

**THE HEAD OF STATE IN ROMANIAN
CONSTITUTIONALISM – BETWEEN A MONARCH
AND A PRESIDENT**

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ABSTRACT: *The article aims at presenting the institution of the head of state in the Romanian constitutional context. The topic, though undoubtedly new in the Romanian specialized literature, has been the subject of intense and wide-ranging debates in the public media over the last 27 years. We can see a continuous increase among the supporters of the Royal House of Romania and those who want the form of government of the monarchy. Also, given that the President of Romania is the person with the most legitimacy in the Romanian political sphere, it would be opportune to bring into question possible constitutional improvements of the presidential institution, or why not, a change in the form of government. Consequently, trying to bring an element of novelty as a whole the article is designed in such a way that the institution of the head of state is reviewed according to constitutional realities in its various historical stages.*

KEYWORDS: *head of state; Romanian constitutions; form of government*

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A major element of novelty in specialized literature concerns the issue of the Monarch and, implicitly, of the Royal House. These, even if they do not have a constitutional status at present, represent a historical and moral reference and are, in principle, at least a political potential, whether we are talking about an effective restoration of the constitutional monarchy, which is still discussed since 1990, or, at some point, a system similar to that introduced in Montenegro where, although the state is a republic and the head of state is a president, the head of the Montenegrin Royal House, who reigned in the small Balkan country before unification with Serbia in 1918, has an officially recognized status and exerts a number of duties under it.

From a legal and political point of view, the institution of the Royal House was not deepened in the specialized legal literature, and the constitutional attributions of the Romanian sovereigns are little known and insufficiently explained, a fact which could strengthen the general public level of impression that the ruling form of the monarchy is obsolete and inoperative.

As far as the Presidential Administration is concerned, in its current regulation, it is confronted with many obstacles at a constitutional and political level, which has the effect of causing institutional conflicts involving the person who has the role of mediating

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between authorities. This is due to the semi-presidential system enshrined in the current Constitution of Romania. Semi-presidentialism is a regime whose origins lie in the Republic of Weimar and the Fifth French Republic and which has become a popular choice for constitutional design in Europe and around the world. Unlike parliamentarianism in Hungary, as well as any presidential regime, semi-presidentialism divides the executive power for the benefit of the president and the prime minister. In this feature we can find the point of attraction of the regime, but also the Achilles heel. (Perju, 2015)

Between 1859 and 1864 the executive power was divided between a ruler - elected by the legislature - and his government. After this first experiment, the heads of the Romanian state will be either monarchs or presidents elected by Parliament. For a short period, after the abolition of the monarchy, the Romanian State was led by a Presidium that played the role of a Head of State. After 1974, the head of state became a single-person institution, appointed by a single parliament. The current semi-presidential system arose in Romania following the troubles of the communist period that should have made the Romanians more cautious towards a president who would be too strong compared to the weaker state authorities. The choice of parliamentarians in terms of "*institutional design*" clearly gives more substance to this warning. To avoid any possibility for people to vote in simulated parliamentary elections, the authors of the 1991 Constitution established a Parliament and a President with equal legitimacy. In the words of one of the authors of the Constitution, the so-called "*semi-presidential*" political system was not chosen "*to facilitate totalitarianism, but rather to prevent it*". (Tănăsescu, 2008)

By analyzing the constitutional history of Romania, by confronting the national desiderata with the social realities, many authors sought to decipher both the origin of democratic constitutional values and the formalism, the inefficiency of others in relation to the practice of constitutional life, to detach the elements of continuity that could be exploited and developed. (Banciu, 2001)

The institution of the head of state is in direct relation to the constitutional period in which the state is located, and each political regime has sought to consolidate its constitutional values, including through the type of the head of state it has adopted.

The Constitution of 1866 represented a compromise between the Conservative Party and the National Liberal Party that dominated the political stage at that time, with the same compromise being the explanation that it is the constitutional act that has produced almost unchanged effects over a very long period. A totally and remarkable fact is that although the country was still under the suzerainty of the Ottoman Empire, to which it paid tribute and basically was part of, none of its provisions mentions nor makes at least the smallest reference to this dependency. (Focșeneanu, 1998)

The content of the Constitution was based on several principles, which for the first time were mentioned and systematized in a fundamental text and which some well established authors - Paul Negulescu and Gheorghe Alexianu - highlighted: the principle of national sovereignty (Article 31); the principle of hereditary monarchy (Article 82); the principle of inviolability of the monarch (Article 92); the principle of a representative government (Article 31); the principle of ministerial responsibility (Article 92); the principle of the separation of powers (Article 32, Article 35, Article 36); the principle of the rigidity of the Constitution (Article 129) and the principle of the supremacy of the Constitution (Article 128). (Negulescu, 1927)

The end of the First World War brought the unification of the Romanian historical provinces with Romania. This has hurried the alternative of revising the Constitution in force, or adopting a new fundamental law. However, it was clear that after the ratification of the acts of unification, and especially after the international establishment of the unitary national state, the constitutional framework of 1866, revised in the course of time, did not correspond to the new political and national realities.

