolgoi-Gashuunsukhait railway line is in full swing. In 2011, the National Security Council decided that the Tavantolgoi-Gashuunsuhait railway should be owned by a state-owned company, based on the requirements and goals of the Law on Railway Transport, National Security, Economic Security, and the establishment of a national railway network. The government should implement this decision (Enkhbold, 2015b). But President Ts Elbegdorj supported the parliament's decisions rather than criticising the activities of the parliament, because, for the first time, there was an opportunity for the democratic parliament and the democratic president to work together. Therefore, during the mandate period of this parliament, due to the failure to appoint a prime minister, there was no proposal to dissolve the parliament, the president's speech calling for the dissolution of the parliament or any action.

However, President Ts Elbegdorj worked in dilemma with the previously divided government from 2009 to 2012, he is the president who was able to use the full power of appointment most actively during the divided government situation. During his first term, although he was critical of the functioning of the parliament, he was able to cooperate with the parliament to a reasonable extent. For example, judges of the Supreme Court, the State Prosecutor General, the deputy prosecutor, the head of the IAAC, and even Prime Minister S Bayar have started to submit their resignations themselves. This was criticized by the president, saying that the parliament had spread the wording of the petition differently. The society also perceived the issue as part of the dilemma between the president and the parliament (VIP76 news, 2012b). During this unified majority government, Ts Elbegdorj did not take an active part in the appointment of the Supreme Court, Prosecutor, IAAC leaders, and ambassadors, and the above-mentioned high-level officials who were appointed during the previous term of office continued to do their work. However, for the president, the appointment of judges, which received a lot of criticism from the MPP minority in the parliament, created a lot of frustration and political dilemma in the society. There have been several cases in which the president has not always followed the law when exercising his powers to appoint judges. President Ts Elbegdorj dismissed almost all judges of the first and

appeal courts by Decree No. 198 dated December 18, 2013, and when re-appointing them by Decree No. 199 of the same day, he not only transferred some judges to other courts without his consent but also left 12 judges without an appointment at all.

After that, on June 19, 2015, in connection with the approval of the revision of the Law on the Establishment of Courts, President Ts Elbegdorj resigned and was named judge by Decree No. 110 on June 30, 2015. According to Decree No. 111 of the same day, when the dismissed judges were re-appointed as judges and justice of the courts of first instance and appeal, one judge was left unappointed (Enkhbaatar et al., 2019, pp. 63–64). Although it is said that the judges were dismissed in connection with the reorganization of courts, the constitution does not provide such grounds for the dismissal of judges, and it is a serious violation of the constitution. This is because Article 51.4 of the Constitution states: "It is prohibited to dismiss a judge of any level of court, except for dismissal based on the grounds specified in the constitution and the Judiciary Law, or by a valid court decision" (Article 51.4). However, the judges themselves and the parliament have been suppressed and disappeared as no one raised this issue and causing a dilemma. However, the opposition MPP protested and demanded that the president stop the illegal actions affecting the court. But the decision was forgotten by everyone after a momentary argument as a political dilemma in society.

6.2.2. Democratic President vs Democratic Prime Minister

The relationship between the president and the parliament during the unified majority government focused on resolving mineral resources and infrastructure projects to develop the country's economy, where the relationship was in less dilemma and more cooperation, but it influenced the complicated relationship between the president and the government. This is because the president is accumulating power as much as possible, actively participating in the activities of the executive power, and creating a dilemma with the government. The main dilemma of this unified majority government started with the appointment of a new prime minister after the 2012 elections. The politician who led the Democratic Party to victory in the 2012 parliamentary elections was N Altankhuyag, Chairman of the Democratic Party. That's why after the parliamentary elections, he was appointed as prime minister. At that time, President Ts Elbegdorj also supported the proposal to appoint him as a prime minister and started working by consensus. However, after Ts

Elbegdorj was re-elected as the president in 2013, he started dismissing N Altankhuyag from the post of prime minister. Thus, the opposition together with the MPP dismissed the government of N Altankhuyag on November 5, 2014. President Ts Elbegdorj said in an interview with the press that N Altankhuyag is a self-dismissed person. He was involved in many corruption cases, one of which was a case of coal corruption. Thus, he has requested his resignation due to his corruption scandals (Elbegdorj, Interview, 2018).

Then, N Altankhuyag sued President Ts Elbegdorj for lying and defamation. On August 28, 2019, the court of first instance of civil affairs ordered N Altankhuyag to refute the amount of information that defamed his honour, fame, and political reputation and ordered Ts Elbegdorj to pay one million MNT to N Altankhuyag (Uuganbayar, 2012). N Altankhuyag said that our government was dismissed on November 5, 2014, and then the unofficial divided government, the "MANAN government" was formed by the faction of Ts Elbegdorj in the Democratic party and the MPP. Both President Ts Elbegdorj and M Enkhbold, the Chairman of MPP have dismissed our government to establish a "MANAN government". Although the new Prime Minister was Ch Saikhanbileg, the owners behind it turned into the government of President Ts Elbegdorj and M Enkhbold of the MPP. They are mafia-style oligarchic groups, involved in a lot of corruption and profiteering cases, and started to drag us into an unfair tunnel (Altankhuyag, 2022a). Moreover, I did not go for democracy, where Prime Minister N Altankhuyag must obey Ts Elbegdorj, and if he does not obey his word, he goes to jail. Democracy with only two options cannot exist in Mongolia. He said that he would not give up and fight even if he was put in prison. He continued that Ts Elbegdorj is the person who intimidated and harassed 15 members of our government by using the right of the appointment of court, prosecutor and anti-corruption department. It was reported that I was also pressured to submit the resignation petition by myself (Altankhuyag, Interview, 2016). This dilemma revealed to society how President Ts Elbegdorj pressures competitors or oppositions the resignation petitions which were presented differently such as by themself. This is after President Ts Elbegdorj was elected for his second term in 2013, and Prime Minister N Altankhuyag resigned after one and a half years due to intra-executive dilemmas which were supported by the president.

After that, the proposal to appoint Ch Saikhanbileg as the Prime Minister was made by the Democratic Party, and President Ts Elbegdorj agreed without hesitation and appointed him as the Prime Minister on November 21, 2014. From this time, President Ts Elbegdorj

secretly managed the government of Prime Minister Ch Saikhanbileg. The two also worked well together and managed to organize the 11th ASEM High-Level Meeting on July 15-16, 2016, in Mongolia. As the host country of the high-level meeting, the 9th meeting of the Asia-Europe Parliamentary Partnership, the dialogue of Asia-Europe academics and the meeting of the Senior Officials of ASEM will be held in the framework of the task of reviewing the activities of ASEM over the past twenty years and defining the map for the future ten years. During this period, Prime Minister Ch Saikhanbileg worked until the end of his mandate without any dilemmas and handed it over after MPP won the 2016 elections. The MPP government, which was established in 2016, and new President Kh Battulga (2017-2021) started an investigation against him, so Ch Saikhanbileg left Mongolia and lives in the United States. He continues to express his views by warning about the establishment of a one-party dictatorship and one-man dictatorship in Mongolia and to make people aware of the desertion of Mongolian democracy, which was called the "Oasis of democracy" internationally (Saikhanbileg, 2021).

Although the Democratic Party had a chance to govern during the 2012-2016 parliamentary term, the internal dilemma between President Ts Elbegdorj and Prime Minister N Altankhuyag reached its peak. Then, it was influenced to dismiss the democratic government on November 5, 2014. From this time, the dilemma between N Altankhuyag and Ts Elbegdorj continued even during the term of office of the next President Kh Battulga, who was elected from the Democratic Party. In the case of N Altankhuyag, Ts Elbegdorj interfered in the activities of the government by using the powers of the president, especially the powers related to the appointment of courts, prosecutors, and anti-corruption agencies. He even organized the dismissal of 15 members of our government by intimidating them with the appointment of these organizations. He became the head of the unofficial government to gain more power and appointed Ch Saikhanbileg as the Prime Minister and made press releases saying that he was leading behind him (Altankhuyag, 2016).

However, President Ts Elbegdorj did not make any proposal to officially dismiss the two governments established by the Democratic Party or formally dismiss the members of the government. However, through the mutual statements and press interviews of Prime Minister N Altankhuyag and Ts Elbegdorj, it became clear that the government of N Altankhuyag of the Democratic Party resigned because of pressure from the forces appointed by President Ts Elbegdorj. He revealed the method of forcing N Altankhuyag to submit the

claim that he is implementing during his term of office and won a court victory. He also said that Ts Elbegdorj has all the powers of the appointment of Supreme Courts, Prosecutors, IAAC and the armed forces. Prime Minister N Altankhuyag said while Ts Elbegdorj was a young man, he used to write poetry as a reporter but now he turned into a crime writer. Also, President Ts Elbegdorj used to ask me about the issue of allowing the two-billion-dollar surplus that had already arisen in Oyu Tolgoi. It was impossible to allow a two billion surplus for my government and will be a big mistake. That's why I said no. Later, Ch Saikhanbileg's amendment to the Oyu Tolgoi Agreement which was also called the Dubai Agreement was an agreement that allows for this in its content. Ts Elbegdorj had accumulated all powers and had already become the king. Because of all this, I was dismissed by the intervention of President Ts Elbegdorj (Altankhuyag, 2022b).

Although President Ts Elbegdorj during his previous presidential term of 2009-2013 participated relatively little in the activities of the government. This also depends on the situation of the divided government formed by the MPP. However, the situation in which the Democratic Party formed the unified majority government created conditions for President Ts Elbegdorj actively participates in the activities of the government. A presidential power that is rarely found in parliamentarism or semi-presidentialism is the power to instruct the government. Through this power, successive presidents have made decisions as the head of executive power to participate in the activities of the government. On the other hand, according to the Law of the Government, the power to give this instruction shall come into force upon the signature of the prime minister. The president may participate in the cabinet meeting and express his opinion, and if he gives instructions to the government on issues within his power, the draft decree shall be submitted to the prime minister (Article 27.3, *Law on the Government*, 1993). President Ts Elbegdorj gave 17 instructions to the government during his mandate (ULIS, 2022a). The number of these instructions is marked differently in some sources, probably due to the records being kept separately in the Office of the President and the ULIS-legal information system.

Analysing these instructions, there was no dilemma of the prime minister's refusal to sign in opposition to the government. However, the dual executive form has already emerged, and the situation was observed as if there were two prime ministers. For example, the activities that can be implemented within the scope of the executive power include improving the lives of the poor, educating students in the world's best universities,

celebrating the 25th anniversary of the adoption of the constitution, and moving from a big state to a smart state. In addition, the instructions given verbally to Prime Minister N Altankhuyag were revealed as part of the dilemma of these two officials. These are the main reasons for the dilemma between the two officials: the president is responsible for all mining issues of Erdenet mining state-owned company, and the government will solve the two billion dollars of Oyu Tolgoi's overinvestment (Altankhuyag, Interview, 2018). According to Prime Minister N Altankhuyag, President Ts Elbegdorj's struggles to obtain full executive power used his appointments in law and judicial institutions to interfere in the activities of his government, and he was subsequently dismissed. After his removal, he claimed that pure presidentialism was born as a person with as much power as the emperor. As for Ts Elbegdorj, N Altankhuyag was involved in many cases of corruption and conflict of interest and was being investigated by the court and prosecutor's office. He said that he had no choice but to resign and asked me to resign. However, it was proved by the court that President Ts Elbegdorj's statement was false, and a court decision was issued to apologize to Prime Minister N Altankhuyag (Uuganbayar, 2012).

Another indication of President Ts Elbegdorj's active participation in the government was that he had full power to manage the NSC and appoint its secretary. During his previous term of office, he used the powers of the NSC very well and appointed Ts Enkhtuvshin as General Secretary. This time, the General Secretary of the NSC has been left unchanged. During his previous mandate, the sector in which he actively used the NSC was the Mineral Resources Sector. For example, the activity of issuing new exploration licenses for mineral resources was stopped based on the decision of the NSC (Altantuul, 2010). As a result, the parliament passed a law that stopped the issues of new mineral exploration licenses for a year, which was a negative decision for the government to attract foreign investment and reduce economic turnover (*Law on Prohibition of New Licenses for Mineral Exploration*, 2010). He also influenced the activities of the government by discussing the issue of the *Chinggis bond* taken by N Altankhuyag's government by using the power of NSC (Office of the President, 2015, p. 303).

Another field of President Ts Elbegdorj was very active as the Commander-in-Chief of the armed forces. However, no action has been taken regarding the use of the armed forces in the dilemma of political institutions. He supported the armed forces independently of the Ministry of Defence. It caused misunderstandings and small dilemmas with the government.

For example, the armed forces have been actively involved in the UN's peacekeeping activities. They have been given more ranks than the employees of the Ministry of Defence, and the Ministry of Defence has complained that the Ministry of Defence is considered a lower level rather than its agency of the General Staff of the Armed Forces. Therefore, the president has been able to use the powers of the armed forces very well. Ts Byambajav, who was appointed as the Chief of the General Staff of the Armed Forces in 2009, suddenly resigned at his request in 2015, and D Davaa was appointed instead (Davaa, 2015). This is the traditional approach of Ts Elbegdorj since elected as the president, some high-level officials wrote the resignation petition by themselves. It was actively criticized by Prime Minister N Altankhuyag. Moreover, during that time, one of the dilemmas affecting the institutions of the president and the government was the dilemma of giving too many general titles to the officers of the General Staff of the Armed Forces within the scope of the mandate to award awards and titles (Uuganbayar, 2019). This means that the armed forces were in constant readiness as a means of protection to fully use their power in any situation.

However, one of the factors that clearly showed the dilemmas between the president and prime minister was their speeches in the parliament. During President Ts Elbegdorj's previous mandate, criticized the government for using mineral resources, fighting corruption, and railway issues. As for him, he started actively criticizing the government and the work of the prime minister in April 2013. During the second unified majority government, the government action was criticized to reduce the economic growth per year from 18 per cent in 2011 during the previous MPP government to 10 per cent in 2012 and the amount of foreign investment has decreased by more than 60 per cent (Boldbaatar et al., 2016, p. 250). He also criticized the increase in corruption during the government of N Altankhuyag. He said that dozens of mineral licenses have been sold even though it was forbidden. However, N Altankhuyag and the Democratic Parliament cancelled the law on issuing new exploration licenses. It was a main negative impact on the Mongolian economy and was initiated by President Ts Elbegdorj. Moreover, Prime Minister N Altankhuyag announced that additional Laws on Investment and Investment Funds are being issued to support foreign investment (p. 227). From this time, the dilemma between Ts Elbegdorj and N Altankhuyag was revealed, and in the end, N Altankhuyag was dismissed on November 5, 2014.

After the dismissal of Prime Minister N Altankhuyag, Ch Saikhanbileg was appointed as the Prime Minister on November 21, 2014 (p. 480). Before Ch Saikhanbileg was appointed, he was the Chief of the Cabinet Secretary of the government of N Altankhuyag and is known as the prime minister ordered and supported by President Ts Elbegdorj. After Ch Saikhanbileg was appointed as the Prime Minister, President Ts Elbegdorj almost didn't criticize government activities and just supported his government during his speeches. For instance, he addressed a speech in the parliament on January 09, 2015, that I told Prime Minister Ch Saikhanbileg to reduce the area of the rooms of the members and ministers and set them as $16m^2$ room area as China does. Ts Elbegdorj said that I also see the government of Ch Saikhanbileg as a government established to support the producers and so forth (pp. 292-294).

6.2.3. Dilemmas between Parliament and Prime Ministers

The victory of the Democratic Party in the parliamentary elections held in 2012 with a mixed system caused a lot of hope among the citizens. Because in the previous two parliamentary elections, the establishment of a divided and divided minority government between the Democratic Party and the MPP, the idea of a political party in the society was no longer there, only the formation of the oligarchic group called MANAN, a joint party of the Democratic Party and MPP, became the main topic of political dilemma in Mongolia for a total of eight years. This is because former President N Enkhbayar was imprisoned in 2012 for corruption, which put Mongolia's political dilemmas in a very complicated situation. N Enkhbayar announced that leaders of the oligarchic group MANAN and President Ts Elbegdorj used the courts and prosecutor's offices appointed by his decree to put me in prison (Enkhbayar, 2019). At the same time, the dilemma for executive power between the Prime Minister and the Chairman of the Democratic Party N Altankhuyag and former Chairman of the Democratic Party and President Ts Elbegdorj. At that time, N Altankhuyag led the Democratic Party to win the 2012 parliamentary election and contributed to the instability of the government and formed their government after more than two years. In all these events, N Altankhuyag also stated that President Ts Elbegdorj's MANAN and its judges of courts and prosecutors have ordered the dismissal of our government for committing illegal and fake crimes (Enkhbayar, 2019). However, President Ts Elbegdorj stated that N Enkhbayar went to prison and N Altankhuyag's government was dismissed because of his

corruption cases (Elbegdorj, 2012; Uuganbayar, 2012). It was the main dilemma in political practice at that time.

Thus, previous sections discussed the institutional dilemma between the president and parliament, and between the president and the prime ministers and their governments. Rather, this section will consider dilemmas between the parliament and the government. In detail, it will be analyzed that the member of the parliament combines with members of the government which brings more dilemmas in institutional design, the state of dismissal of the government, the attempt to dismiss the government, and the members of the government as well as addressing criticizing speech on the government activities. After the election of 2012, the new Prime Minister N Altankhuyag formed his cabinet which consisted of 19 ministers and 17 of them were members of the parliament. Due to previous dilemmas of combining members of parliament and government, the constitutional provision was changed in 2000, when the MPP was in the majority, by commenting on the constitution so that a member of parliament can be a member of the government (Article 29.1). At that time, the Democratic Party did not refuse because first, they initiated this amendment to the 1992 constitution. However, the Constitutional court concluded that this standard was against the constitution, and until now, the parliament and the government have been in dilemma with the two institutions. Before every political election, the political forces promise to stop the dilemma of combining with the parliament and government members. But after the government formation, the dilemma was created again. In any case, Prime Minister N Altankhuyag, who managed to appoint 17 members from the parliament out of 19 members of his cabinet, set a record that simultaneously, the biggest number of MPs combined with members of the government in the history of the government since 1992 (Enkhbaatar et al., 2017, p. 45).

However, since the establishment of his government, he has been criticized based on this issue. In other words, the opposition MPP and President Ts Elbegdorj were the main critics of the legislative body becoming incompetent when a member of parliament was appointed as a member of the government. The president started talking about the need to appoint a member of the government from outside (Tusgal News, 2016). What is interesting is that when President Ts Elbegdorj was the Prime Minister twice, in his first cabinet, 10 out of 10 members were appointed 100 per cent in 1998, and in his second cabinet, 13 out of 18 members were appointed from members of parliament in 2004. However, this dilemma also occurred when the government of N Altankhuyag resigned and the new Prime Minister Ch

Saikhanbileg formed the cabinet in 2014. On the other hand, when Prime Minister Ch Saikhanbileg formed his cabinet on December 4, 2014, he reduced 10 of the total 19 ministers by appointing them as dual members of parliament and government, yet, while on September 8, 2015, 14 of the 19 ministers held dual positions in his cabinet (Enkhbaatar et al., 2017, p. 45). This dilemma then turned into a competition between members of parliament to become a minister, and it turned into a dilemma between members of parliament who opposed the members who joined the government and warned them not to do dual positions. Since this issue has been a dilemma between institutions for a long time, on March 15, 2016, President Ts Elbegdorj introduced the bill to prohibit MPs from holding any ministerial office simultaneously. However, the draft of the law would be implemented from the date of appointment of the head of the government formed as a result of the 2016 parliamentary elections. But this law was not approved and discussed in the parliament between 2012 and 2014.

During the government of N Altankhuyag, the economic situation in Mongolia worsened, and the 17 per cent annual growth in 2012 came to a standstill. This was the first time that the president initiated the suspension of the special mining exploration license, and the parliament passed a law in support of it. Therefore, N Altankhuyag issued “Chinggis bonds” and took large loans from international organizations.[23] The issue of Samurai bonds after Chinggis bonds became the main target of parliamentary criticism of his government.[24] Five months after the government of N Altankhuyag issued the Chinggis bond, some members of the parliament proposed to dismiss N Altankhuyag. So, on April 18, 2013, 25 members led by MPP parliamentary group leader N Enkhbold initiated the proposal to dismiss Prime Minister N Altankhuyag. In the proposal made by the MPP, N Altankhuyag himself admitted that he did not appoint the governors of the MPP who won the local elections in violation of the constitution and appointed temporary deputies. Also, due to discussing the “Chinggis bond” without doing any research and making a decision by misleading the parliament, Mongolia now has an interest debt of more than 38 billion MNT.

[23] The long-term debt or bond issued by the Government of Mongolia on November 28, 2012, in the international market is called "Chingis Bond". The bond will be a total of 1.5 billion US dollars in bonds listed on the Singapore Stock Exchange. Chingis Bond were traded with interest rates of 4.1-5.1 per cent.

[24] Samurai bonds are Japanese Yen-denominated bonds issued by legal entities, governments, and international organizations of other countries on the Japanese market. In other words, it is a bond or debenture issued by the government or organization of any non-Japanese country for the purpose of attracting capital to the country's market. The Development Bank of Mongolia traded "Samurai" bonds on the Japanese market on December 16, 2013. The term of the bond is 10 years and the interest rate is 1.52 per cent. 30 billion yen is equivalent to about 600 million US dollars

I believe that this is against the interests of Mongolia. Therefore, MPP in the parliament is organizing the dismissal of the Prime Minister as he is unable to do his job. The most important thing is that this decision is focusing on only Prime Minister N Altankhuyag who is the main problem. The government can continue its activities normally. It is stated that only N Altankhuyag cannot work and that he is conducting state affairs in a disorderly manner, so he should be held personally responsible (MPP, 2013). However, the parliament discussed the issue and decided that there is no need to dismiss it. N Altankhuyag. However, the government of N Altankhuyag was dismissed on November 5, 2014. Prime Minister N Altankhuyag continued to accuse the MPP and President Ts Elbegdorj of organizing this conspiracy (Altankhuyag, 2018).

Along with the attempt to dismiss the government and the issue of the dismissal of the government, the attempts of the members of parliament to dismiss two members of the government were discussed during the 2012-2016 parliamentary mandate. MP S Byambatsogt, a member of the MPP, proposed the dismissal of Minister of Economic Development N Batbayar and Minister of Finance Ch Ulaan on December 24, 2013 (Altan-Od, 2013, pp. 2–3). A member of parliament S Byambatsogt addressed that in 2012, the economic growth of Mongolia was 17.0 per cent, but this year it decreased to 11.0 per cent. In 2011, the GDP per person was 3459.0 USD. 3342.0 USD in 2012 and expected performance in 2013 will decrease to about 2800.0 USD. The Minister of Economic Development, N Batbayar, hastily sold 1.5 billion USD Chinggis Bonds without any reasoned value-adding projects, and until today, more than 600 million USD are lying unspent and paying interest. However, the government has lost the opportunity of 800.0 million dollars of discounted loans from the governments of China and the Republic of Korea for a period of 20 to 35 years for the first 7 to 10 years, as well as loans from the World Bank and the Asian Development Bank for a total of 1.1 billion dollars. However, Finance Minister Ch Ulaan neglected his obligations under the Law on Government and the Law on the Budget, creating the conditions for uncontrolled spending of bond funds without including them in the state budget, and the contracts, deals and activities related to government guarantees, loans, and all kinds of financial obligations secured by the budget revenue of the Budget Law. He said that the provisions of the law that include in the budget and that the resources created by debt are used to finance the programs, projects and measures approved in the budget were seriously violated (pp. 50-8). However, at the

meeting, Minister of Economic Development N Batbayar and Minister of Finance Ch Ulaan were retained without dismissal.

The main feature of this parliament was that the Democratic Party, having learned from the cohabitation of 1996-2000, followed the policy of keeping the government as stable as possible. Because the situation of a divided government in the previous two parliamentary elections made the government the most unstable, and even citizens were very upset in terms of unstable situations of semi-presidentialism. Investors also expressed their opinions that if your government's policy is more stable, there are more opportunities to cooperate. Therefore, the parliament was pressing the government not only to keep it running but also to speed up its mineral resources and infrastructure projects. In terms of amendments to the Law on Mineral Resources, exploration licenses that have been frozen for many years will be issued again in particular areas. Moreover, it was necessary to urgently approve the Law on Glass Accounts, which is important for the efficient spending of public funds at all stages of the public service's activities and for ensuring openness and transparency (Enkhbold, 2014, pp. 5–6).

They also pressured the government to improve the contract for the use of the Tavan Tolgoi deposit, which is the key importance for the recovery of the economy. There was no agreement on the 30-year contract, extension for another 30 years, and 1,072 shares owned by whole citizens, and if the contract is cancelled after the contract is signed, the Mongolian side is obligated to pay the profit that Xinhua Company would have earned in 30 years. When concluding the contract, the Mongolian side did not receive any external legal or financial advice, but the investor side received services from internationally renowned companies such as "Deloitte" and "KPMG". In addition, the government should urgently stop the indiscriminate firing of civil servants (Enkhbold, 2015b, pp. 7–5). Besides these criticisms of the government, the parliament has been supporting the government's activities and has increased the customs duty on some imported goods as a government policy to protect the domestic market. With the financing of "Chinggis Bond", the policy of developing national production, energy and infrastructure was effectively implemented, and the negative impact of the sharp drop in world commodity prices was neutralized. There were many good examples such as the Law on Glass accounts which supported transparency of the government organization in terms of spending their budget for purchasing goods and public-private partnership activities (Enkhbold, 2015a, pp. 5–6).

6.3. Conclusion

In terms of the Mongolian case, a unified majority government was established twice and both cases occurred during the ruling of the MPRP and the Democratic Party. The first case occurred from the 2001 to 2004 presidential term and the 2000-2004 parliamentary mandate. The last case occurred during the 2013-2016 term of office of the president and the term of the parliament.

First, the unified majority government was formed when the MPRP was in power, the main dilemmas were caused between the president and the parliamentary majority, and the president and the government. Dilemmas between the president and the parliamentary majority were 19 during a unified majority government. The main dilemmas were the amendment of the constitution, presidential vetoes, initiating laws, the appointment and dismissal of state officials, criticizing the activities of the parliament, and proposing to dissolve the parliament. There were 15 vetoes against the parliamentary majority. It was caused by the dilemma between President N Bagabandi and Prime Minister N Enkhbayar due to reducing presidential powers by the 2000 amendment to the constitution. Then, Prime Minister N Enkhbayar took advantage as a winner-takes-all based on his partisan role. However, there were no dilemmas within the scope of issuing decrees and appointments in the particular power. The dilemma between the president and the prime minister continues at the level of the government. There were only two dilemmas concerning the presidential right of the appointment of the prime minister and criticising the prime minister's policy. Moreover, the president's consultation right on the government structure and composition was turned into a "duty". The president did not agree with the 2000 amendments and strongly objected to the appointment of a certain date. Therefore, he criticized the activities of the prime minister and the government in the parliament and in the press interviews, which put the MPRP in a very difficult position in the next elections. However, there were no dilemmas within the instructions to the government, leading to the NSC, being the Commander-in-Chief of the armed forces, and they cooperated well with each other in the field of foreign policy and military affairs.

There were five dilemmas at the level of the parliament and the government. Four members of parliament ministers were combined with members of the government, but no one criticized strongly them in the sessions of the parliament. During this time, the government was the most stable since the Chairman of the MPRP, Prime Minister N

Enkhbayar, began to accumulate all his powers, and it became one of the two governments that completed their term of office after the adoption of the 1992 constitution. Therefore, the majority of the MPRP did not make any attempt to dismiss the prime minister, the government, or even the members of the government. However, in 2001, some members of the MPRP including L Enebish, Speaker of the parliament began criticizing the violation of democracy, freedom of the press, and civil right to express their opinions. Yet, since Speaker L Enebish, who voiced this criticism, died untimely in 2001, there has been no further strong criticism. The first unified majority government provides room for Prime Minister N Enkhbayar that he could accumulate power in one hand based on his partisan leadership and prepared himself as a candidate for the next presidential election. Therefore, some politicians of the opposition criticized N Enkhbayar's government, saying that Mongolia is about to have a *Führer* and that the dictatorship is starting to take shape. Within the framework of main arguments, H5 was formulated that "while the government is unified, an institutional dilemma is expected to occur between the president and the prime minister. But the government instability exists at a minimum level". In this situation, H5 was not supported completely. Because there is a big dilemma between the president and the parliamentary majority. It arose mostly within the scope of veto power. However, this dilemma has resulted in the narrowing of the boundaries between the parliament and the government as the full powers of the parliament and the government are accumulated into one-party and even one person. But the second part of the H5 was supported due to government stability without dismissals. In terms of the next hypothesis, H6: "An institutional dilemma is created on the basis of the president trying to accumulate more power during the unified majority government" was confirmed that the dilemma between the president and the prime minister has reached its peak and the prime minister could accumulate all the powers of the legislative and executive institutions. Yet, President N Bagabandi was exercising his proclamatory powers successfully against Prime Minister N Enkhbayar.

The second unified majority government occurred between 2013 and 2016 and was created by the Democratic Party. When the Democratic Party was in power, there were more dilemmas between the president and the parliament, and the president and the prime minister. But at the level of the parliament and the government, they were able to cooperate with little dilemmas. There were 10 dilemmas between the president and the parliamentary majority. The main dilemma arose over the president's power to initiate laws, veto powers, and appointment powers. In particular, the parliament criticized the violation of the constitution

related to the appointment of judges, but the president did not discuss any issues of responsibility. On the other hand, the parliament established a working group to amend the constitution, but it was not supported by the president. Also, there were no conditions for a proposal from the parliament, and the president exercised his powers to issue decrees and other specific powers without any dilemmas. The relationship between the president and the prime minister has created 10 dilemmas. President Ts Elbegdorj appointed N Altankhuyag as the prime minister without any dilemmas. However, after President Ts Elbegdorj was re-elected in 2013, he began to pressure Prime Minister N Altankhuyag. Then the government of N Altankhuyag was dismissed by the "invisible hand" of the president. In particular, the main reason for this dismissal was the dilemma that arose in the instruction to the government regarding the mining projects of Erdenet and Oyu Tolgoi. President Ts Elbegdorj was actively involved in the activities of the NSC and the armed forces. His main interest was more involved in the daily activities of the government. It was obvious that he attempts to accumulate more power in the executive branch. This situation was clear after the dismissal of N Altankhuyag and the appointment of the next Prime Minister Ch Saikhanbileg. Therefore, this unified majority government can be considered a period that executive power is accumulated by the president.

In terms of the parliament and the government, there a total of nine dilemmas were found between the two institutions. However, the main dilemma between the parliament and the government was the competition for members of the parliament to join the government. N Altankhuyag's government was identified as the government with the largest number of members holding dual duties. The parliament easily dismissed the government of N Altankhuyag with the initiation of President Ts Elbegdorj and the opposition MPP. Moreover, there were attempts by the members of parliament to dismiss the prime minister and members of the government, however, the majority of members of the Democratic Party did not accept it and focused on the stability of the government. Yet, the parliament tightened its control over the government and criticized the government's activities for corruption, bond debt, improvement of the Oyu Tolgoi Agreement and Tavan Tolgoi deposits, and inadequate work on railway infrastructure projects. Therefore, in this situation H5: "While the government is unified, an institutional dilemma is expected to occur between the president and the prime minister. But the government instability exists at a minimum level" was supported partly. Yet, the second part of the hypothesis was not supported due to the dismissal of N Altankhuyag's government and attempts to resign ministers. Likewise, the

relationship between the president and the parliament is very contradictory, which is shown that the president actively participated in the activities of the parliament through his rights to initiate laws and the appointment and dismissal. Moreover, H6: “An institutional dilemma is created on the basis of the president trying to accumulate more power during the unified majority government” is supported that the next prime minister will be chosen by the president after the dismissal of the previous prime minister.

Overall, the prime minister exercised the partisan leadership of the party to accumulate legislative and executive powers in the unified majority government of 2000-2004. Then, he limited enough the power of the president by amending the constitution. This situation pushed the beginning of the divided minority government in the next election based on the president's strong dilemmas in his addressing messages which had a great impact on the results of the next election. On the other hand, the second unified majority government between 2013 and 2016 influenced the accumulating of powers to the president, and the president was more involved in the activities of the government by appointing and dismissal of prime ministers. Yet, both unified majority governments are characterized by less dilemma in the relationship between the parliament and the government. Ultimately, a unified majority government has created main dilemmas in the political parties that occurred at the level of the parliament and the government and the president and parliament. The dilemmas in a unified majority government are less intense when compared to previous cohabitations and the divided minority and divided government situations. The next chapter will examine the effect of institutional dilemmas based on the interview analysis.

7. SKEPTICISM ON SEMI-PRESIDENTIALISM: DISCUSSIONS UNDER IN-DEPTH INTERVIEWS

The main data source for this study was in-depth face-to-face interviews with key stakeholders. Interviews were conducted with 24 participants from political scope, academics, and professional experts. Study participants were specifically chosen based on the extent of their involvement in legislative and executive institutions and their knowledge of these institutions, the democratic constitution process, and the transitional periods. They were an adviser to the presidents of Mongolia, members of parliament, government officials, ministry employees, and university professors who also worked in legislative and executive institutions. The in-depth interview was supported by them within the primary data collection process for the qualitative approach. Appendix-1 demonstrates interview questions that were developed as relevant to the hypotheses and the research question. This chapter consists of three main sections: the introduction, the result of the interview, and the conclusion.

7.1. Introduction

Within the scope of the interview, qualitative data was clarified from the research participants in terms of the main causes of institutional dilemmas, situations of semi-presidentialism, and the future performance of democracy in Mongolia. The main method of interview is based on thematic analysis that summarizes and analysis of qualitative data through the use of extended phrases and sentences rather than shorter codes (Saldana, 2009, p. 208). The thematic analysis is associated with the main argument that the effect of semi-presidentialism increases institutional dilemmas that lead to a collapse of democratic performance, or it supports the cooperation between competing forces that encourages democratization for the young democracy. These arguments are developed and chapter hypotheses are tested within the main themes. Indeed, the interview is one of the main methods of qualitative research and is carried out simultaneously with document analysis. It supported collecting primary data and analysing them at a deeper level. The in-depth interview was transcribed using the NVIVO software. In data analysis, five main themes were created which are distrust of institutions, cohabitations, divided minority and divided government, unified majority government, and democratic performance. Themes 2 - 4, the main 18 indicators were coded as code 1 – 18 as key indicators in the main three categories

within The Structural Coding approach of the First Cycling Coding Method. Since, the structural coding approach is the question-based code and more suitable to interview transcripts (Saldana, 2009, pp. 66–67). Then, new categories were created in each theme 2-4 and re-coded as code 19 – 25 within the framework of the Focused Coding approach of the Second Cycling Coding Method. As Saldana notes, the Focused Coding approach develops categories without distracting attention at this time to their properties and dimensions (p. 155). Table 7.1 demonstrates the main themes and the number of coding references placed in the code structure of the interview transcription.

Table 7.1. Coding references in main themes

Nr	Main Themes	Number of coding references
1	Distrust of the Current Institutions	32
2	Cohabitation	250
3	Divided Minority Government and Divided Government	220
4	Unified Majority Government	218
5	Democratic Performance	25
6	Total	745

7.2. Results of In-Depth Interviews

7.2.1. Theme 1. Distrust of Current Institutions

In this theme, the question was started by clarifying the fundamental causes of institutional dilemmas in Mongolia since 1992. The main question of the interview was formulated as "How do you clearly understand institutional dilemmas in Mongolia?" and transcribed the interview result within Theme 1. Distrust of the Current Institutions. Participants answered this question in different ways. Analyzing their ideas and information, they have explained about main causes of institutional dilemmas as following seven categories has been lack of a system of check and balance, the partisan power of individual politicians being more influential, a strong parliamentary system has been formed, the influence of political parties and a president with strong powers, a weak president who was rejected from his party, and a weak prime minister and his or her government structure. Therefore, categories were created for each of these seven viewpoints, and the causes of institutional dilemmas related to each category were transcribed from their interviews. Table

7.2 shows how the participants evaluated the root causes of institutional dilemmas in Mongolia.

Table 7.2. Theme 1. Causes of institutional dilemmas

Codes	Categories	Number of coding references	%
1	No check and balance	5	20
2	Personal Partisan Power	1	4
3	Strong Parliament's power	6	24
4	Strong Party System	5	20
5	Strong president's power	10	40
6	Weak President and Non-Party Membership	2	8
7	Weak Prime Minister and Government Power	3	12
8	Total	32	100.00

Participants' responses regarding the first theme show that 40 per cent of them answered that the main cause of the dilemma is the popularly elected president. In particular, they answered, strong presidential powers are the root of the dilemma. Those participants explained as examples the president's dilemma with the speaker of parliament, prime ministers, his or her elected and opposing political parties and their leaders, and attempts to accumulate more powers on legislative and executive institutions through his or her constitutional powers. It shows that as Lijphart (2012) wrote, the dilemma has become a precondition for the emergence of hyper-presidentialism and tempered presidentialism in the future, where power will be overshadowed by the parliament (Lijphart, 2012, p. 116). Thus, a strong president is the main institutional dilemma, followed by answers that a strong parliamentary system is the main source of the dilemma.

According to the participants of the interview, the main dilemma of the main institution was the regulation of the Constitution. First, it does not precisely regulate the powers of the president. The president is involved in the formation and dissolution of the government. In this regard P2, a member of parliament expressed that "Mongolia has become a semi-presidential system since the approving the new constitution. Even today, this system is discussed more globally, and four to five European countries have moved to a semi-presidential system. The president must be balancing three powers. In this regard, the main power of the president is veto power in the parliament. On contrary, there is no institutional practice of impeaching the president. Even, it is impossible to impeach the

president. So, a strong president who gets re-elected became the instability of the government. It means that the prime minister himself is not dependent on the parliament to form a cabinet and hold him accountable".

Secondly, it was said that the parliament was established with too much power by responding to 24 per cent of participants. P4, a former Deputy Chairman of the Parliament said that in the new Constitution of 1992, the parliament was defined as the highest organ of the state power when it was defined in the previous communist constitution. Because of this, the parliament itself is perceived as having the most power. In fact, according to the theory of separation of power, this is a huge problem. Now parliament members just wave at the president. It is a matter of nominating and awarding one's elected constituency and relatives with some kind of award from the president.

However, a total of 20 per cent of participants believed that the main cause of institutional dilemma is the political party system. They stated that when members of parliament approved the 1992 constitution, they do not suppose political parties would be the main player in the executive branch. The influence and propaganda of political parties are increasing every year. Party meetings are held in the prime minister's office, and the president is appointed by a political party. It is a false and empty clause that the president shall notify his or her suspension from the party member in the political practice. In this regard, P6, a former member of parliament expressed that political parties should meet and conduct their activities only in their own party's office. However, during the years when the MPP was in power, the party's board meeting was held in the Prime Minister's office. This is inappropriate in itself. The board of the party has decided on the issue of human resources, and the government has submitted and appointed the place where it will be presented. It is beginning to lose the balance between democratic institutions. Then, the parliament becomes nothing.

The influence of the political party creates dilemmas between the main three institutions, 20 per cent of participants answered that the main dilemma occurs due to the lack of mechanisms of checks and balances. The issue of institutional checks and balances will greatly affect the development of democracy for these participants. The 1992 constitution expressed the position that all these dilemmas arose because the mechanisms of checks and balances were reflected most vaguely. The status of the parliament, the structure of the government, and the institution of the presidency could not be accurately distributed

in the 1992 constitution. Thus, the separation of power creates main dilemmas. Parliament tried to improve the 1992 constitution through amendments. Yet, it even ruined the separation of power and the mechanism of checks and balances between the three institutions. They considered an issue from the lack of checks and balances is that sometimes the parliament becomes the legal department of the government, or the government becomes a permanent committee of the parliament. This nonsense mechanism has been continuing in Mongolia since 2000.