Regarding the powers of the state and the Constitution of 1923, it establishes that the legislative power is exercised collectively by the King and the National Representation consisting of two chambers, the Assembly of Deputies and the Senate.

The executive power belonged to the King and exercised it through the Constitution and the Government. This was expressly regulated in Art. 39.

The 1923 Constitution was a rigid constitution, as the revision procedure established by art. 129 and art. 130 was cumbersome, almost identical to that provided by the previous constitution. According to the procedure established in 1923, the initiative for a constitutional revision could be taken by the King or one of the two legislative assemblies, which had to show whether the Constitution was to be amended in whole or in part; even in this case, certain articles to be amended had to be specified, followed by the proper revision procedure, consisting of a complicated set of technical and legal operations. (Banciu, 2001)

Yet it has remained in history as one of the most democratic, if not the most democratic, constitution of its time.

The 1938 Constitution (also known as the Carol's Constitution) has introduced some substantive changes to many constitutional principles. Among them, the concentration of political power in the hands of the King (the Monarch exercised the legislative power through the National Representation set up on a corporate, professional basis, the Government was appointed and revoked by the King, the Government was not politically accountable to the Parliament).

The King was declared "*Head of State*" (Article 30). The procedure for the exercise of legislative power is changed in favor of the King (Article 31). Executive power takes full preponderance over the legislative one. The government, appointed and revoked by the King, assumes political responsibility before him. The monarch was entrusted with the right to issue decrees "*all matters of the law*" in the period when the Parliament was dissolved, as well as in the interval between parliamentary sessions. The Decrees were to be submitted for ratification in the meetings at their next session (Article 46). (Ionescu, 2002)

The end of the Second World War brought with it major changes in the political and constitutional life of the Romanian state. The choice of the Romanian people for the communist regime and, together with it, for the socialist constitutional system, was not an option freely formed and consented to as a sovereign will in a Constituent Assembly. The Assembly of Deputies convoked on the evening of December 30, 1947 to "*take note of the King's abdication*" and to adopt the Law on the Constitution of the Romanian State in a People's Republic, was not constitutive. Law no. 363 of 30 December 1947 represents the first main source of the socialist constitutional system in Romania. The period that has passed since then until December 22, 1989 can not be overlooked or excluded from Romania's constitutional history, as it is a distinct constitutional period.

The head of state, during the dynastic constitutions, was the authority that personified the State, having functional institutional relations, that were constitutionally bounded, with the Government and Parliament, the King being the central authority in the institutional system. With few exceptions, throughout the period of the parliamentary monarchy, the constitutional prerogatives of the King were largely unchanged. Unlike the election of the head of state in a republic, in the hereditary monarchy of Romania between the years 1866-1947, only the founder of the dynasty was elected. However, the Romanian constitutions provided provisions for the succession of the reign. Thus, in Romania, the reign and constitutional powers of the King have succeeded hereditarily, from man to man, through the order of primogenity, and with the exclusion of women (Article 82, paragraph 1, C. 1866, Article 77, paragraph 1, 1923, Article 34, paragraph 1, C. 1938).

During the minority of his successor, the King could appoint a Regency to exercise royal powers until the King's ascension and to exercise the tutelage of the minor king; and if no Regency was named during the King's life, it was called by the Joint Assembly. As a rule, this Regency was usually made up of three persons (Article 88, paragraphs 1-3, C. 1866, Article 83, paragraphs 1-3, C. 1923). (Berceanu, 2003) The establishment of the Regency was also valid for the situation in which the King was unable to reign. This situation was to be ascertained by the representative assemblies at the convening of the Government.

An entirely interesting aspect was that between the death of the King and the taking of the oath by his successor, the constitutional powers of the King were exercised on behalf of the Romanian people by the ministers assembled into council and under their responsibility (Article 86, C. 1866, Article 84, C. 1923, Article 38, C. 1938).