Finally, four per cent of participants answered that inter-institutional dilemma arises from the partisan power of individual politicians. They believed that dilemmas arise depending on who is the speaker of the parliament or the president. However, 12 per cent of participants answered that the prime minister's lack of power is the main cause of the dilemmas and the instability of the government. They replied that if the prime minister is empowered to dissolve the parliament, this dilemma will disappear immediately. Moreover, eight per cent of participants answered that the insufficient powers of the president and the fact that the president notified suspension of the party members influenced the main reasons for the dilemmas. This answer is quite interesting. The main dilemma arises when a leader who was a partisan of the party is elected as the president and then resigns from the party. The newly elected party leader becomes the prime minister. Therefore, the dilemmas between these two high-level partisan powers increase especially during the unified majority government. It was clearly shown during the unified majority government in 2001 – 2004 under the MPRP ruling years of President N Bagabandi and Prime Minister N Enkhbayar.

7.2.2. Theme 2. Cohabitations

The interviews conducted in this section began the thematic analysis, which was linked to the main situations of semi-presidentialism. The main situations, cohabitation, a divided minority government and a divided government and a unified majority government were combined into themes 2 - 4 and coded by the Structural Coding approach. For each of these main themes, three categories were created: (1) dilemmas between the president and the parliament, (2) dilemmas between the president and the government, and (3) dilemmas between the parliament and the government. These categories include particular indicators that were coded under categories. After that, new ideas emerging from the interview transcription were added to the new categories and re-coded by the Focused Coding

approach within the Second Cycling Coding Method that develops categories without distracting attention to their properties and dimensions. Table 7.3 demonstrates the coding in Theme 2 and the results of the main dilemmas that occurred in the context of cohabitation in the interview transcription.

Table 7.3. Codes of indicators and categories in Theme 2.

Theme 2. Cohabitation			
Codes	Categories	Indicators	Frequency
1	1. President vs Parliament	Amendments to the constitution	20
2		Decree Power	0
3		Veto Power	23
4		Initiate laws	0
5		Addressing messages to the parliament	20
6		Dissolution of parliament	1
7		Appointment and Dismissal and Particular Powers	10
Category 1. Total			*74*
8	2. President vs Government	Consultation for PM	25
9		Proposals for Government structure and composition	15
10		Instruct to Government	1
11		Lead to the NSC	2
12		Lead to the armed forces	2
13		Criticize Government	15
Category 2. Total			*60*
14	3. Parliament vs Government	Dual duties	15
15		Dismissed Government	25
16		Attempts to Dismiss Government	5
17		Attempts to Dismiss Ministers	5
18		Criticize Government	15
Category 3. Total			*65*
19	4. New categories of the Second Cycling Categories	Corruption	15
20		Dual Executive and Power-sharing	7
21		Dual Executive and Power Struggle	7
22		Lack of Constitutional Concept	2
23		Personal Dilemma	10
24		President vs his political party	6
25		To divide own party	4
Category 4. Total			*51*
Theme 2. Total			*250*

The cohabitation situation has occurred in Mongolia three times in 1993-96, 1997-2000, and 2017-2020. During the interview, most of the participants had little knowledge of

the cohabitation situation which made the study more desirable. Within the framework of thematic analysis, the interviews were also divided into three main categories. Second, additional new ideas from the participants were recorded emerging these three categories within the framework of the Second Cycling Code method and were explained in detail in this section. Since these three categories required deep knowledge and information from participants, the information of that time was clarified as much as possible and the situations belong to which president.

Dilemmas between the president and the parliament under cohabitations

The dilemmas that occurred in the relationship between the president and the parliament contain the most dilemmas. This category has seven indicators that are required to get information from the participants about how they responded to each of these indicators as much as possible. Figure 7.1 demonstrates that dilemmas between the president and the parliament during the cohabitation period are shown as a percentage of the responses of the participants.

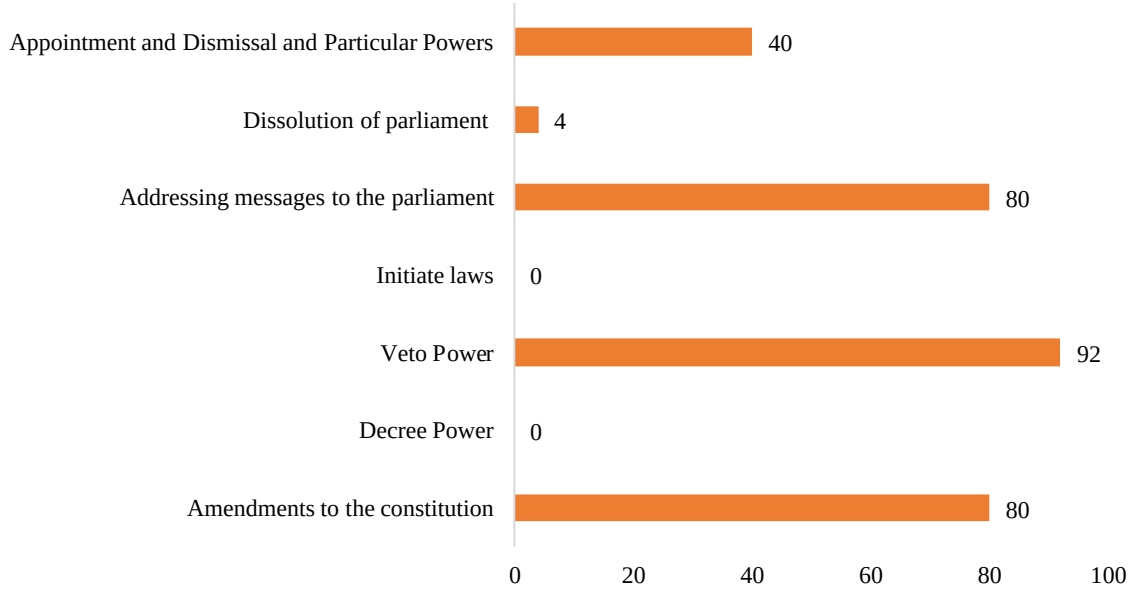


Figure 7.1. Location of dilemmas between the president and the parliament in Theme 2 (percentage)

In terms of dilemmas between the president and the parliament, 92 per cent of the participants in the interview answered that the main dilemma covers the president's veto power against the parliamentary majority. When these answers are classified in overall

meaning, the president's veto power is the mechanism for monitoring, the main manifestations of the dilemma of the president's executive power and legislative power, solutions that can easily see if the veto is not very important, but the dilemma and so forth. In terms of veto power, most correspondents agreed that the presidential veto indicates the dilemma created between the president and the parliamentary majority. P10, a member of the Democratic Party said that the main dilemma in the relationship between the president and the parliament is the veto power of the president. The problem of vetoing parliamentary laws was the biggest during President N Bagabandi's period. He was a very disputed president. I think they were creating dilemmas just to get into government activities. In contrast, P19, a member of the MPP expressed that President Kh Battulga vetoed many parliamentary decisions without any justification. For example, vetoing the amendment of the constitution while it is being approved. During the composition of a new government in 2017, he vetoed only one minister while many people are appointed. There were a lot of vetoes that were logically flawed. It seems that as Shugart and Carey (1992) argued "if presidents were provided with a veto, then their check against a legislative majority would be no different under premier-presidentialism than under presidentialism. However, most premier-presidential regimes do not provide for a veto that requires an extraordinary majority to override" (Shugart & Carey, 1992, p. 52).

Moreover, 80 per cent of the interview participants stated that the president exacerbates the parliamentary dilemma through his or her speeches to the parliament or criticizing the parliamentary majority. On this topic, the participants had a common thought about President P Ochirbat, N Bagabandi, and Kh Battulga that they all had struggles during cohabitation. In particular, Kh Battulga and N Bagabandi were named as the most contradictory presidents among them. P8, a former member of the parliament stated that Kh Battulga used the parliamentary platform as his political entertainment. As for N Bagabandi, he continued to criticize the parliament and published a book called *Titem Ug* (Crown speech). P Ochirbat addressed dilemmas that the MPRP, which is the majority in the parliament, began to contradict me, saying that they would not tell me what to do and so forth. A common response from participants was that a popularly elected president would inevitably clash with parliament. After that, 40 per cent of participants explained that the high-level position's dual appointment of the parliament and the president causes dilemmas. In this appointment, the chief justices and judges of the Supreme Court, the appointment of a member of the Constitutional Court, the appointment of the Anti-Corruption Agency

(IAAC), and the appointment of the ambassador were mentioned. In this regard, P14, a Director of Department in the Ministry of Foreign Affairs stated that the candidate for the ambassador is discussed by the parliament and voted on, and the candidate who receives the majority of votes is submitted to the president. If a candidate for parliament fails without receiving a majority vote, he will not be re-nominated. This dilemma arises during cohabitation, and more dilemmas arise in the appointment of Foreign Affairs. During the time of President P Ochirbat, Ambassador D Tsahilgaan was appointed to Beijing, China. However, P Ochirbat issued a decree and appoint him away when he fell without support in the Parliament session. Likewise, P6, a former member of parliament expressed that newly elected president Kh Battulga withdrew the previous presidents' consultation and terminated all appointments for the ambassadors further. The main comic dilemma was that ambassador Yo Otgonbayar who had been recalled from the United States and tried to not return. This was an anecdote from both the president's side, the prime Minister's side, and Yo Otgonbayar's side. It was a case of diplomatic relations for Mongolia.

Another 80 per cent of the participants described that an amendment to the constitution was a huge dilemma between the two institutions. For these participants, it was believed that the dilemma regarding the amendment of the constitution first arose in 1999 during the presidency of N Bagabandi. P1, a law professor, stated that the 1999 constitutional amendment was the starting point of this dilemma and that the attempt to reduce the powers of the president by the 2000 amendment further strengthened the political or behind-the-scenes powers of the president. On the other hand, N Bagabandi was considered to be the first president to discover the defects of the constitution. Because the president's power to form the government and the appointment of the prime minister, despite the majority, was the main weakness of the 1992 constitution. This weakness was first revealed during N Bagabandi's first term in 1997-2000. Besides, all the participants believed that there was no dilemma between the president and the parliament regarding the authority to initiate laws and issue decrees. However, P24, a member of the MPP pointed out that Kh Battulga's initiative to dissolve the MPP and its parliament was the first time during his term in 2017 – 2020.

Dilemmas between the president and the government under cohabitations

There are six indicators in the relationship between the president and the government. This section summarized the interviewee's data on how they responded to each of these indicators. Figure 7.2 shows the responses of the interviewees regarding the dilemma between the president and the government. Interviewees answered that there were 60 dilemmas between the president and the government.

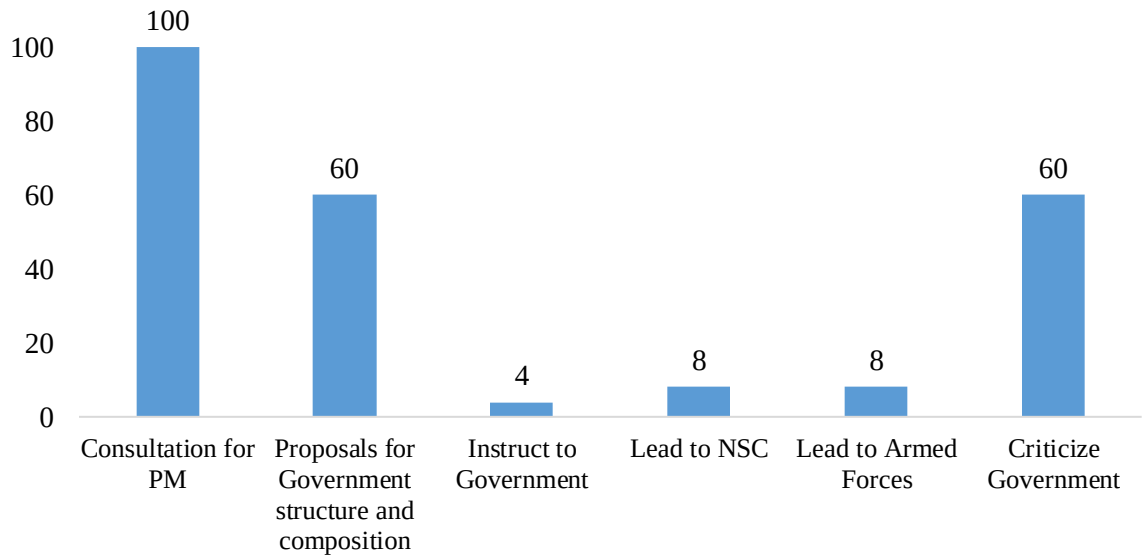


Figure 7.2. Dilemmas between the president and the government in Theme 2 (percentage)

100 per cent of the participants answered that most of these dilemmas were related to the president's consultation power on the appointment of the prime minister. The participants responded to these dilemmas to varying degrees but they all took the example of President N Bagabandi during the cohabitation period of 1997-2000, who delayed the consultation process for appointing a total of three prime ministers for various reasons and forced the appointment of a candidate recommended by him. Due to these reasons, this consultation right of the president changed to the duty to appoint within five days but it still exists in political practice. As in the account of P1, a law professor, it is noticed that the parliamentary system with the popularly elected president is semi-presidential. The president should be involved in policy implementation, but our president is more involved in forming the government, appointing the prime minister, and organizing issues. Another case occurred during the first cohabitation. P4, a former Deputy Chairman of the Parliament responded

that the former MPRP Deputy Prime Minister Ch Purevdorj was brought in to consult with President P Ochirbat in 1992. Before that, B Dash-Yondon Chairman of MPRP planned that Ch Purevdorj for the prime minister and Ts Gombosuren for Speaker of the parliament. Even President P Ochirbat accepted this consultation with the parliamentary majority, the MPRP. Yet, I initiated P Jasrai and nominated him as the prime minister. Then, President P Ochirbat has not supported changing the prime minister's name and said you all are going to put me in prison. In contrast, P1, a law professor stated that N Bagabandi exercised his powers very much. Da Ganbold, who was nominated by the Democratic Coalition, was rejected seven times by N Bagabandi. He was the president who made many bottlenecks in consultation with appointing the prime minister. Therefore, by amending the constitutional provision, the president has become like a "postman" when the government is formed (Article 33.1.2 of the 1992 constitution).

In terms of dilemmas between the powers of the President as the head of the National Security Council and the Commander-in-Chief of the armed forces, four participants and 16 per cent of them answered that the main dilemmas occurred in President Kh Battulga's term between 2017 and 2020 within the scope of NSC. He created a legal framework for the removal and replacement of judges, prosecutors, and IAAC directors, who are appointed for a term of 6 years, based on the recommendation of the NSC. Yet, this regulation had been revoked by parliament after the next presidential election. Besides NSC dilemmas, some of them explained that however, when the president is elected from the opposite party, he politicizes the right to grant military rank and undermines the principle of merit. Therefore, it was answered that there is a dilemma in this context. Moreover, 60 per cent of all participants expressed that the president has become more involved in the power to vote on the composition of the government. They claim that when forming the government, the Prime Minister must consult with the president. Thus, the prime minister negotiated with him to appoint at least 4 – 5 ministers recommended by the president to his cabinet. In particular, this was revealed during the term of office of President Kh Battulga. On the other hand, one participant answered that there was a dilemma in the issue of instructing the government and that through this power, the president performs the dual role of the prime minister.

Dilemmas between the parliament and the government under cohabitations

During the cohabitation period, dilemmas between the parliament and the government included contradictions of the dual duties that members of the parliament combine with members of the government, the dismissal of the government, attempts to dismiss the government, attempts to dismiss members of the government and criticism of the government. Figure 7.3 shows these dilemmas and their number of coding references.

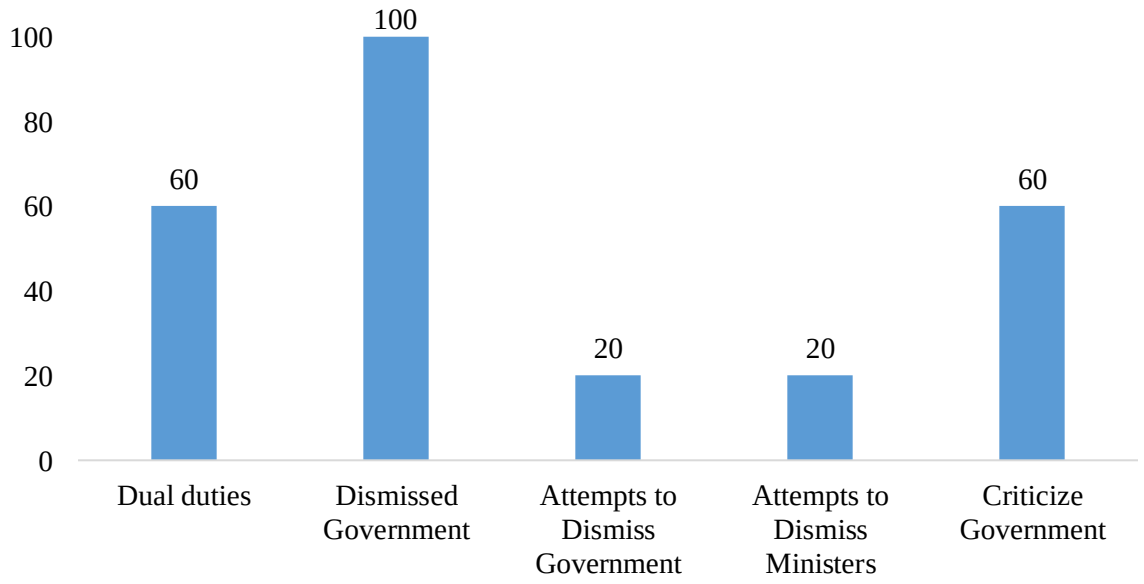


Figure 7.3. Dilemmas between the parliament and the government in Theme 2 (percentage)

During the interviews, 100 per cent of all participants clarified that the dismissal of the government was a huge dilemma between these two institutions, while 60 per cent of them said that there was an issue of dual duties. P12, a professor of NAOG states that the problem of removing the government was fine until 1998. However, after 1998, when N Bagabandi became the president, the Democratic Coalition began to go bankrupt. In April 1998, after Prime Minister M Enhsaikhan was replaced, a completely different situation occurred that was directed at personal interests. With the deep participation of President N Bagabandi and the opposition the MPRP, the parliament members of the Democratic Coalition started a marathon for the seat of the prime minister. Thus, these dilemmas were more personal interest-oriented rather than institutional dilemmas. Participants' responses are associated with forming governments and appointing ministers. It was noted not only cohabitations but

also the rest of the situations cited by P16, a state official, states that the contradictory thing about dual duties is that the control mechanism is lost and there is a conflict of interest. During the time of P Ochirbat and N Bagabandi, this dilemma was not that bad. But since 2000, members of parliament have been fighting for their lives to enter the government.

Likewise, 60 per cent believed that the dismissal process begins when the parliament criticizes the government intensely. However, 20 per cent of participants said that attempts to dismiss the government are often made, while the other 20 per cent described that attempts to dismiss members of the government have also increased recently. One strange phenomenon in Mongolia is that the government cannot work stably. P9, an individual politician states that the president is elected for four years. There are two prime ministers in four years, but the succession and policies of our executive government have become non-existent due to the dismissal of the prime ministers. Since the president has worked with many prime ministers, it is becoming unclear who should be held accountable.

The new category of Second Cycling Coding under cohabitations

Besides these main categories, semi-structured interviews provided new ideas and overall meanings emerging during the interview. This new category was re-coded combining repetition and similar ideas using the Second Cycling Codes method. Participants have mentioned the root of dilemmas mostly dependent on corruption situations, dual Executive and power struggles, lack of constitutional concept, personal dilemmas, the president's contradiction against his political party, and attempts to divide his party. Figure 7.4 demonstrates that these dilemmas were categorized and re-coded between 19 and 24.

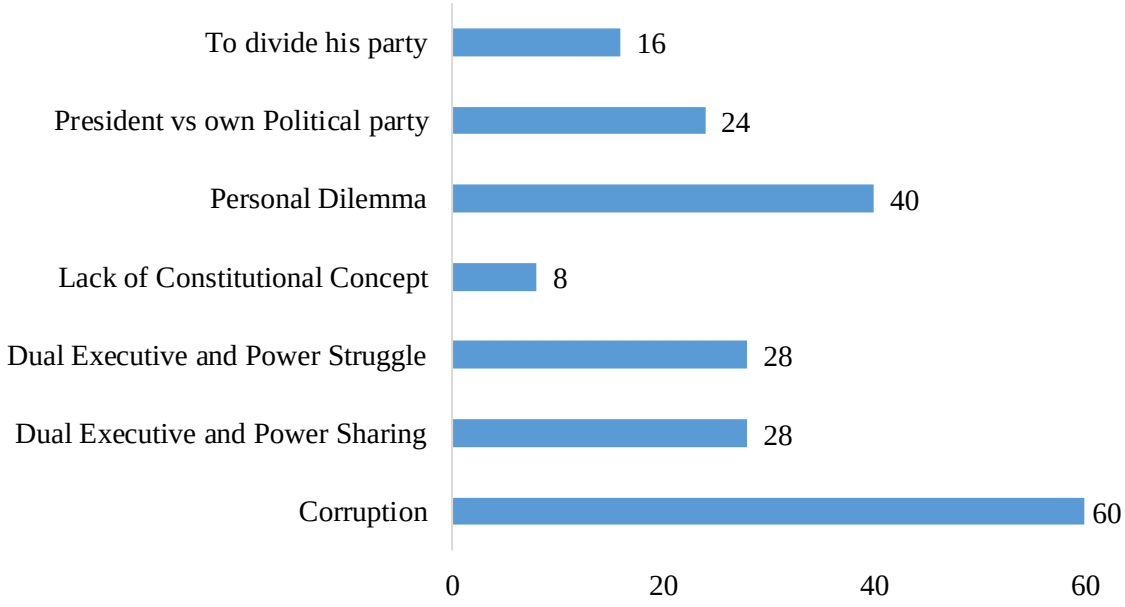


Figure 7.4. New categories of cohabitation in Theme 2 (percentage)

Many participants explained and worried about corruption situations in Mongolia. 60 per cent of them explained the root of dilemmas during cohabitation is in connection with corruption and conflicts of interest, while 28 per cent said that if the president and the parliamentary majorities could not negotiate an agreement on the dual executive, the instability of the government and the government work at all levels become stuck. On the other hand, 2 participants answered that they did not understand the concept of the democratic constitution because the people who worked as presidents lacked political and constitutional knowledge. 40 per cent answered that the main reason for institutional dilemmas was that individual conflict turned into institutional dilemmas. Also, 24 per cent of participants explained that each president's constant contradiction with his party affected the institutional dilemmas, while 16 per cent of them answered that the president always divides their elected party into two factions. In addition to dilemmas, 28 per cent of participants mentioned cases where the president and the government worked well together based on dual executive and power-sharing principles. P4, a former Deputy Chairman of the Parliament states that President P Ochirbat was the first to draft and approve the democratic constitution, and the government worked well together with the prime minister to better understand the reasons for things during the first cohabitation. However, President Kh Battulga was trying to carry out power-sharing cooperation with Prime Minister U Khurelsukh, but could not do anything effectively due to the impact of COVID-19. Among

all presidents, President N Bagabandi was a president who did very poorly in terms of power-sharing cooperation and only caused power struggles.

7.2.3. Theme 3. Divided Minority Government and Divided Government

The interview result in theme 3 is associated with a divided minority government and a divided government. This theme is divided into three categories: (1) dilemmas between the president and the parliament, (2) dilemmas between the president and the government, and (3) dilemmas between the parliament and the government. Likewise, an additional new category emerged during the interview. Table 7.4 demonstrates the coded status and results of the main dilemmas that occurred in the framework of divided minority government and divided government.

Table 7.4. Codes of indicators and categories in Theme 3

Theme 3. Divided Minority Government and Divided Government			
Codes	Categories	Indicators	Number of coding references
1	1. President vs Parliament	Amendments to the constitution	1
2		Decree Power	0
3		Veto Power	20
4		Initiate laws	1
5		Addressing messages to the parliament	8
6		Dissolution of parliament	0
7		Appointment and Dismissal and Particular Powers	10
Category 1. Total			*40*
8	2. President vs Government	Consultation for PM	25
9		Proposals for Government structure and composition	1
10		Instruct to Government	1
11		Lead to the NSC	2
12		Lead to the armed forces	4
13		Criticize Government	15
Category 2. Total			*48*
14	3. Parliament vs Government	Dual duties	20
15		Dismissed Government	25
16		Attempts to Dismiss Government	25
17		Attempts to Dismiss Ministers	25
18		Criticize Government	15

Table 7.4. (continued) Codes of indicators and categories in Theme 3

Category 3. Total			*110*
19	5. New categories of the Second Cycling Categories	Dual Executive and Power Struggle	5
20		Dual Executive and Power-Sharing	7
21		Personal Dilemma	4
22		President vs his or her political party	6
Category 4. Total			*22*
Theme 3. Total			*220*

The divided minority government situation was created from the results of the 2004 parliamentary and the 2005 presidential elections in Mongolia, while the divided government situation was created as a result of the 2008-2012 parliamentary and presidential elections. In terms of these periods, the interviews were conducted within the framework of thematic analysis, it required in-depth knowledge and information from participants and clarified most problematic dilemmas.

Dilemmas between the president and the parliament under a divided minority government and a divided government

The participants of the interview provided more data that occurred in the framework of the relationship between the president and the parliament, especially parliamentary majorities containing the most dilemmas. This category has constant seven indicators and intends to get data from participants for each of them. Figure 7.5 shows the responses of the participants in Theme 3. The main dilemma between the president and the parliament was the president's veto power. Thus, 80 per cent of participants agreed that veto power played the main role between these institutions. But after that, 40 per cent of them said that there was a dilemma within the appointment and dismissal power of the president. It was mostly associated with the parliamentary majority. 32 per cent of the total participants emphasized that there is a big contradiction in the speech of the president from the parliamentary sessions. One participant answered that at this time there was a dispute related to the amendment of the constitution. The participants of the interview answered that there were no dilemmas regarding the issuing of decrees and the dissolution of the parliament.

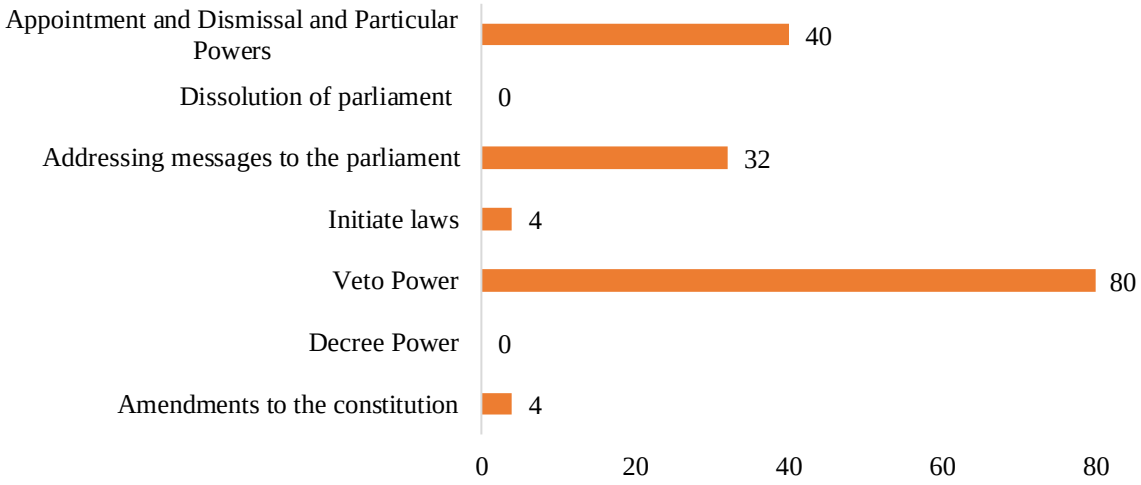


Figure 7.5. Location of dilemmas between the president and the parliament in Theme 3 (percentage)

In terms of dilemmas of presidential right to initiate laws, P8, a former member of the parliament mentioned that President Ts Elbegdorj increased his rights the most and interfered a lot in the activities of the parliament through presidential vetoes and the right to initiate laws. Within the scope of the right to initiate a law, he issued a law on pension benefits for only particular citizens of Tsaatan, indigenous nomadic people. Frankly, the government minister in charge of this issue should initiate it and then the parliament should approve it. However, the president was beginning to be established that the president passed the law only after giving a direct task. Similarly, P1, a law professor states that Ts Elbegdorj greatly distorted the appointment of judges. The principle of separation of power for the judiciary has been lost due to this dilemma. Thus, the judicial system is easily controlled by politicians and a system of 'unfair tunnels' was created to carry out repression. That tunnel became a mechanism to appease politicians he didn't like. His main victim was former president N Enkhbayar.

Dilemmas between the president and the government under a divided minority government and a divided government

This category includes six indicators and analyzed participants' interviews on how they responded to each of these indicators. Figure 7.6 shows the responses of the interviewees regarding dilemmas between the president and the government in this category. There were 48 dilemmas between the president and the government based on the interview result.

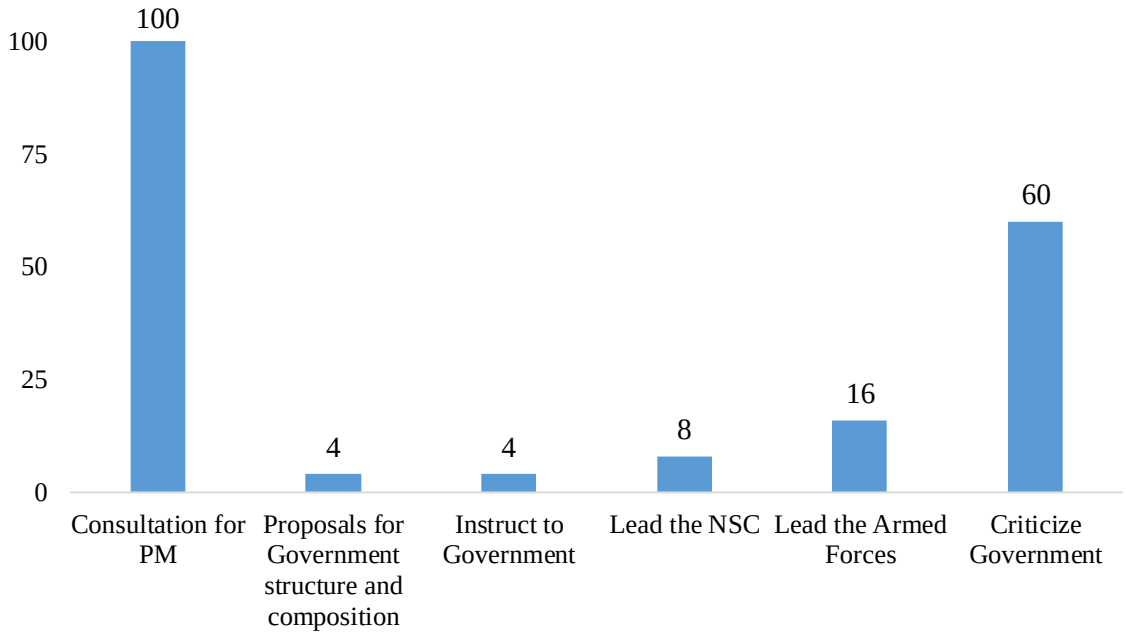


Figure 7.6. Dilemmas between the president and the government in Theme 3 (percentage)

100 per cent of the participants described that the majority of these dilemmas are related to the president's power to consult on the appointment of the prime minister. The participants responded to this dilemma to varying degrees and explained that both President N Enkhbayar and Ts Elbegdorj were more involved in this dilemma. In terms of this dilemma, P23, a member of the Democratic party mentioned that N Enkhbayar began to influence the government and parliament in the first period of his presidency. At that time, absolute power was accumulated in the hands of N Enkhbayar by his efforts. Since then, immense dilemmas were created in all level of institutions. These dilemmas have dire consequences. In the result, the MPRP which was in the majority, could not gain more dominance in 2008. Even, President N Enkhbayar failed to be re-elected in the 2009 presidential election. In contrast, P1, a law professor states that Ts Elbegdorj was a very cunning person. He was the first to bring up the issue of coming together with the wallet, not the party. There was no such thing as a political deadlock when the parliament and the government contravened against him. But he merely could appoint a candidate of his choice as the prime minister.

After that, 60 per cent of the participants in the interview said that the president's criticism of the government's activities is a factor that affects the instability of the prime minister and government. However, 16 per cent answered that the situation of a divided

minority government and a divided government makes the president participate in activities supporting the power of leading the armed forces. In this regard, P4, a former Deputy Chairman of the Parliament mentioned that the post-election demonstration on July 1, 2008, turned wild and five people lost their lives. The effect of this demonstration has reduced the courage and braveness of citizens for 14 years and great damage to Mongolian democracy. At that time President N Enkhbayar declared a state of emergency for the first time in the history of democracy in Mongolia. Before this chaos, N Enkhbayar has been saying that the military officers are openly trying to revolt and most of them were senior military personnel.

Moreover, 8 per cent explained that there was a dilemma in the priority area of the NSC, while four per cent stated that a dilemma in the scope of changing the structure of the government and instructing the government. In terms of president's participation of the government activities, P15, Director of Department in the Secretary Office of the Cabinet mentioned that the president has full power to instruct the government by his or her decree. Yet, the government does not have to follow it. Therefore, the president instructs the government and directly participates in the work of the executive branch. The citizen understands like a president is one of the executive branches too.

Dilemmas between the parliament and the government under a divided minority government and a divided government

The third category of this theme is coded with codes 14-18. Main dilemmas in this category were demonstrated in Figure 7.7 and include dual duties, the dismissal of the government, attempts to dismiss the government, attempts to dismiss members of the government, and criticism of the government. 100 per cent of the interviewees emphasized that dilemmas of the dismissal of the prime minister and the dismissal of members of the government occur most often during a divided minority government and a divided government situations. P2, a member of the parliament stated that the parliament has played a key role in the government dismissal with the presidents' support. A strong president is the root of the government instabilities in this situation. It means that the prime minister himself is not dependent on the parliament to form a cabinet and hold him accountable. Similarly, P18, a member of Democratic Party mentions that the amendment of the 2019 constitution provides room for the prime minister who can change the cabinet ministers himself. Before 2019, there was a case that the government would dismissed if half of the cabinet members

resigned. So, the prime ministers could not do anything and were dismissed by a conspiracy of their cabinet.

They have different opinions on dual duties but mainly explained this situation creates main dilemmas by members of parliament to combine with members of the government for seeking more power. Therefore, they compete and begin the marathon to become a minister after the parliamentary election. For members of parliament, the stability of the government is not so important, but becoming a minister themselves is considered the most important. In terms of dual duties, P16, former director of department in National Audit Office states that the parliament approves the government's agenda and controls it after forming the government. Now they are doing dual duties and they are doing it themselves. Due to this, it became the fundamental circumstance of creating many dilemmas between these two institutions.

The participants of the study emphasized that these periods exaggerated the dilemmas between institutions and influenced the greatest instability. Therefore, 60 per cent of participants clarified that the tendency of the parliament to criticize the government's activities increases during the divided minority government and divided government situation.

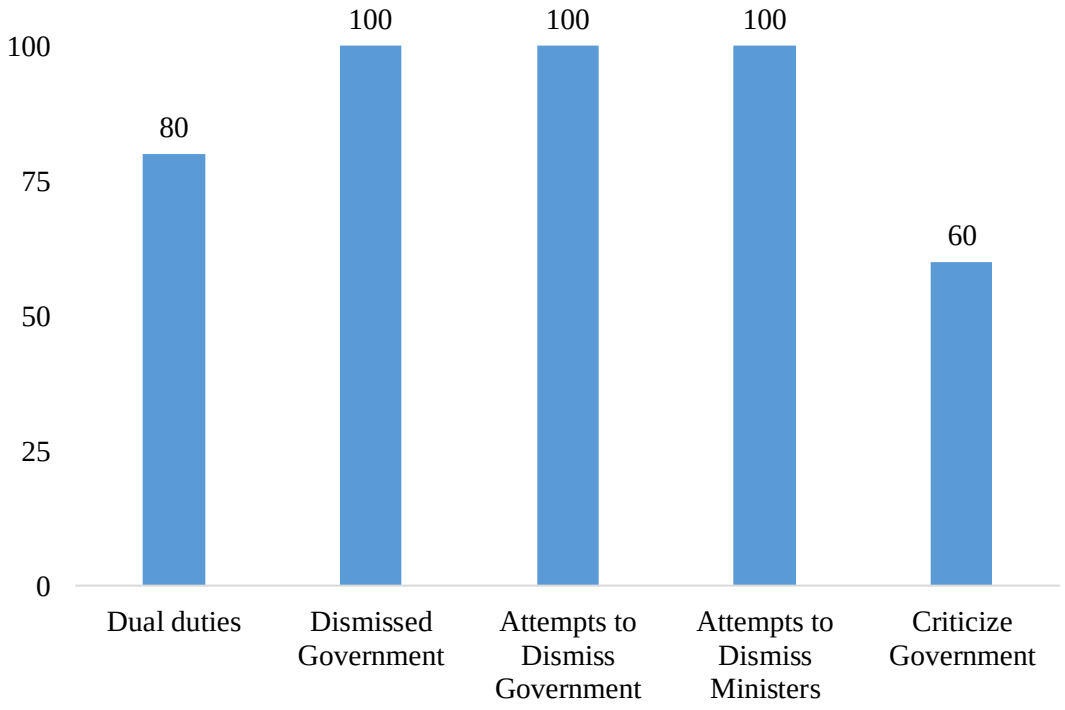


Figure 7.7. Dilemmas between the parliament and the government in Theme 3 (percentage)

The new category of Second Cycling Coding under a divided minority government and a divided government

Except for the main categories, new ideas and parallel data emerged during the interview, and new codes were added to 19 - 22 by combining them with repetitions and similar topics within the Second Cycling Coding method. Figure 7.8 shows newly created dilemmas which cover contents that dual executive and power struggle, dual executive and power-sharing, personal dilemma, and president contradicts against their parties.