The full extent of the head of state's duties, in a constitutional state, be it King or President, is to hold the executive power, which are exercised either in its own name or through a government. Until December 30, 1947, any State act issued by the King had to be countersigned by at least one minister, who thereby became completely responsible for that act. This constitutional provision provides the King of inviolability (Article 92, C. 1866, Article 87, C. 1923, Article 44, C. 1938).

A major difference, in constitutional matters, between the prerogatives of the King and those of the President is that the King appointed and dismissed the ministers, starting with the Prime Minister, even though, in practice, their appointment was most often influenced by the outcome of the elections. The Romanian Government was politically accountable to the King and not to the Parliament, even though this was expressly stated only in the 1938 Constitution.

With regard to the State's foreign policy, the King did not enjoy many privileges. He was entitled *"to enter trade, navigation and other types of conventions; but in order for these acts to have authority, they must first be subjected to the legislative power and approved by it"* (Article 93, paragraph 14, C. 1866, Article 88, paragraph 14, C. 1923; 46, paragraph 14, C. 1938). The 1938 Constitution gave the King the prerogative of declaring war and the possibility to conclude peace.

Internally, things were different. Traditionally, the head of state is the supreme commander of the armed forces, and the King was no exception to this. The King could also grant military degrees according to the law and confer decorations (Article 93, C. 1866; article 88, C. 1923; article 46, C. 1938).

In administrative matters, he was able to appoint or confirm persons in public positions without being able to create new functions. The King also had the right to issue money, according to the law. This was merely a record of the sovereign right of the State to legalize issuance and currency circulation, a rule embodied with the King's effigy on the metal coin, later extended to banknotes, fiscal stamps and postage stamps. (Berceanu, 2003)

In the legislative process, the King was given the prerogatives to "*sanction and promulgate the laws*", and he could also refuse to sanction them (Article 93, paragraph 2, C. 1866; Article 88, paragraph 13, C. 1923; Article 31, paragraph 2, C. 1938). Last but not least, the legislative power is exercised collectively by the King and the National Representation through the Assembly of Deputies and the Senate, and the legislative initiative was also granted to the King.

According to constitutional regulations, the King could address messages to the National Representation. The King's message contained no legal decision, but only a comprehensive explanation of solemn issues that would be resolved by the legislative bodies in that respective session. The King's messages were not debated by the Assembly and did not require their vote (Article 95, paragraph 3, C. 1866; Article 90, paragraph 3, C. 1923; Article 45, paragraph 1, C. 1938). (Banciu, 2001)

A fact which today would seem quite controversial is the prerogative of dissolving the entire legislature body or only one of the chambers (Article 95, paragraphs 6-7, C. 1866; Article 90, paragraphs 6-7, C. 1923). In this case, the King was obliged in the dissolution act to summon elections within a maximum of two months. Also in legislative matters, the King could convene extraordinary sessions of the legislature or postpone the opening of the session.

There are several clarifications to be made on the King's prerogatives regarding the third power in the state - the judiciary. According to art. 40 of the Romanian Constitution of 1923 (article taken from the Constitution of Romania in 1866) "*The judiciary is exercised by its bodies. Their judgments are pronounced by virtue of the law and executed in the name of the King.*" This provision greatly limits the king's involvement in the judicial process and it confers him a symbolic status. Moreover, the authors of the constitution considered it necessary to introduce a provision which had expressly excluded the head of state from the exercise of justice. Thus, par. 6 of Article 88 states that "*He (the King) cannot suspend the course of prosecution or trial, nor intervene in any way in the administration of justice.*" However, traditionally, the King held the prerogatives of pardon and amnesty in political matters.

The exercise of these prerogatives, in the conditions of a sovereign state, prevented the head of state from being at the same time the head of another state. This fact was expressly recorded in the dynastic constitutions, however, there was the possibility that this may be permitted with the consent of the Assembly by the vote of at least two-thirds of the members present in each chamber (Article 91, C. 1866; Article 86, C. 1923; Article. 43, C. 1938).

During the communist dictatorship three constitutions followed: the Constitution of the People's Republic of Romania in 1948, the Constitution of the People's Republic of Romania in 1952 and the Constitution of the Socialist Republic of Romania in 1965. The Romanian socialist constitutional system summed up all the typical features of totalitarian

government systems with a constitutional design corresponding to the political conditions and realities existing at one stage or another of state's evolution.