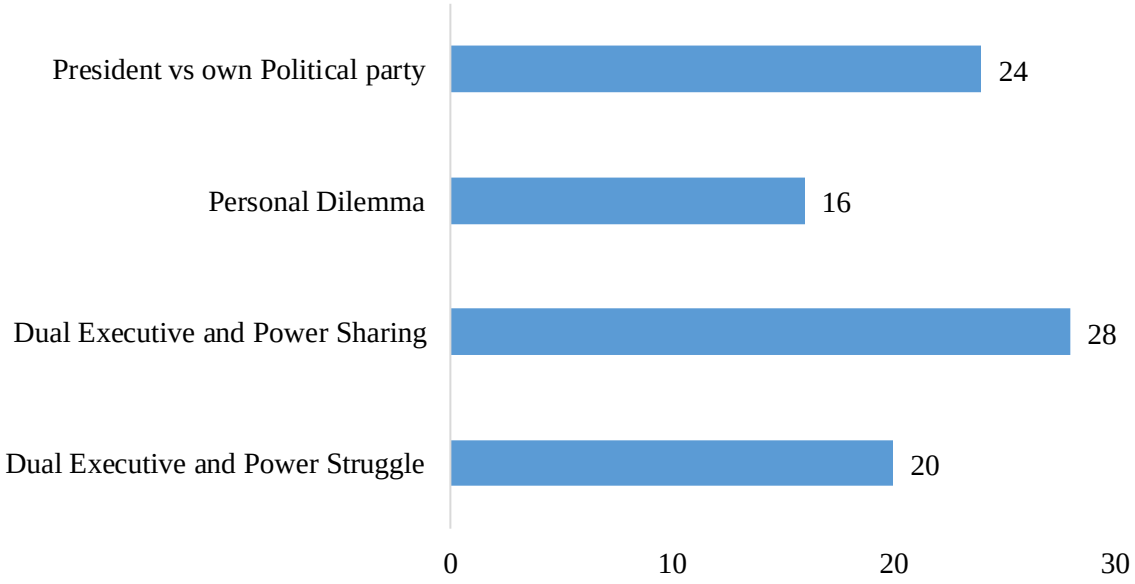


Figure 7.8. New Categories in Theme 3 (percentage)

During the interview, 20 per cent of the interview participants described that there was a dilemma related to who will lead the government and participate in the executive branch within the dual executive and power struggle. In terms of this dilemma, P19, a member of the MPRP stated that strong presidents directly or indirectly influence the instability of the government. It means that the prime minister himself is not dependent on the parliament to form a cabinet and hold him accountable. President N Enkhbayar supported and dismissed Prime Minister Ts Elbegdorj, M Enkhbold and S Bayar based on his partisan power. Yet, contrary 28 per cent of participants answered that at that time, the presidents were working by creating dual executive and power-sharing that provided a good opportunity for economic development and foreign relations. P12, university professor mentioned that when Ts Elbegdorj was a president, the open and hidden coalitions of MPRP and the Democratic

Party called 'MANAN' appeared and supported factions of business and political groups strongly. In that sense, they worked together on big mining and infrastructure projects based on dual executive and power-sharing principles. Moreover, 16 per cent of them answered that a dilemma occurs between individuals and self-interest, while 24 per cent of participants answered that dilemma took place between the president and his parties for increasing more partisan powers of presidents. P24, a member of the MPP mentioned that before N Enkhbayar became the president in 2005 when he was the prime minister from 2000 to 2004, he started trying to put the internal issues of the MPRP over the government. Thus, the dilemma between the presidential institution and the government institution at that time was personal contradictions between President N Bagabandi and Prime Minister N Enkhbayar. Their contradictions became very acute when a divided minority government was formed, and in the end, N Enkhbayar himself could not be re-elected, and his political term almost ended.

7.2.4. Theme 4. Unified Majority Governments

The interview conducted in this section is a thematic research that was connected to the unified majority government chapter. This theme consists of three main categories which are equal to the previous Theme 2 - 3, and one additional new category was created during the interview. According to the results of the interview, Table 7.5 shows that the main dilemmas are summarized by their codes that occurred within the framework of a unified majority government.

Table 7.5. Codes of indicators and categories in Theme 4

Theme 4. Unified Majority Government			
Codes	Categories	Indicators	Number of coding references
1	1. President vs Parliament	Amendments to the constitution	25
2		Decree Power	4
3		Veto Power	15
4		Initiate laws	4
5		Addressing messages to the parliament	4
6		Dissolution of parliament	1
7		Appointment and Dismissal and Particular Powers	5
Category 1. Total			*58*
8	2. President vs Government	Consultation for PM	15
9		Proposals for Government structure and composition	12
10		Instructing the Government	5
11		Lead to the NSC	10
12		Lead to the armed forces	12
13		Criticize Government	25
Category 2. Total			*79*
14	3. Parliament vs Government	Dual duties	10
15		Dismissed Government	13
16		Attempts to Dismiss Government	10
17		Attempts to Dismiss Ministers	10
18		Criticize Government	5
Category 3. Total			*48*
19	6. New categories of the Second Cycling Categories	Dual Executive and Power Struggle	2
20		Accumulating Power for Presidents	25
21		Personal Dilemma	3
22		Not Understanding Parliament	1
23		President vs his political party	2
Category 4. Total			*33*
Theme 4. Total			*218*

Situations of unified majority government arose in the result of the 2001-2004 and 2013-2016 presidential and parliamentary elections. The interviews related to the situations were conducted within the framework of thematic analysis. Thus, the participants were required in-depth knowledge and information like previous themes. In terms of the thematic analysis, it was intended to clarify participants' opinions and information during unified majority governments.

Dilemmas between the president and the parliament under unified majority governments

Based on the participants of the interview, the most dilemmas that occurred in the relationship between the president and the parliament within seven categories of this theme. Figure 7.9 demonstrates the location of dilemmas in particular categories.

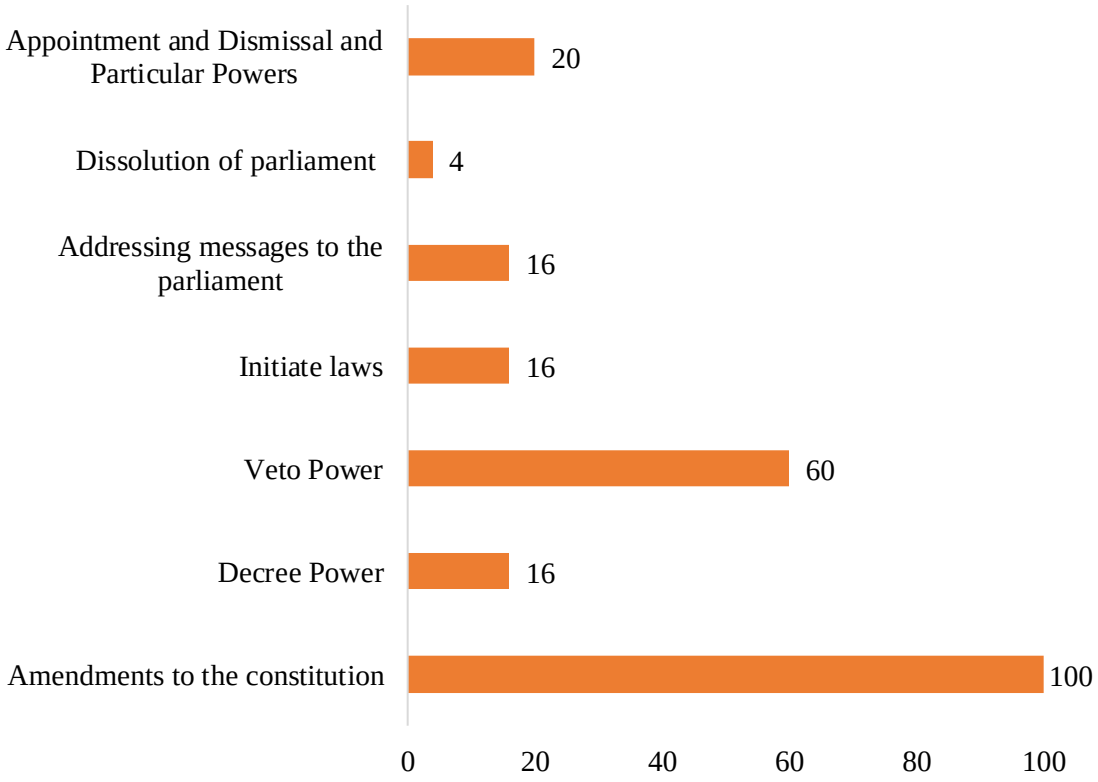


Figure 7.9. Location of dilemmas between the president and the parliament in Theme 4 (percentage)

In terms of the first unified majority government, all of the interviewed participants expressed that the main dilemma was the reduction of the consultation powers of the president to appoint a prime minister by the amendment of the constitution. P1, a law professor expressed that as soon as N Enkhbayar entered the parliament in 2000, he started to amend the 1992 constitution. From the time he became the prime minister in 2000 until 2005 when he was the Speaker of the parliament, he had a personally incompatible relationship with the previous President N Bagabandi for the partisan leader of the MPRP. That is why in 1999 the amendment of the constitution, which was stuck in the constitutional court. Yet it was approved in the parliamentary term of 2000 – 2004.

The veto power was the main dilemma and took place 60 per cent of participants' opinions but most of them stated that veto power was not considered strong power during the unified majority government. However, P4, a Deputy Chairman of the parliament mentioned that President N Bagabandi vetoed the 2000 constitutional amendment and vetoed the law passed by the parliament. In the end, he was defeated by Prime Minister N Enkhbayar. President N Bagabandi was the person who caused the most harm to institutional development. He didn't do anything good or bad, but he left because he was constantly in a level of a dilemma with his party and the opposition.

After that, 20 per cent of participants described that the main dilemmas occur in the appointment of judges, prosecutors, and ambassadors within the framework of the joint appointment powers of the president and the parliament. However, 4 participants answered that there was a dilemma between the president's right to initiate laws and the right to issue decrees, while one participant highlighted the dilemma within the dissolving the parliament. P6, a former member of the parliament stated that President Ts Elbegdorj exercised his powers to initiate laws completely. At that time, the parliament was almost like the legal department in Office of the President. Thus, during the unified majority government, semi-presidentialism pushed to pure presidentialism as Mainwaring and Shugart (1997) expressed the presidential system creates the issue of "dual legitimacy". In parliamentary system does not create "dual legitmacy" dilemmas (Mainwaring and Shugart, 1997).

Dilemmas between the president and the government under unified majority governments

This category also includes six indicators reminiscent of previous themes and categories between the president and the government Institutions. Figure 7.10 shows the responses of participants regarding the dilemmas between the president and the government within six main indicators. In this section, 79 dilemmas were found between these institutions based on the thematic analysis of interviews.

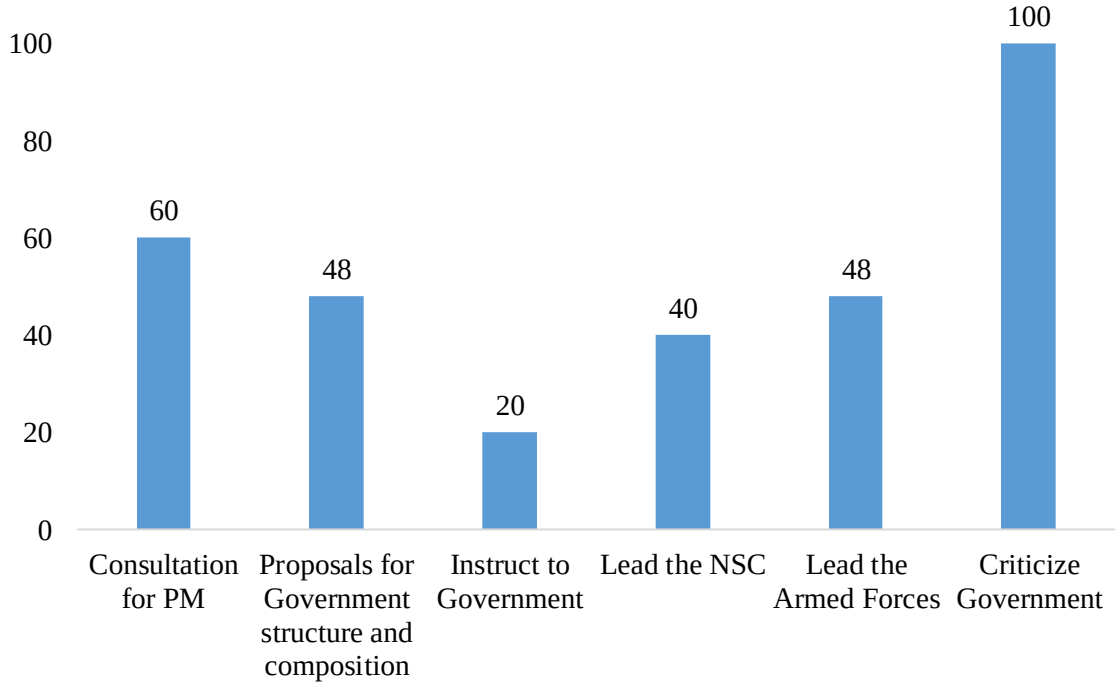


Figure 7.10. Dilemmas between the president and the government in Theme 4 (percentage)

In terms of this category, 100 per cent of 25 participants stated that the most dilemmas that occurred during the unified majority government were when the president criticized the activities of the government. P8, a former member of the parliament mentioned that many attempts to criticize government activities such as speeches that President N Bagabandi's 'New Choice' for new year before the 2004 election. It was against the Chairman of MPRP and Prime Minister N Enkhbayar, who won 72 seats in the parliament. It strongly influenced the formation of a divided minority government the following year. Moreover, before the presidential election, he told Prime Minister N Enkhbayar to beware of the danger of the "Long Yellow Coat", which became N Enkhbayar's nickname in his whole life. These dilemmas are the main topic of debate between the president and the prime minister. Hence, many political touches of sarcasm were created and repeated.

However, 60 per cent of them answered that there are dilemmas related to the president's consultation power on the appointment of the prime minister. They linked this dilemma to the case of Prime Minister N Altankhuyag's dismissal and appointment of Ch Saikhanbileg in the term of President Ts Elbegdorj. P20, a member of the MPP states that Ts Elbegdorj said in an interview that "Prime Minister N Altankhuyag requested me to resign

himself. I folded the application and returned it because there is no such thing". But Prime Minister N Altankhuyag has sued Ts Elbegdorj for lying and defamation. The court imposed a fine on President Ts Elbegdorj for lying. It was like a quarrel between children and elders. During the interview, 48 per cent of all participants expressed that President Ts Elbegdorj was the main person who organized the dismissal of N Altankhuyag by actively discussing the proposal to dismiss N Altankhuyag.

20 per cent of them answered that the president's power to instruct the government provides with more participation in the activities of the government. Also, 40 per cent of participants stated that the participants influence the activities of the government through the NSC. P9, individual politician mentioned that when Ts Elbegdorj was the President, he stopped the issuance of mineral exploration licenses by the decision of NSC, which caused great damage to Mongolia's economy and sent it into a deep crisis. Likewise, 48 per cent of them answered that the Commander-in-Chief of the armed forces caused dilemmas by awarding the rank of general titles.

Dilemmas between the parliament and the government under unified majority governments

Dilemmas between the parliament and the government include dual duties, dismissal of the government, attempts to dismiss the government, attempts to dismiss members of the government and criticism of the government in situations of unified majority governments. Figure 7.11 shows the responses of participants regarding dilemmas between the parliament and the government.

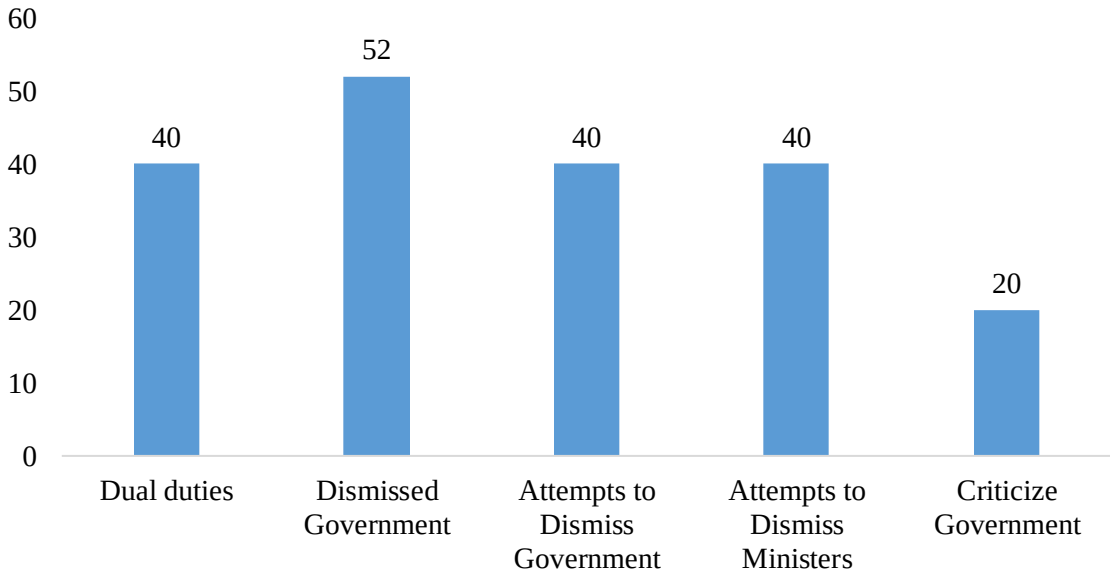


Figure 7.11. Dilemmas between the parliament and the government in Theme 4 (percentage)

52 per cent of participants states the dismissal of the government by parliament members. They emphasized the dilemmas of N Altankhuyag, who was the prime minister at that time when Ts Elbegdorj was the president. On the contrary, P23, a member of the Democratic Party stated that during the first unified majority government in 2001 – 2004, all power was accumulated to N Enkhbayar, Prime Minister and Chairman of MPRP. President N Bagabandi became a powerless president at that time. Some political researchers worried that Mongolia returned to the dictatorship regime. Others mentioned that it intends to development of the country. When the MPRP government took over in 2000, there was a lot of debt and there was no salary for the civil servants. As the result, no dictator was born, and the country developed a little in terms of economical conditions. Finally, N Bagabandi supported another party and dropped it with MPRP dominance. It demonstrated that during the unified majority government, the main competition was created for accumulation of executive and legislative power between the president and prime minister. Yet, in the end, unified majority government pushed a divided government situations due to dilemma between their competition.

After that, 40 per cent of participants answered that there was a dilemma related to the members of parliament combined with members of the government. P19, a member of MPP

mentioned that the internal greed of the parliament members is being created for members of the government. It was the main factor behind the government's instability. President Ts Elbegdorj used this opportunity successfully to appoint his candidates as prime minister and members of the government. This will have very bad consequences for the parliamentary institution in the future.

Also, 40 per cent of them pointed out that the dilemmas related to the dismissal of the members of the government occurred when Ts Elbegdorj was the president. However, the other 40 per cent answered that there were attempts to dismiss the government during the time of Ts Elbegdorj, but not during the time of N Bagabandi. P23, a member of the Democratic Party expressed that President N Bagabandi's time, he could not dismiss N Enkhbayar's government due to the situation that Prime Minister N Enkhbayar accumulated all powers in the parliament and government by his partisan power. During the term of Ts Elbegdorj, the government of N Altankhuyag was dismissed simply by the parliament to form the government of Ch Saikhanbileg.

20 per cent of references associated with criticizing government actions. P4, Deputy Chairman of the Parliament mentioned that President N Bagabandi's last term of office was the years against N Enkhbayar's government. In particular, his speech in the parliament and his speech to the citizens were against his party. After the sudden death of L Enebish, the Speaker of the parliament in 2001, there was no one to criticize N Enkhbayar's government except President N Bagabandi. L Enebish started speaking a little about strengthening democracy and human rights.

The new category of Second Cycling Coding under unified majority governments

Likewise, these main categories, semi-structured interviews provided new ideas and overall meanings emerging during the interview. Thus, new codes were added to 19 – 22 by combining them with repetitions and overall meanings using the Second Cycling Codes method. These new indicators include a dual executive and power struggle, accumulating power for presidents, personal dilemmas, misunderstanding between president and parliament, and the relationship between the president and their parties. Figure 7.12 shows newly created dilemmas in situations of a unified majority governments.