During the communist regime in Romania, the State had a collective government and, depending on the political and constitutional context, the President of the Presidium, the President of the Great National Assembly and the President of the State Council acted ceremonial as the head of state.

With the emergence of Law no. 1 of March 28, 1974, with regard to the modification of the Constitution of the Socialist Republic of Romania², for the first time in the constitutional history of Romania, the position of President is introduced. This dignity was also qualified as "Head of State". By introducing this function, the Romanian Constitution of 1965 has undergone a number of changes in order to invest the President with prerogatives. Thus, in Title III "Supreme State Power Bodies" a Section III entitled "The President of the Socialist Republic of Romania" was introduced, containing a series of eight articles, 69¹-69⁸.

An aspect of novelty, which arised as a consequence of the introduction of the position of President, is the insertion of point 9¹ in art. 43 regarding the attributions of the Grand National Assembly with the text "*elect and revoke the President of the Socialist Republic of Romania*", thus establishing the manner in which the head of state was elected. Also, he was automatically the supreme commander of the army (Article 74), was given the prerogative to sign the laws (Article 57) and held the presidency of the State Council (Article 66).

The President of the Socialist Republic of Romania accumulated a lot of attributions transferred from the Great National Assembly and from the State Council, which gave him the greatest power in the state.

The current Constitution of Romania was adopted in 1991, two years after the fall of the communist dictatorship. The post-communist democratic constitutional regime shares many features of the constitutional tide of that period, including a human rights law; a centralized judicial reform in the European style; and a competent constitutional court. The constitutional regime is semi-presidential, inevitably *à la française*. The choice of a semi-presidential regime, whose main outlines date from the electoral law of 14 March 1990 and which was consolidated in detail in the 1991 Constitution, may not have been evident in the light of Romania's recent past. The regime of Nicolae Ceausescu (1965-1989) began with a reformist note, but it became over time, and especially in the last two decades, a very tough personal dictatorship. Preventing the evil of centralized power was a starting point for the constitutional legislators of Romania, so separation of powers played a central role. The authors of the Constitution considered it possible to adapt the French model to impose greater limits on presidential powers.(Perju, 2015)

The 2003 revision of the Constitution brought a single change to the President of Romania, namely the 5-year mandate.

Article 80³ of Romanian Constitution clearly found its source of inspiration directly from article 5⁴ in the French Constitution of 1958, as revised in 1962. Just as in France, the

²Official Bulletin no. 45 of 28 March 1974

³According to which: "*The President of Romania shall represent the Romanian State and shall safeguard the national independence, the unity and the territorial integrity of the country.*

The President of Romania shall oversee the observance of the Constitution and the good operation of the public authorities. To this purpose, the President shall exercise the function of mediation among the State powers and

institution of the head of state is configured with a sense of intentional indeterminacy. Just as in the case of France, the meaning of the constitutional text can not be deduced in its entirety in a simple exegesis, but is more a consequence of the use that each president exercises over the power with which he was entrusted. But while the French institution of the head of state was entrusted with important means of action in the Constitution and has always been strong enough in practice, being able to penetrate with its authority the whole constitutional architecture, the head of the Romanian state is much weaker, especially with regard to the legal instruments made available. (Tănăsescu, 2008)

Thus, according to the Constitution, the President represents the state and is the guarantor of the national independence, unity and territorial integrity of the country. He will oversee the compliance with the Constitution and the proper functioning of public authorities. To this end, it performs a mediating function between the powers of the state and between state and society. Such a role would involve a type of authority with a high span, a type of authority that could fully assume the leadership of a society, as well as all other state authorities. But the constitutional articles that provide for the specific tasks of the head of the Romanian state contradict this expectation. In fact, his fragility is a consequence not only of the lack of balance between his role and tasks, but also of the ambiguity of the political regime instituted by the Constitution. If it is true that the fundamental law implements all the necessary conditions for the functioning of a semi-presidential regime, the tasks assigned to the Romanian President deprive him of any effective means to deal with other state authorities, especially the Parliament and the Government. (Tănăsescu, 2008)

The current Constitution ensures that the President is the authority that personifies the state, a fact which would imply an enormous lever in the election and the status of the president, but it is not enough to become the central authority of the institutional system. The main cause of the ambiguity of the Romanian regime lies in the ambivalent constitutional relations that the President must develop with other state authorities, especially the Parliament and the Government.