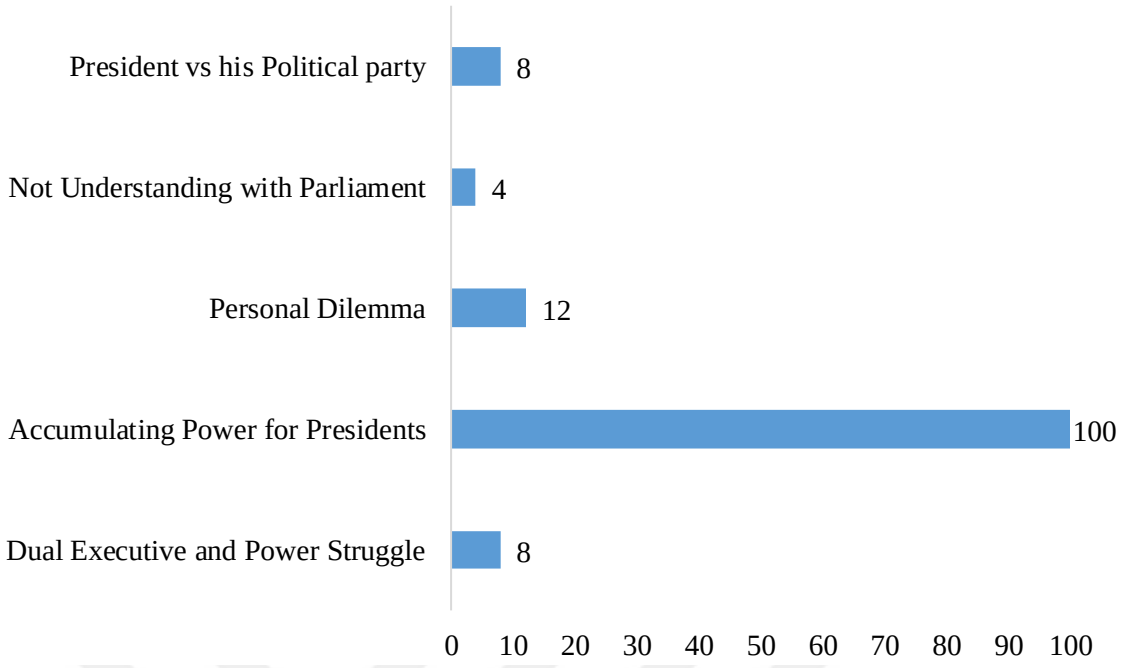


Figure 7.12. New categories in Theme 4 (percentage)

12 per cent of participants answered that personal dilemmas between the president and prime minister create the main institutional dilemmas in this situation. Yet, 8 per cent of participants stated that a unified majority government influences to emerge more dilemmas in terms of the dual executive and power struggle situations. It is believed that only one of them controls the executive power. Similarly, 100 per cent of them stated that a unified majority government provides the main opportunity for the president to expand his powers and control the executive branch. However, another eight per cent of participants answered that the president's attempt to control the government by expanding his power divided his elected party into two factions during the unified majority government. Finally, one participant said that the main dilemma of the president is related to his lack of understanding with the parliament.

7.2.5. Theme 5. Democratic Performance

In this section, the consequences of the institutional dilemmas that have been occurring in Mongolia since 1992 will have an impact on democratic performance in the future. Therefore, since the coding references about democratic performance were different, the categories were placed into four main categories: institutional conflict has a positive effect

on democratic performance, neutral effect, negative effect, and no responses. Table 7.6 shows the categories created under Theme 5.

Table 7.6. Theme 5. Democratic performance

Codes	Categories	Number of coding references	Participants' responses (%)
1	Positive	4	16
2	Neutral	6	24
3	Negative	10	40
4	No responses	5	20
5	Total	25	100

In terms of Theme 5, the most frequently repeated coding reference was institutional dilemmas in Mongolia have a negative impact on democratic performance by 40 per cent of participants. But 5 participants did respond that they don't know about it in the future. P12, university professor mentioned that institutions should not create dilemmas for each other in terms of the separation of power theory. Because all institutions should implement a system of checks and balances each other. If it starts to dilemma, then the law will not be appropriate and not be valid. It is becoming a fragile system that depends on political actors. Then the first principle of non-contradiction should apply. It means that the dilemmas will appear only on the issue of the implementation and execution of the approved decisions. But situations that which institution has more power, and which has not should never be discussed on these branches. If it is discussed, the constitution itself is weak. In that case, democracy itself will not work, will not be implemented, and democratic governance becomes impossible. Similarly, P13, former Director General of the Secretary office of the cabinet mentioned that democracy has no meaning in Mongolia. There is full of corruption. What if we give the biggest projects without a tender and talk about democracy here? After the Parliament refused to approve the Law on State Secrets, the Government issued a resolution and did whatever it wanted.

It will have a neutral effect that was referenced by 24 per cent of them. P15, Director of Department in the Secretary office of the cabinet expressed that if democracy is understood as a form of free expression of opinion, the electoral system must be improved and increased the voter's awareness. Now, it is difficult for Mongolia that business characteristics and money that directly affects election result due to the poor conscience of

the voters. It always reduced the ability to formulate policies that are in the interests of the public. Democracy will be sorted out only after solving the voter's consciousness and electoral system.

However, 16 per cent of them answered that it will have a positive effect. P3, former candidate for the presidential election stated that democracy is about human rights. Fulfillment of human rights means an increase in human creativity. Society is democratic, but society is not ready. We will not backward from the democratic regime. He continued that democracy is development. Mongolia is a landlocked country with a very small market. Thus, it should be determined depending on the geographical features of its existence.

7.3. Conclusion

The semi-structured interviews were conducted with 24 participants to clarify additional data and investigate the challenges and difficulties of institutional dilemmas based on the stakeholder's experiences. The results of this interview were analyzed in NVIVO software using the thematic analysis method.

In terms of Theme 1, the participants answered differently about the main underlying causes of institutional dilemmas in Mongolia. The most of participants referred that powerful presidents and parliaments were the main causes of institutional dilemmas. In particular, the popularly elected president was explained about the main competition to establish his influence in parliament and government institutions. On the other hand, the main political reason for the dilemma depends on the president's partisan power that continues in the scope of parliament and government institutions, especially after being elected as president.

Theme 2 analyzed the opinions of the participants regarding the cohabitation situation between 1993-96, 1997-2000, and 2001-04. This situation was not fully understood by the majority of the participants, and the realization during the interview that cohabitation is a situation that occurs during semi-presidentialism made the interview more interesting. During the cohabitation, main arguments emerged which are formulated into the hypotheses "H1: Dilemma is expected to arise between the president and the parliamentary majority, and between the parliamentary majority and the prime minister under cohabitation" and "H2: Under cohabitation, changes in the government is expected occur at a higher level". The results of the interviews supported these two hypotheses. Within H1, the most institutional

dilemma occurred between the president and the parliament and the parliament and the government. Moreover, the participants have responded there will be a lot of changes in the government. It supported the second hypothesis of H2. The first cohabitation worked stably within the framework of mutual understanding and power-sharing, while the last two cohabitations were the most unstable situations that dismissed a total of four governments. In particular, participants pointed out that three of four governments changed as a result of the second cohabitation between 1997 and 2000. Since the democratic constitution was implemented in political practice in 1992, cohabitations became perilous situations for the instability of the government, especially, after the presidential elections.

In Theme 3, the situation of a divided minority government and a divided government was analyzed within the interview references. The situation of a divided minority government was created by the result of the 2005-08 parliamentary and presidential elections. At that time, President N Enkhbayar was elected in 2005 and worked with three prime ministers who were Ts Elbegdorj, M Enkhbold, and S Bayar. However, a divided government situation was created by the result of the 2009-2013 elections. During this period, President Ts Elbegdorj worked with two opposition Prime Ministers S Bayar and S Batbold. The first hypothesis is that H3: "An institutional dilemma is expected to take place between the president and the parliamentary majority under a divided minority government and a divided government". This hypothesis was not supported by the analysis of the interview results. Because interview participants highlighted that the main dilemmas occurred in the appointment of the prime minister between the president and the government during these two situations. On the other hand, the president can appoint the candidate he supports as prime minister, but just after a year, he once again has a dilemma with the prime ministers and was strongly involved to dismiss them. This dilemma mostly occurred during President N Enkhbayar's term, they dismissed three prime ministers and got support from the parliament. This dilemma was emphasized more by the interviewees.

However, after Ts Elbegdorj was elected as the president after defeating N Enkhbayar in 2009, Prime Minister S Bayar submitted his resignation due to health reasons, which aroused suspicion among the interviewees. Some participants said that the president told him about the petition of dismissal, while others said that S Bayar sold his position to the next Prime Minister S Batbold. Many participants also pointed out that from this time, the period of high-ranking officials began to submit their resignations. The second hypothesis of this

section is that H4: “The institutional dilemma is expected to take place between the parliamentary majority and the prime minister under a divided minority government and divided government”. It was supported by participants since Code 8 (the consultation for the prime minister), and Code 15 (the dismissal of the government). In that sense, the participants expressed that divided governments strongly influenced the members of parliament, who competed for a marathon to become ministers in the government. Indeed, the president supports this marathon to push his candidate as prime minister. Then, it creates the most-prone subtype of semi-presidentialism, and government instability has reached the highest level. They also pointed out that a divided minority government benefited the smaller parties because many temporary ministers were elected from smaller parties. Therefore, these two situations are the most unstable situation, which is also supported by the case of Mongolia.

Theme 4 covers the period of unified majority governments. The unified majority government in Mongolia was formed as a result of the presidential and parliamentary elections of 2001-2004 and 2013-2016. First, the dilemma between the main institutions in the period of 2001-2004 was explained more in connection with personal dilemmas between President N Bagabandi and Prime Minister N Enkhbayar. The most of participants stated that N Enkhbayar, with the authority of the party leader, was doubly ruling the parliament, which consisted of an excessive majority of 72 members. Therefore, President N Bagabandi tried to curb him as much as possible. Some participants highlighted that President N Bagabandi had a lot of dilemmas with the opposition in the 1997 – 2000 cohabitation, and then during the 2001 – 2004 unified majority government, he was the president who had dilemmas with his party, MPRP. Although there was a dilemma between the president and Prime Minister, N Enkhbayar's government became the second government to complete its full term. Therefore, N Bagabandi was considered defeated by Prime Minister N Enkhbayar in the competition for executive power. Then, it provides room for N Enkhbayar to accumulate the strongest power at the parliament and government level.

In contrast, the majority of participants clarified that the unified majority government took place between President Ts Elbegdorj and Prime Minister N Altankhuyag from the Democratic Party. Then, President Ts Elbegdorj accumulated more power from the parliament and dismissed N Altankhuyag. After that, his faction’s representative Ch Saikhanbileg was appointed as the prime minister from the Democratic Party. Therefore, all

participants responded that the main dilemma was between the president and the prime minister in this period. Thus, the hypothesis of this section that H5: "While the government is unified, an institutional dilemma is expected to occur between the president and the prime minister. But the government instability exists at a minimum level" is supported by the result of the interview. The government of 2000 – 2004 existed stably, but during the government period of 2012 – 2016, only one prime minister was dismissed. From 2000 – 2004, Prime Minister N Enkhbayar won the power competition between the president and the prime minister and was criticized for taking all the power and becoming a dictator. However, during the parliamentary term of 2012 – 2016, most of the participants highlighted the main dilemmas between President Ts Elbegdorj and Prime Minister N Altankhuyag for the competition of accumulating power. In this case, Prime Minister N Altankhuyag was easily dismissed due to accumulating all the powers in President Ts Elbegdorj's hand. Then, he went to the final stage of the dispute – the court, but he could not get any support. Thus, the second hypothesis of that section H6: "An institutional dilemma is created on the basis of the president trying to accumulate more power during the unified majority government" is also supported within these periods.

The final question of the interview was how these major dilemmas will affect the democratic performance of Mongolia. The responses under Theme 5 were analyzed in four categories: positive, neutral, negative, and no responses. Most of the participants state that it would have a negative effect on democratic performance than a positive effect. Consequently, most participants concluded that institutional dilemmas in semi-presidentialism would harm Mongolian democracy in the future. The next chapter will consider summary of the findings, discuss conclusions about the effects of semi-presidentialism, address limitations of research, and suggest for future research.

8. CONCLUSION

The main purpose of the conclusion section is to summarize the main arguments of the study and overall findings and discussions of institutional dilemmas under each situation of semi-presidentialism. Therefore, first, it will summarize the semi-presidential situations and the main arguments based on findings. Second, it will consider how this research contributes to the literature in terms of institutional dilemmas of semi-presidential situations in young democracies. Finally, it will suggest future research based on the findings that consist of the semi-presidential system in a Mongolian case.

Overall Findings and Discussions

The literature suggests the main argument in the effect of the semi-presidentialism that it increases institutional dilemmas that lead to a collapse of democratic performance due to damaging power struggles, especially for young democracies. On the contrary, another argument was that semi-presidentialism supports the power-sharing between competing forces that increase democratic consolidation for the young democracy. Therefore, empirical evidence includes different findings that support or are against these arguments and debates have expanded the importance of research in this area. In particular, the systems of some post-communist countries that have transitioned to democratic regimes since 1990 have also become the main object of empirical research. However, to examine the arguments of the theory and to expand the direction of further research, it was chosen as a single-case study to examine the situation of semi-presidentialism in Mongolia from 1992 to 2020, one of the young democracies.

The semi-presidential system creates main four different situations that occur in a very unusual case for the transition of democracy in Mongolia. In 1992 the first democratic constitution was adopted by parliament that endowed with the first semi-presidential situation, and its various effects began to influence internal institutional relations between the president, the parliament, and the government which in most cases led to institutional dilemmas. The main basis of this dilemma is the selected form of state structure in the new constitution in 1992. In terms of the state systems, the parliament has been classified as the highest institution of legislative power, while the highest institution exercising executive power has been clearly defined as the government. However, the institution of the president, with the status of the head of state, was left in the middle without being included in either of

these two institutions. Moreover, the president has been endowed with strong powers in the relationships with the parliament and the government. The fundamental conditions for the emergence of institutional dilemmas have been created due to the uncertain institutional position of the president with seemingly strong power.

The main findings of the study are what institutional dilemmas occur in situations of cohabitation, a divided minority government, a divided government, and a unified majority government that emerged from the semi-presidential system in Mongolia. Since the adoption of the first democratic constitution of Mongolia in 1992, there have been seven presidential elections by universal suffrage, and eight parliamentary elections. Thus, it summarized the main arguments for institutional dilemmas that exist in the situations of semi-presidentialism within each chapter. Chapter 4 analysed the cohabitation situation in which the president and prime minister from opposite parties, and the president's party does not hold any seats in the cabinet. This means that the president has no choice but to face the parliamentary majority and the head of the executive branch against the political agenda. Therefore, the main argument is that an institutional dilemma exists between the president and the prime minister, in which there is an imperative need to obtain the support of the parliamentary majority. As a president, he is looking for opportunities to expand his powers by participating more in the executive branch. This further pushes the armed forces to a situation where they can be used in dilemmas. In this way, it leads to the danger of democratic performance and collapsing it (Linz and Stepan, 1996; Skach, 2005). The counterargument, however, is that there is power-sharing and cooperation created between the president and the prime minister under cohabitation which does not lead to a collapse of democratic performance or an evacuation from democracy (Elgie, 2011). Therefore, based on the powers of the president granted by the constitution, the first hypothesis is derived from that the institutional dilemma shows up between the president and the parliamentary majority, and between the prime minister and the parliamentary majority. Indeed, these dilemmas influence the stability of the government in the empirical evidence. Thus, the next hypothesis was chosen that changes in the government exist at a higher-level during cohabitations.

In the case of Mongolia, cohabitation occurred in three different periods from 1992 to 2020. Each of these situations had different characteristics due to the effects of transitional conditions. The first cohabitation was formed in Mongolia after the 1992 parliamentary elections and the 1993 presidential elections. The political situation of this time was that

Mongolia had just transitioned to democracy, so there was a time when the country's situation was extremely challenging, creating a crisis in all spheres of society and the economy. Therefore, the president had no choice but to work in consultation with the MPRP, which had a vast majority in the parliament. The main dilemma that arose within this cohabitation is demonstrated by vetoing the decisions of a parliamentary majority. As the president, he was interested in cooperating with the parliament as much as possible, so he did not come into a dilemma with other NSCs or the use of the armed forces. In terms of the prime minister's dilemma, although at the beginning he did not support the Prime Minister nominated by the parliamentary majority. Yet, in the end, the president was working well and did not cause instability in the government. The parliament and the government also were the absence of dilemmas, except for the fact that members of parliament combined with members of the government. Therefore, the first cohabitation has been able to create a power-sharing at a higher level to strengthen the newly created democratic institutions and support democracy. In this sense, the MPRP parliament has worked hard to stabilize their government and prime minister.

The second cohabitation demonstrated that the president was active in the institutional dilemmas against the parliament based on his veto. He vetoed a total of 15 decisions of the parliament in his mandate. Thus, he has become the president who vetoed the most in history. This dilemma has reached the point of introducing amendments to the recently approved Constitution. Although the dilemma between the president and the parliament appears to be large, in terms of content, the dilemma between the president and the prime minister has led to a political crisis. At the time of the second cohabitation, a total of four prime ministers worked during the four years of the parliamentary term, and the appointment and dismissal of three of them were at a standstill due to the inability to agree with the president. The majority and the minority of the parliament used this opportunity very well, and the instability of the government reached its highest level. Therefore, the institutional dilemma between the president and the parliamentary majority has pushed the government to the highest level of instability. When the president exercised the power that consults with the parliamentary majority-political party and coalition for the appointment and dismissal of the prime minister, he continues to prevent candidates of prime ministers without any reason to being proposed to the parliament. Likewise, the institutional dilemma between the parliament and the government has also increased, and the parliamentary majority has split within itself, and with the support of the president, it has been revealed that they are

competing for the prime minister's marathon among their leaders. Therefore, the second cohabitation of this period was the most inconsistent in the history of Mongolian democracy, and the instability of the government reached its highest level. This, in turn, caused the citizens to withdraw from the democratic transition and recall their communism, creating a distrust of the democratic regime, which enabled the ex-communist party to win 72 of the 76 parliamentary seats in the next election.

The effect of the third cohabitation showed more dilemmas between the president and the parliamentary majority. The president used his power to veto very well, creating a dilemma with the parliament. He was working in dilemma even within the power of the consult with the appointment and dismissal of the prime minister. This contradictory relationship has brought the MPP to the level of changing the constitution. However, in this case, President Kh Battulga was able to divide the majority of 65 seats in the parliament into two factions with 33 and 32 members, dismiss the government and appoint the person he supports as the prime minister. Only two months after Kh Battulga was elected as the president, the government was dismissed which became the fastest dismissal of the government after the presidential election. Thus, he cooperated with the prime minister he supported which led to a power-sharing situation. Yet, the instability of the government continued in the third cohabitation. He also was increasing his participation in the executive power based on the decisions of the NSC. The dilemma between the parliament and the government also arose, and the party that won the majority of seats was divided into two factions, and the opposition Democratic Party supported the one of factions and implemented its policies by holding the government, hostage. Therefore, the third cohabitation pushed the dilemma of the parliamentary majority into a tense form, and the dilemma reached its peak when the president actively participated in the appointment of the prime minister and his cabinet. During the third cohabitation period, one government was dismissed, and two ministers also resigned from the cabinet due to the instability of the government. Even the members of parliament were activated to propose dismissing the Prime Minister and members of the government from time to time. However, the president and prime minister tried to implement their agenda based on power-sharing principles instead of usurping them, it has changed to a dual executive form. However, as the next election cycle approached, the dilemma between the president and the prime minister became more acute, and the president's power to re-election was made impossible by the amendment of the constitution in 2019. Therefore, within the framework of the third cohabitation, the president actively

participated to dismiss one prime minister in dilemma with the majority of the parliament, and the candidate recommended by him was appointed as the prime minister. This situation has divided the prime minister and the parliamentary majority into two factions. Therefore, the instability of the government also continued, and there were dilemmas such as the dismissal of one government, the proposed dismissal of the new prime minister, and the resignation of two cabinet members.

Chapter 5 tested arguments that occurred within the situations of a divided minority government and a divided government. The literature suggests the main argument of a divided minority government is that the president and prime minister do not enjoy this situation. Even a political party and coalition do not enjoy in parliamentary majority. It influences parties and coalitions in the parliament split up, government instability increased and presidential interventions to expand powers increased within this situation. Thus, it is the most-prone situation of a semi-presidential system. Therefore, no clear majority is formed in a divided minority government. It pushes the president to use his or her powers to the constitutional limits for a long time by increasing parliamentary immobilism, government instability, and government changes (Skach, 2005, pp. 17-20). The situation of a divided government in which the president is elected from the opposition party. However, the condition that differs from cohabitation is that the president's party has seats in the cabinet. Even though the president's party is in opposition, increasing its power creates a difficult situation for the majority party or coalition (Shugart, 1995, p. 327). Because of this, the president begins to struggle to take both legislative and executive powers and become the ground for hyper-presidentialism. As the president becomes the de facto leader of the party unofficially, the prime minister is no longer accountable to the parliament, and the prime minister becomes the president's subordinate. As a result, legislative and executive powers are accumulated in one hand for the president, which leads to a political and institutional crisis.

Chapter 5 showed that the president was in dilemma with the parliamentary majority by vetoing the decisions of the parliament nine times. However, he exercised his powers of initiating laws, amending the constitution, issuing decrees, and appointing high-level positions without any dilemmas. Also, President N Enkhbayar was involved actively at the government level. The prime minister was dismissed seven months after the presidential election. As the president, he was more active in the appointment of the prime minister due

to his partisan leadership. Therefore, the prime minister was selected by the president and appointed by the parliament. So, President N Enkhbayar has actively participated in the process of dismissing two prime ministers and appointing two prime ministers. However, there was an immense dilemma between the parliament and the government due to the prevailing interest of the members of the parliament to combine with members of the government. This dilemma reached the highest level in democratic history, and there were 8-15 members combined with members of the government in the composition of the three governments. This became the main reason for the instability of the government by the parliament, and three government and six government members were discussed being dismissed, and then four of them were dismissed. There were 17 dilemmas between the parliament and the government.

Likewise, this chapter found that institutional dilemmas intensified in a divided minority situation. It provoked political and institutional degeneration due to the political crisis that became chaos and five people lost their lives on July 1, 2008. The president also used the upper limits of his constitutional power to declare a state of emergency for the first time in Mongolia since 1992. Then, Ts Elbegdorj, the candidate of the Democratic Party won the 2009 presidential election. At this time, although President Ts Elbegdorj was nominated by the Democratic Party, the dilemma began between the president and the parliamentary majority by influencing the prime minister. The main form of the parliament was expressed through the veto power of the president. At this time, high-ranking officials appointed by the previous president, such as the Chief Justice, Chief Prosecutor, and Director General of IAAC, began to submit petitions to be released before the end of their term of office. Consequently, four months after Ts Elbegdorj was elected as the president, Prime Minister S Bayar also submitted his petition and expressed his request to resign due to health reasons.

After Prime Minister S Bayar's dismissal, the nomination of S Batbold by the MPRP for the next Prime Minister has created suspicion that he was ordered by the president. Even President Ts Elbegdorj never initiated proposals to dismiss Prime Minister S Batbold. On the contrary, the president actively participated in government activities. Thus, hyper-presidentialism has de facto emerged. He also increased his powers in the field of the NSC and the armed forces and created a dual executive. But the main nine dilemmas were between the parliament and the government. This time, 11 and 12 members of parliament combined

with members of the cabinets in the two governments. As the election period approached, some members of parliament were encouraged to join the government and propose the dismissal of three government ministers, but they have not been able to get the support of the parliament. These proposals did not emerge from the specific parties, and sometimes MPP and the Democratic Party members made them jointly. Thus, Chapter 5 confirmed that institutional dilemmas occurred between the president and the parliamentary majority and between the parliament and the government. However, there was a slight dilemma between the parliamentary majority and the prime minister, but it was not spread because the prime minister was the Chairman of the MPP and began to share powers with the president. Therefore, a divided government situation became the main condition for the emergence of hyper-presidentialism. Besides executive power-sharing, there were many attempts to dismiss cabinet ministers and criticism of the policies that led to mining projects increased the dilemma between the parliament and the government.

Chapter 6 examined a unified majority government which is occurred when the president, prime minister, and parliamentary majorities belong to the same political force. The main argument is that the president and prime minister have a little conflictual level. This subtype allows a great opportunity for both the parliament and the government to accomplish their agenda (Skach, 2005b, p. 15). Moreover, this situation pushes to create hyper-presidentialism (Lijphart, 2004; Linz, 1994). For Mongolia, the situation of a unified majority government has arisen twice. The first case occurred during the 2000-2004 parliamentary term and the 2001 presidential election. But the last case occurred during the 2012-2016 term of parliament and the 2013-2017 term of office of the president. These arguments also showed different effects that institutional dilemmas caused by personal dilemmas between party leaders based on their partisan leadership. Then, it pushed for difficult situations such as reducing presidential powers within the constitutional amendments and competition between the president and the prime minister for the head of state and the head of government through hyper-presidentialism.

Chapter 6 demonstrated that the first unified majority government formed during the period when the MPRP was in power caused more dilemmas between the president and the parliament, and the president and the prime minister. On the other hand, they were able to cooperate almost without dilemma at the level of the parliament and the government. But the main dilemma between the president and the parliament was associated with the

amendment of the constitution in 2000, the vetoes imposed by the president, the dilemma within the power to initiate laws, the appointment and dismissal, criticizing the activities of the parliament, and proposing to dissolve the parliament. In particular, there was an enormous dilemma in the veto power of the president and the dilemma between President N Bagabandi and Prime Minister N Enkhbayar. Then, the prime minister won the competition for accumulating power and followed the winner-takes-all game rule. It was associated with Prime Minister actively involved in the process of reduction of presidential powers by the 2000 amendment to the constitution. Then, Prime Minister N Enkhbayar was able to fully accumulate legislative and executive power. Thus, some leaders of opposition parties criticized Mongolia slipping into a dictatorship regime and the new *Führer* will be born very soon. The dilemmas between the president and the prime minister influenced the president to start exercising his proclamatory powers actively. He criticized the activities of the prime minister and the government within his power of addressing messages in the parliament, which put the MPRP in a very difficult position in the next election. However, when N Enkhbayar became the president in 2005, a divided minority government was formed due to the result of two elections.

The second unified majority government showed that institutional dilemmas occurred between the president and the parliament, the president and the prime minister. But at the level of the parliament and the government, they were able to cooperate with a little dilemma. The main dilemma between the president and the parliament arose over the president's power to initiate laws, veto powers, and appointment powers. In particular, the parliament criticized the violation of the constitution related to the appointment of judges, but the president did not discuss any issues of responsibility. However, the relationship between the president and the prime minister created a lot of dilemmas at the beginning of the situation. In 2013, after Ts Elbegdorj was re-elected, and he started pressuring the Chairman of the Democratic Party and Prime Minister N Altankhuyag to resign, then the dilemma between the two reached the court stage. Moreover, President Ts Elbegdorj was actively involved in the activities of the NSC and the armed forces and even became more participated in the daily activities of the government, which started to accumulate more powers. Subsequently, the appointment of Ch Saikhanbileg as the Prime Minister and a member of his faction in the Democratic Party made this situation even more transparent. Therefore, this unified majority government can be considered a period when executive power is accumulated by the president. However, the main dilemma between the parliament and the government was that there was a lot of

competition for members of parliament to combine with members of the government. At the beginning of the situation, Prime Minister N Altankhuyag was identified as the government with the largest number of members of parliament combined with members of the government. While in the previous unified majority government, the prime minister accumulated more power in his hand, this unified majority government was different in that more power was accumulated on the president and the government was not stable. Thus, all these unified majority governments provided different and contrast effects in the Mongolian case.

Overall, the four situations of the semi-presidential system in Mongolia were greatly different from each other depending on the social, economic, and cultural factors and showed different effects on the political practice. The findings summarized that the situation that made the least dilemma was cohabitation during the period of President P Ochirbat between 1993 and 1996. However, the situation that created the most institutional dilemma was a divided minority government that was created during the period of President N Enkhbayar in 2005-2008. President N Bagabandi was in the most dilemma with the parliament from 2001 to 2004 under a unified majority government. However, the president who had the most dilemma with the prime minister was President Ts Elbegdorj in 2013-2016 worked under a unified majority government. And the most dilemma that occurred between the parliament and the government was created during a divided minority government period of 2005-2008. Although each situation of semi-presidentialism exacerbated the institutional dilemmas, these dilemmas created other subsequent situations that did not push Mongolia to withdraw from the democratic transition and collapse the democratic consolidation. Moreover, the attempts to accumulate power originated mainly in a unified majority government, but with the support of other opposition parties, these attempts failed and led to create a divided minority government and a cohabitation situation. Therefore, semi-presidentialism creates a dilemma between democratic institutions in Mongolia, but it also creates certain advantages in improving the consolidation of democracy.

Limitations

The single-case study research is challenging for the problem of representatives because it has only one case. It is the main limitation of this type of research (George & Bennett, 2005). Thus, the research is limited to the case of one country. Mongolia was selected on the following grounds. First, semi-presidentialism and government instability is

common in post-communist countries but differs from Mongolia in many respects, such as population concentration, political culture, and economic situation. Second, Mongolia is located between two less democratic regimes China and Russia. Thus, it has many direct and indirect influences in terms of political culture and economic development. Therefore, the internal institutional framework is the main focus of arguments on the institutional dilemma within the semi-presidential system. Besides this, the political culture and economic factors that have the main influence on the formation of democracy were not specifically studied in this framework. It may affects the limitations of this study.

Essentially, political culture and economic factors that arise within this limitation are broad concepts in terms of democratic performance that must be considered in the particular research. Many scholars studied the political culture that aggravates social cleavages and why some young democracies are developing well while others are collapsing or retreating from democracy. They found that intergroup competition and political instability are mainly caused by social fragmentation reaching its lowest level (Horowitz, 1993 and Huntington, 1996). From this point of view, Mongolia is made up of one unified nation, so the inter-group dilemma did not lead to social division. However, political instability started as a newly created conceptual problem after the democratic transition in 1990, based on the division of political ideology. Before 1990, there was only a communist party system, but after the democratic transition in 1990, with the emergence of a multi-party system, the ex-communist party, and other pro-democracy parties with opposing ideologies began to create dilemmas of ideas. The first free democratic elections were held in July 1990. In this election 98 per cent of all voters went to vote by themselves, not by force like in the communist elections. Therefore, the division of political culture and communist and new liberal ideology may affect the research limitation because it has not been fully studied within the specific theme.

Moreover, Lipset (1981) and Przeworski (2000) demonstrated that the economy has a strong influence to survive democracy and stability. Lipset (1981) stated that development leads people to embrace values and attitudes, so this tendency creates a more friendly formation and further development of democracy. Because it is only in economically developed societies that the mass population intelligently participates in the political process and does not create conditions for the emergence of irresponsible demagogues. If society is divided between a large mass of the population and a small number of elites, the result would

be “either in an oligarchy or in tyranny” (Lipset, 1981, p. 31). Similarly, there are many research that supports a positive relationship between economic development and democracy. They argued that democratic transitions produced more positive outcomes in middle-income countries and randomly occurred democratic transition is supported by the level of economic development in terms of the democratic (Huntington, 1991b; Przeworski et al., 2000). Thus, economic factors were extremely insufficient for Mongolia during the period of democratic transition in the 1990s. After this immense economic crisis, there merely 16 per cent of Mongolians were supporting democratic transition in the 1992 social survey (Byambasuren, 2010, p. 51). All of this created the main conditions for the disbelief in democracy among the citizens, the retreat from democracy, and the victory of the ex-communist party in multiple presidential, parliamentary, and local elections. These factors are still important as they remain the main factors to be studied in future research.

Implications for the Literature on Institutional Instability and Semi-presidentialism

There were main two arguments in the literature concerning institutional dilemmas which were occurred in semi-presidentialism. Semi-presidential systems increase institutional dilemmas and lead to a collapse of democratic performance due to damaging power struggles, especially for young democracies. On the contrary, another argument was that semi-presidential situations support the power-sharing between competing forces that increase democratic consolidation for the young democracy. Examining this argument within the four contexts of semi-presidential situations had varying effects. It is also difficult to generalize them. Nevertheless, if this situation is examined in the context of a single case study, it is possible to compare the various effects.

First, the findings argue against lumping institutional dilemmas under the umbrella of semi-presidentialism alone. Indeed, criticisms will focus on the fact that semi-presidentialism encourages inter-institutional dilemmas due to the effects of its situations. These situations have different results, so it is not possible to put them all in one basket. While the literature considers cohabitation to be a highly conflicting situation, it is found to create the least institutional dilemmas in democratic transition situations when both political forces are simultaneously pro-democracy. On the other hand, the position that minimal inter-institutional dilemmas occur in the situations of a unified majority government was dominant in the literature, but this situation turned into a competition where more partisan leaders would accumulate power in the one hand and be pushed to political crises and collapse of

democracy. On the contrary, the situation of divided minority and divided government, where the most dilemma is found, although it increases the dilemma between institutions, it is observed that it contributes to indicators such as democratic performance and the reduction of the level of corruption. All of these things are different in the case of a country under a semi-presidential system, so it is more important to study them all under separate cases. In particular, it is significant to focus on single case studies, as the conditions of countries with small populations and less democratic experience are often left unexplored in larger comparative studies.

Second, the study confirmed that the main dilemma of the semi-presidential system is necessarily related to the transitional constitution for young democracies. The presidential institution was left out of the scope of executive powers in the constitution of Mongolia. It influences uncertain conditions for the state structure that the presidential power is stronger than the president of a parliamentary system and equal to the president of a presidential system, which makes the semi-presidential system more dilemmas. Therefore, the president has turned into a subject who seizes executive power and influences it as much as possible, rather than a ceremonial institution that balances the legislative and executive powers. It has become a tradition in Mongolia that after every presidential election, the prime minister resigns and the government becomes unstable completely. During the cohabitation period, President N Bagabandi worked with a total of four governments and consulted with the majority of the parliament on issues related to the appointment of three prime ministers and dismissal of three prime ministers. This situation continues even within the framework of the unified majority government, and even the political forces that have become the vast majority are contradicting each other and resigning the government. Therefore, every attempt to reduce the powers of the president in the semi-presidential system turned into a hidden form and increased the dilemmas, as can be seen in the case of Mongolia.

Thirdly, the main dilemma of the semi-presidential system is certainly associated with the legislative and executive powers of the president for the young democracy. The Mongolian case confirmed that attempts to reduce the presidential power do not lead to factual results in reducing the dilemmas between the main three institutions. In this regard, the dilemma surrounding the amendment of the constitution was carried out in 1999, 2000, and 2019, reducing the presidential power on the consultation to the post of prime minister and ministers but it didn't have a significant impact on political practice. Attempts to reduce

the presidential powers provide "room" for presidents to exercise their proclamatory powers and other particular powers more actively such as leading to the NSC, other appointment rights for state officials and criticising the parliamentary majorities. The president has tried to centralize power in one hand based on the appointment power of the state institutions such as courts and prosecutors and leading to the NSC. However, the power of appointment seems to be reduced for the appointment of the prime minister, but the day-to-day politics of the president easily divides the party against the vast majority and brings out a candidate for the prime minister who is in line with the president's opinion. Therefore, some studies ignore the presidential powers on semi-presidentialism, but it is not possible for the young democracy. Moreover, it should be emphasized here that the proclamatory powers are one of the strong powers that can influence the election results by gaining public support. In this regard, the dilemma between President N Bagabandi and N Enkhbayar reduced N Bagabandi's constitutional rights. Yet, President N Bagabandi said two words: the year of "New Choice" is waiting for us, beware of the "Long Yellow Coat" named N Enkhbayar, he was creating the conditions for the creation of a divided minority government, and he was creating the conditions for the easy removal of N Enkhbayar from the political platform further years. In the next section, we discuss future research.

Future research

The main argument of this study is to examine that the semi-presidential system creates situations for government instability and the return, retreat and collapse of democracy by creating inter-institutional dilemmas. But the case of Mongolia confirmed that semi-presidentialism creates government instabilities by creating dilemmas between democratic institutions. In the framework of this study, the conclusion that government instability does not support the conditions for the collapse of democracy is technically viewed from Polity IV and Freedom House data.

Thus, first, when the situation of a unified majority government occurs, there is a tendency to decline democratic performance, the system of checks and balances between the executive and legislative powers is weakened, and power is concentrated in the hands of one person. Therefore, it is possible to conduct a detailed study on the accumulation of power and the related partisan power of the president. Second, the scope of this research is quite broad. In other words, institutional dilemmas were studied in the context of the relationship between the president and the parliament, the president and the government, and the

parliament and the government. Based on the research conducted in these three areas and the current situation, a unified conclusion was drawn. In the future, if these situations are studied in more detail such as the relationship between the president and the prime minister in the premier-parliamentary subtype of the semi-presidential system can be studied in detail. This relationship can provide more detailed evidence and bring out the problem of appointing and dismissing prime ministers at theoretical and empirical levels. In this case, semi-presidential systems such as Mongolia would be more unstable results that include the change of 15 prime ministers and 20 cabinet ministers in the last 30 years. Likewise, within the framework of a divided minority government and a divided government situation, although the instability of the government was very high, it is possible to conduct a more detailed study of these situations from the point of view of how it did not decline and collapse democracy and how it started significant economic projects including mineral resources projects.

Overall, the semi-presidential system leads to institutional dilemmas and thus creates instability in the executive institution, although it has not created the conditions to collapse democracy in the case of Mongolia. Yet, government instability is relatively high due to the partisan leadership of presidents under the weak constitutional framework. In the future, although the constitutional amendment attempts to reduce the powers of the president, it does not influence the situation of semi-presidentialism. Therefore, there is a need to study in detail whether the transition from semi-presidential to parliamentary or semi-presidential to presidential systems can shape the stability of executive institutions and support democratic performance for young democracies.

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10. APPENDIXES

Appendix 1.

QUESTIONS TO INTERVIEWS

1. How do you clear understanding of institutional dilemmas in Mongolia?
2. Do you think there is any serious dilemma between President Ochirbat, Bagabandi, and Battulga and Prime ministers in terms of cohabitation periods?
3. What kind of dilemmas mostly occurred between President Ochirbat, Bagabandi, and Battulga and parliamentary majorities under cohabitation periods?
4. What do you think about the relationship between prime ministers and parliamentary majorities in cohabitation periods?
5. What do you think are the institutional dilemmas in the relationship between President Enkhbayar and Elbegdorj and Prime ministers during the divided government situation?
6. Under the divided government, do you think what kind of dilemmas mostly occurred between President Enkhbayar and Elbegdorj and parliamentary majorities?
7. What are the serious dilemmas between prime ministers and parliamentary majorities in the divided government?
8. Do you think the relationship between President Bagabandi, Elbegdorj, and Prime ministers is more conflictual or cooperative during the unified majority government?
9. Under the unified government, what kind of dilemmas mostly occurred in the relationship between President Bagabandi, Elbegdorj, and parliamentary majorities?
10. How would evaluate the institutional dilemmas between prime ministers and parliamentary majorities in a unified government?
11. Could you please tell me what is the future vision of institutional dilemmas in the democratic performance of Mongolia?

Appendix 2.