There is a causative link between the way the President is elected and his status within the institutional framework, so the direct vote of the citizens was chosen as the preferred manner to elect the President. This was to increase the degree of neutrality that the President must have according to his constitutional role, compared to the case in which he would have been elected by Parliament. Article 81 of the Constitution also states that "*no person can serve as President of Romania except for up to two terms. They can also be successive.*"

The statute of the President, set forth in Article 80 of the Constitution, gives him the image of a stronger head of state compared to the constitutional provisions that governed the status and prerogatives of the King. However, the personification of power has not been sufficiently institutionalized, which makes the President a person with a rather symbolic purpose. Without being entirely a function with a decorative designation, the role of representation is assured by Article 91, which states that "*the President concludes*

between the State and the society."

⁴According to which: "*The President of the Republic shall oversee the observance of the Constitution. He shall ensure, with his arbitrage, the regular operation of the public powers, as well as the continuity of the State. He shall safeguard the national independence, the integrity of the territory and the observance of the treaties.*"

international treaties on behalf of Romania, negotiated by the Government, and submits them for ratification to Parliament within a reasonable time. The President, at the proposal of the Government, accredits and recalls the diplomatic representatives of Romania and approves the establishment, abolition or change of the rank of diplomatic missions. The diplomatic representatives of other states are accredited to the President of Romania."

The President of Romania, by its role, has the quality of a guarantee of the national independence, and for this he possesses quite important means of action. However, even for the exercise of this role, the President is under parliamentary oversight. Thus, according to Article 92 of the Constitution, he is the supreme commander of the army. As such, he may order the partial or total mobilization, but only on the basis of Parliament's preliminary approval. Even in cases of military conflicts, the President must keep the Parliament informed of the operational steps taken.

Another important role that the Romanian Constitution confers upon the President of Romania is to oversee the observance of the Constitution and the good functioning of the public authorities, but once again, the supreme law is lacunary in terms of how the head of state can fulfill this role. The President, however, has discretionary power to request a constitutional review of the laws before they enter into force. This control is carried out by the Constitutional Court of Romania, which according to art. 142, par. 1 of the Constitution, "*is the guarantor of the supremacy of the Constitution.*" It might be interpreted that there is a dual or complementary protection of the Constitution by the two authorities.

Although the President has a rare prerogative to request, in a discretionary manner, for the constitutionality control of the laws, in the legislative process things are different. Thus, according to art. 77, the President may ask Parliament to review a law once, but this often turns out to be in vain because the Parliament can resubmit the law for promulgation without having made any changes.

As regards to its role as a mediator between the powers of the state and between the state and the society, it is more of a political nature than a constitutional one simply because the acts of the President in this respect are without legal consequences. Thus, according to the Constitution, the President may consult the Government on urgent and important matters (Article 86), may attend and chair meetings of the Government (Article 87) and may address messages to the Parliament on issues of national interest (Article 88). And the most important instrument in this regard is the possibility of initiating referendums (Article 90), but they only have a consultative role. So, the result of the referendum does not have the necessary consequence of adopting some normative acts. The Constitutional Court has stated in this respect that: "*The constitutional right of the President to request a referendum cannot confer the power to legislate because, according to the constituent assembly's wish, the President cannot have a legislative initiative.*"⁵

The President's most abstract and without substance prerogatives can best be seen in the institutional relations that he has with the Parliament and the Government.

Article 89 of the Constitution gives the President a purely nominal task which must be fulfilled under such restrictive conditions that it is almost impossible to cumulate them in

⁵Consultative Opinion no. 1 of April 5, 2007, published in the Official Monitor no. 258 of 18.04.2007

practice. The dissolution of the Parliament can take place only after the President of Romania held consultations with the presidents of the two Chambers and the leaders of the parliamentary groups, only if the legislator did not give the confidence vote for the formation of the Government within 60 days from such a request and only if there were two prior failures in the appointment of a new government. In addition, Parliament may be dissolved only once during a year and must not coincide with the last six months of the presidential term, the state of siege or emergency, the mobilization of the army or the state of war.

The provision makes the dissolution of Parliament devoid of any legal nature as a real penalization for Parliament since it merely attempts to avoid the prolongation of a little desirable condition of political and governmental instability beyond what the legislative power estimated reasonable. The prevailing fear of the members of the Constitutional Assembly against a too powerful President resulted in Parliament stability, strengthened by means of a strict interpretation of the theory of the separation of powers. Since both have been equally legitimated, the legislator and the head of State have relatively autonomous positions, which are only balanced by illusory or utopian mechanisms. (Tănăsescu, 2008)

Concerning the institutional relationship between the Government and the President, the latter has a number of constitutional instruments, at least as abstract as those in relation with the Parliament. According to the provisions of art. 85, par. 1⁶ of the Constitution in force, the President of Romania designates a candidate for the office of Prime Minister, and does not appoint the Prime Minister. The President may appoint the entire Government only after Parliament's vote of confidence, which is but a formal confirmation of the granting of the investment by the legislator. In this sense, the appointment of the Cabinet by the head of State, as well as the oath that all Cabinet members ought to take before him, represent the symbolic powers of the President. It is interesting that the President has no power to elect the members of the Government, this competence lies with the decision of the designated Prime Minister.

However, the President enjoys some discretion in designating the Prime Minister. The Constitution obliges him only to consult the political parties from the Parliament, but is not obliged to take into account the proposals received. There is, however, a custom in the nomination of the prime minister from the party that holds the majority in the Parliament, considering that the future Government will be subject to the vote of confidence in the legislative. The government reshuffle scenarios are far from being a discretionary power of the President, as he cannot revoke and appoint ministers without the Prime Minister's proposal.

Given that the form of government of a state is given by the way the head of state is elected, as well as its status, it is difficult to fit Romania into a pure semi-presidential republic, as in the case of France. Although we have a directly elected head of state and a government that is accountable to Parliament, we cannot definitely qualify the Romanian regime as a semi-presidential one. The parliamentary tendencies of the form of government stem from the interpretative powers of the President and much diminished in comparison with the President of France. Romania does not fit into the classic formula of

⁶According to which: "*The President of Romania designates a candidate for the post of Prime Minister and appoints the Government on the basis of Parliament's vote of confidence.*"

a bicephalous executive power because of its ambiguous relationship with the Prime Minister and, although directly elected, he cannot decisively influence state policy.

The historical evolution of the Romanian Head of State is about to reach a new stage in which the only existing precedent is the case of the Montenegrin state. In the full motion of the legislative process is the draft law L493 / 2017⁷ regulating the legal status of the Royal House of Romania.

By adopting this legislative proposal, the Royal House of Romania will have an institutional framework for its functioning, officially established, for the first time since the abolition of the monarchy in 1947. The bill, besides recognizing the historical merits of the Royal House in the modernization of the Romanian state, contains a series of provisions that ensure its continuous functioning in the service of the State. Thus, the adopted measures recognize the Royal House as a legal entity of public utility and thus creating an administrative service of the Royal House for the purpose of fulfilling its public duties.

Article 6 of the draft law proposes a provision of interest by recognizing the position of Head of the Royal House of Romania as an honorary position, assimilated to protocol with that of a former head of state, whose duties include the adoption of the Statute of the Royal House of Romania. According to the draft law, 90 days after its entry into force, the Head of the Royal House will approve the Statute of the House based on which the Royal House of Romania will be organized and will function.

By assimilating the Head of the Royal House of Romania with a former head of state, the person holding this title will have a strong power of representation both internally and externally. Of course, the constitutional levers of a head of state in office will be absent, but the simple institutionalization of a historical symbol could bring Romania long term benefits.

CONCLUSIONS

There are a number of factors in Romania's everyday political life, which have as a consequence the major decrease of trust that the population has in its political class. In recent years, citizens with voting rights have been called to polls twice in referendums to dismiss the President, which says more about the current constitutional system than about the President himself. Even a very popular head of state will prove to be unable to oppose the measures taken by the Parliament or the executive when they publicly accused of political slips, even though the President enjoys the greatest legitimacy among the country's politicians. The reappearance of the Royal House of Romania at the forefront of public life could give rise to a wide-ranging debate which until now had no finality. What form of government would be beneficial for Romania? Could Romania be the first state in the former soviet bloc to regain its monarchic past? This issue has never been raised politically, and the current semi-presidential regime with parliamentary trends has proven its limits. Romania could take Spain's model of monarchy restored after dictatorship, or even the pure French semi-presidential model. There is a clear need for a broad constitutional reform of the head of State, whether it be a monarch or a president, in order

⁷https://www.senat.ro/legis/lista.aspx?nr_cls=L493&an_cls=2017

to have a clearer institutional relationship with the Government and the Parliament and to give it a constitutional dimension appropriate to the role it fulfills.

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