AMENDMENTS TO THE CONSTITUTION OF MONGOLIA IN 1999 AND 2000

Nr	Amendments to the constitution in 2000	Original provisions of the constitution in 1992
1.	"Unless otherwise provided by the constitution, if the parliament fails to appoint the prime minister within forty-five days after the president has submitted a proposal on the appointment to the parliament, the parliament may decide to dissolve itself or the president shall decide to dissolve the parliament" (Article 22.2).	"If at least two-thirds of its members consider that the parliament is unable to carry out its mandate, or if the president in consent with the Speaker of the parliament proposes to do for the same reason, the parliament may decide to dissolve itself. The parliament shall retain its power until newly elected members are sworn in" (Article 22.2).
2.	"The prime minister shall, in consent with the president, submit a draft law on the structure and composition of the government, along with amendment thereto, to the parliament." **Additional provision:** "If the prime minister is unable to reach a consensus on this issue with the president within 7 days, then the prime minister shall submit it to the parliament" (Article 39.2).	"The prime minister shall, in consent with the president, submit a draft law on the structure and composition of the government, along with amendment thereto, to the parliament" (Article 39.2).
3.	"Chairman and Vice-Chairman of the parliament shall be nominated and elected from among the members of the parliament by **open** ballot…" (Article 24.1).	"The Chairman and Vice-Chairman of the parliament shall be nominated and elected from among the members of the parliament by **secret** ballot" (Article 24.1).
4.	"Regular sessions of the parliament shall be convened once a half year and last not less than 50 working days" (Article 27.2).	"Regular sessions of the parliament shall be convened once a half year and last not less than 75 working days" (Article 27.2).
5.	"Sessions of the parliament and sittings of its Standing Committees shall be considered valid with the presence of a majority of their members, and the issues shall be resolved by a majority vote of the members present in sessions and sittings unless otherwise provided by the constitution. The issue of the appointment of the prime minister and members of the government, as well as other issues, unless otherwise provided by law, shall be decided by open voting" (Article 27.6).	"Sessions of the parliament shall be considered valid with the presence of the vast majority of their members, and the issues shall be resolved by a majority vote of the members present in sessions unless otherwise provided by the constitution" (Article 27.6).
6.	"Members of the parliament shall be remunerated from the state budget during their term and shall not hold concurrently any posts and employment other than those assigned by law except for the post of the prime minister and member of the government" (Article 29.1).	"Members of the parliament shall be remunerated from the state budget during their term and shall not hold concurrently any posts and employment other than those assigned by law" (Article 29.1).

7.	**Power of the President: "**to propose to the parliament the candidature for the appointment to the post of prime minister nominated from the majority party or coalition in the parliament; if none of them has a majority a candidate nominated from the party/coalition which has the largest number of seats in consultation with other parties if such party failed to propose a candidate on consultation with other parties, a candidate who received the majority of votes from parties and coalition which sits in parliament within 5 days" (Article 33.1.2).	**Power of the President: "**to propose to the parliament the candidature for the appointment to the post of prime minister nominated from the majority party in the parliament; if none of them has a majority a candidate nominated from the party which has the largest number of seats in consultation with other parties and to propose the dismissal of government to the parliament" (Article 33.1.2).

Source: ULIS, 2022.

Appendix 3.

COMPARISON OF SOME AMENDMENTS TO THE CONSTITUTION OF MONGOLIA ON NOVEMBER 14, 2019.

Nr	Original provisions of the constitution in 1992	Amendments to the constitution in 2000	Amendments to the constitution in 2019
1.	"If at least two-thirds of its members consider that the parliament is unable to carry out its mandate, or if the president in consent with the Speaker of the parliament proposes to do for the same reason, the parliament may decide to dissolve itself. The parliament shall retain its power until newly elected members are sworn in" (Article 22.2).	"Unless otherwise provided by the constitution, if the parliament fails to appoint the prime minister within 45 days after the president has submitted a proposal on the appointment to the parliament, The parliament may decide to dissolve itself or the president shall decide to dissolve the parliament" (Article 22.2).	"If at least two-thirds of its members consider that the parliament is unable to carry out its mandate, or if the president in consent with the Speaker of the parliament proposes to do for the same reason, the parliament may decide to dissolve itself by two-thirds of its members. If the parliament fails to appoint the prime minister of Mongolia within 45 days after the president has submitted a proposal on the appointment to the parliament in accordance with Article 39.2 or within thirty days after the resignation of the prime minister in accordance with Article 43.1 or within thirty days after the prime minister has been deemed resigned in accordance with Article 44.2, the president shall decide to dissolve the parliament" (Article 22.3).
2.	"The prime minister shall, in consent with the president, submit a draft law on the structure and composition of the government, along with amendment thereto, to the parliament" (Article 39.2).	"The prime minister shall, in consent with the president, submit a draft law on the structure and composition of the government, along with amendment thereto, to the parliament." Additional provision: "If the prime minister is unable to reach a consensus on this issue with the president within 7 days, then the prime minister shall submit it to the parliament" (Article 39.2).	"The prime minister shall, in consent with the president, submit a draft law on the structure and composition of the government, along with amendment thereto, to the parliament. If the prime minister is unable to reach a consensus on this issue with the president within 7 days, then the prime minister shall submit it to the parliament" (Article 39.3).
3.	"Members of the parliament shall be remunerated from the state budget during their term and shall not hold concurrently any posts and employment other than those assigned by law" (Article 29.1).	"Members of the parliament shall be remunerated from the state budget during their term and shall not hold concurrently any posts and employment other than those assigned by law except for the post of the prime minister and member of the government" (Article 29.1).	"Members of the parliament shall be remunerated from the state budget during their term and shall not hold concurrently any posts and employment other than those assigned by law except for the post of the prime minister and member of the government" (Article 29.1). "The government shall be comprised of the prime minister and members of the government. The prime minister and up to four members of the government may hold concurrently the position of the member of the parliament" (Article 39.1).

4.	Power of the President: "to propose to the parliament the candidature for the appointment to the post of prime minister nominated from the majority party in the parliament; if none of them has a majority a candidate nominated from the party which has the largest number of seats in consultation with other parties and to propose the dismissal of government to the parliament" (Article 33.1.2).	Power of the President: "to propose to the parliament the candidature for the appointment to the post of prime minister nominated from the majority party or coalition in the parliament; if none of them has a majority a candidate nominated from the party/coalition which has the largest number of seats in consultation with other parties if such party failed to propose a candidate on consultation with other parties, a candidate who received the majority of votes from parties and coalition which sits in parliament within 5 days" (Article 33.1.2).	The power of the president in Article 33.1.2 was abolished and became the power of the majority of the parliament: "The proposal on appointing the person nominated as the prime minister i) by the party or coalition which has obtained the majority of seats in the parliament or ii) by the party or coalition which has obtained the highest number of seats in the parliament through constituting the majority in consent with the other parties and coalitions if none of the parties or coalitions has obtained majority seats in the parliament or iii) in the other cases, by the majority constituted through the consent of the parties and coalitions which have obtained seats in the parliament shall be submitted by the president to the parliament within 5 days" (Article 39.2).
5.	"The president, members of the parliament, and the government shall exercise the right to initiate legislation" (Article 26.1).	Same provision as 1992	"The president, members of the parliament, and the government shall exercise the right to initiate legislation. The scope and limits of the right to initiate legislation shall be determined by law" (Article 26.1).
6.	"An indigenous citizen of Mongolia, who has attained the age of 45 years and has permanently resided in Mongolia for at least five years, shall be elected as the president for a term of four years (Article 30.2). The president can be re-elected only once" (Article 31.7).	Same provision as 1992	"An indigenous citizen of Mongolia, who has attained the age of 50 years and has permanently resided in Mongolia for at least five years, shall be elected as the president once only for a term of six years" (Article 30.2).
7.	"Particular power may be granted to the president by law" (Article 33.4).	Same provision as 1992	"Particular power may be granted to the president by law only within the scope set forth in this chapter" (Article 33.4).
8.	"The parliament considers the government members proposed by the prime minister one by one and take a decision on their appointment" (Article 39.3).	Same provision as 1992	"Government members shall be appointed, dismissed, and resigned by the prime minister after they are introduced to the parliament and the president. Government members shall swear to the parliament" (Article 39.4).

9.	"The prime minister may tender his resignation to the parliament before the expiry of his terms of office if he considers that the government is unable to exercise its powers" (Article 43.1). "The government steps down in its entirety upon the resignation of the prime minister or if half of the members of the government resign at the same time" (Article 43.2). "The parliament considers the matter and makes a final decision within 15 days after taking initiative to dissolve the government or receiving the president's proposal or the prime minister's statement on resignation" (Article 43.3). "The parliament considers and takes a decision on the dissolution of the government if not less than one-fourth of the members of the parliament formally propose the dissolution of the government" (Article 43.4).	Same provision as 1992	"If at least a quarter of the members of the parliament makes a formal proposal to resign the prime minister, the government shall start its discussion in 3 days and decide within 10 days. Resolution of the parliament regarding the resignation of the prime minister shall be deemed to have been approved if a majority of the members of the parliament support the proposal and a new prime minister shall be appointed within 30 days thereupon" (Article 43.1). "The government shall resign in its entirety if the Prime Minister has resigned" (Article 43.2).
10.	"If the government submits a draft resolution requesting a vote of confidence, the parliament proceeds with the matter in accordance with Article 43.3" (Article 44).	Same provision as 1992	"If the prime minister submits a draft resolution regarding entrustment to him/her on particular issues of the state budget and policy, the Parliament shall start its discussion in 3 days and resolve it within 10 days by a majority vote of the members of the parliament" (Article 44.1). "If the parliament passed the resolution, it shall be deemed that the parliament is entrusted to the prime minister to support such issues. If the resolution is not adopted, the prime minister shall be deemed to have resigned and a new prime minister shall be appointed within 30 days" (Article 44.2).

Source: ULIS, 2022.

Appendix 4.

RELATIONSHIP BETWEEN DEMOCRATIC INSTITUTIONS BASED ON THE PRESIDENTIAL POWER IN MONGOLIA

The Constitution of Mongolia defines the president shall be the head of state and the embodiment of the unity of the Mongolian people (Article 30.1). To fulfil this power the president is provided with legislative powers, appointment and dismissal powers, and particular prerogatives in the area of defence and foreign affairs. The 1992 constitution empowers the president as follows:

1. "to exercise the right to veto against a part or whole laws and other decisions adopted by the State Ikh Khural[25]…" (Article 33.1.1).
2. "to propose to the parliament the candidature for the appointment to the post of prime minister nominated from the majority party or coalition in the parliament; if none of them has a majority a candidate nominated from the party/coalition which has the largest number of seats in consultation with other parties if such party failed to propose a candidate on consultation with other parties, a candidate who received the majority of votes from parties and coalition which sits in parliament within 5 days (this paragraph was amended by the law of 14 December 2000 and was annulled by the law of 14 November 2019)" (Article 33.1.2).
3. "to instruct the government on issues within his/her power. If the president issues a relevant decree it shall become effective upon signature by the prime minister" (Article 33.1.3).
4. "to represent the state with full power in foreign relations and, in consultation with the Parliament, to conclude international treaties on behalf of Mongolia" (Article 33.1.4).
5. "to appoint and recall heads of plenipotentiary missions to foreign countries in consultation with the parliament" (Article 33.1.5).
6. "to receive the Letters of Credence or Recall of Heads of diplomatic missions of foreign states to Mongolia" (Article 33.1.6).
7. "to confer state titles and higher military ranks and award orders and medals" (Article 33.1.7).

[25] The State Ikh Khural (Mongolian: Улсын Их Хурал, Ulsyn Ikh Khural and English: State Great Khural, and State Great Assembly) is the unicameral parliament of Mongolia.

8. “to grant pardon” (Article 33.1.8).
9. “to decide matters related to granting and withdrawing Mongolian citizenship and granting asylum” (Article 33.1.9).
10. “to head the National Security Council of Mongolia” (Article 33.1.10).
11. “to declare general or partial conscription” (Article 33.1.11).
12. “to declare a state of emergency or a martial law on the whole or a part of the national territory and order the deployment of armed forces when emergency circumstances arise… The parliament within 7 days shall consider the presidential decree declaring a state of emergency or martial law and shall approve or disapprove it” (Article 33.1.12).
13. “The president shall be the Commander-in-Chief of the armed forces of Mongolia” (Article 33.2).
14. “The president may address messages to the parliament and/or to the people, he/she may at his/her discretion attend sessions of the parliament, report on and submit proposals concerning vital issues of domestic and foreign policies of the country” (Article 33.3).
15. “Particular power may be granted to the president by law only within the scope set forth in this chapter (this article 33.4 was amended by the law of 14 November 2019)” (Article 33.4).
16. “The president within his/her power shall issue decrees in conformity with the law” (Article 34.1).
17. “If a presidential decree is incompatible with law, the president himself/herself or the parliament shall invalidate it” (Article 34.2).
18. “If the parliament fails to appoint the prime minister within forty-five days after the president has submitted a proposal on the appointment to the parliament in accordance with Article 39.2 or within thirty days after the resignation of the prime minister in accordance with Article 43.1 or within thirty days after the prime minister has been deemed resigned in accordance with Article 44.2, the president shall decide to dissolve the parliament (this article was added by the law of 14 November 2019)” (Article 22.3).
19. “The president… shall exercise the right to initiate legislation. The scope and limits of the right to initiate legislation shall be determined by law” (Article 26.1).

Moreover, the constitution allows the parliament to curb presidential powers. The parliamentary majority can:

20. "… a part or whole laws and other decisions that shall remain in force if two-thirds of the members of the parliament present in the session do not accept the president's veto" (Article 33.1.1).
21. "… the parliament shall approve or nullify the president's decree in regard to declaring a state of emergency or martial law in the whole or some parts of the country in special circumstances" (Article 25.18).
22. "If the presidential decree is incompatible with the law ... the parliament shall invalidate it" (Article 34.2).
23. "The president shall be responsible to the parliament" (Article 35.1).

The main relationship between the president, the parliament, and the government is the appointment and dismissal of the prime minister in the constitution. Thus, the government is provided with the following rights:

24. "Members of the parliament shall be remunerated from the state budget during their term and shall not hold concurrently any posts and employment other than those assigned by law (Article 29.1)." in the 1992 constitution. But, it was amended that "members of the parliament shall not hold concurrently any posts and employment other than those assigned by law except for the post of the prime minister and member of the government (Article 29.1)." the 2019 constitutional amendment. After that, this provision became the main dilemma and was amended that "…the prime minister and up to four members of the government may hold concurrently the position of the member of the parliament (Article 39.1)." in the 2019 constitutional amendment. Finally, the parliament deleted the last part which was "…the prime minister and up to four members of the government may hold concurrently the position of the member of the parliament" in the 2022 amendment of the constitution.
25. "The proposal on appointing the person nominated as the prime minister… shall be submitted by the president to the parliament within 5 days (Article 39.2).
26. "The prime minister shall, in consent with the president, submit a draft law on the structure and composition of the government, along with amendment thereto, to the parliament. If the prime minister is unable to reach a consensus on this issue with the

president within 7 days, then the prime minister shall submit it to the parliament" (Article 39.3).

27. "The parliament considers the government members proposed by the prime minister one by one and takes a decision on their appointment" (Article 39.3). But this article was completely amended in 2019 that "government members shall be appointed, dismissed and resigned by the prime minister after they are introduced to the parliament and the president. Government members shall swear to the parliament" (Article 39.4).

The Constitution grants the parliament with powers that regulate the relationship between parliament and the government as follows:

28. "To appoint, replace or remove the prime minister, members of the government and other bodies responsible and accountable to the parliament as provided for by law" (Article 25.6).

29. "to approve the state finance, loan, tax, and monetary policies, national economic and social development policies and principal directions, action programs of the government that have been developed in line with national security and development policies, state budget and its report of performance" (Article 25.7).

30. "If at least a quarter of the members of the parliament makes a formal proposal to resign the prime minister, the government shall start its discussion in three days and decide within ten days. Resolution of the parliament regarding the resignation of the prime minister shall be deemed to have been approved if a majority of the members of the parliament support the proposal and a new prime minister shall be appointed within 30 days thereupon" (Article 43.1).

31. "The government shall resign in its entirety if the prime minister has resigned (this Article 43 was amended by the law of 14 November 2019)" (Article 43.2).

32. "If the prime minister submits a draft resolution regarding entrustment to him/her on particular issues of the state budget and policy, the parliament shall start its discussion in three days and resolve it within ten days by a majority vote of the members of the parliament" (Article 44.1)

33. "If the parliament passed the resolution, it shall be deemed that the parliament entrusted to the prime minister to support such issues. If the resolution is not adopted,

the prime minister shall be deemed to have resigned and a new prime minister shall be appointed within thirty days (this Article 44 was amended by the law of 14 November 2019)" (Article 44.2).

34. "The government in conformity with legislation and within its power shall issue resolutions and ordinances which shall be signed by the prime minister and the minister responsible for its application" (Article 45.1).

35. "If these resolutions and ordinances are incompatible with legislation, the government itself or the parliament shall invalidate them" (Article 45.2).

Appendix 5.

THE FORMATION AND IDEALS OF POLITICAL PARTIES IN MONGOLIA

However, political party studies in the true sense did not develop in the post-communist system of Mongolia, but the history of the country's ruling party was deeply studied based on Marxist methodology within the framework of the theory of Scientific Communism. Therefore, the formation of political parties in Mongolia is considered in two steps. First, within the framework of the one-party system or single dominant communist party emerged from the communist revolution of 1921. Secondly, it is considered a multi-party system that was created by the development of the pluralist ideology in society during the democratic transition from 1990.

The party formed in the first phase is the Mongolian People's Revolutionary Party (MPRP). In 1921, Mongolian revolutionaries laid the foundations for the first political party in an underdeveloped country, and throughout the century it has played a key role in the state structure and Mongolian society. In 2003, the MPRP became a full member of the Socialist International and declared itself as a centre-left party with the concept of social democracy, valuing Mongolia's independence, freedom, justice, unity, and fundamental national interests. Primary organizations of the MPRP are in all administrative units of Mongolia and have a total of about 220,000 members. It has non-governmental organizations that work under the MPP as Social Democracy, Mongolian Youth Association, Social Democracy, Mongolian Women's Association, Social Democracy, Mongolian Student's Association, and Elders Association. In 2010, the MPRP decided to call itself the "Mongolian People's Party (MPP)". However, this decision strongly influenced the MPP has been divided into two parties that are the MPP and the New – MPRP. the New - MPRP was established in 2010 due to these internal dilemmas of MPP. Thus, currently, two ex-communist parties co-existed in Mongolia. From 1921 to 1990, the MPP existed as a single party within the one-party system, and after the adoption of the constitution in 1992, it participated in 8 parliamentary elections and 8 presidential elections. Among them, they won the parliamentary elections in 1992, 2000, 2004, 2008, 2016, and 2020. However, they won the 2004 and 2008 elections but established a divided government with the Democratic Party. The MPP won the presidential elections in 1997, 2001, 2005, and 2021.

The party system created in the second step is a multi-party system. Since the 1990s, a large number of new political parties have appeared in Mongolia due to the real necessity of society to break the one-party totalitarian rule and move to a democratic institutional system. However, they were based not on the level of differentiation of the narrow boundaries of organized political concepts, but on the common value of the opinions of the masses who criticized and opposed the totalitarian regime. After the many processes of democratization, the current Democratic Party was established on December 6, 2000, as a result of the merger of six political parties: the Mongolian National Democratic Party (MNDP), the Mongolian Social Democratic Party (MSDP), the Religious Democratic Party, the Party for the Revival of Traditions, the former Democratic Party, and the Mongolian United Traditional Party (MUTP). The main ideology of the Democratic Party is a political organization based on the principles of a free democratic centre-right, a voluntary union of citizens with a desire to ensure social progress. They have their primary organizations that are in all administrative units of Mongolia and have a total of about 170,000 members. The Democratic Party has participated in 8 parliamentary elections and 8 presidential elections since the adoption of the 1992 democratic constitution. Of these, they won the parliamentary elections in 1996 and 2012 and participated in a divided government in the 2004 and 2008 elections. They won the presidential elections in 1993, 2009, 2013, and 2017.

Conclusively, the development of these two parties and their internal dilemmas are the main conditions for the emergence of political parties in Mongolia. Moreover, the process of forming their parties by the wing of these parties or the politicians who left these parties due to political dilemmas has been active in the history of democracy in the last 30 years. Therefore, there are 36 political parties registered in the Supreme Court of Mongolia. These political parties are active only during elections, and the problem of ideological formation has not been resolved within them including the MPP and the Democratic Party due to their promises to voters. Ultimately, political parties need to make a clear choice of political ideology and develop their concepts within the framework of social-democratic, liberal, and conservative ideological values.