



Improving the Legal Framework for Government Activities

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Annotation: In the article the author analysed the activities of the executive branch, their specific features, the role of government in the state apparatus Republic of Karakalpakstan, improve the legal status of government and elaborated scientifically grounded proposals on perfection.

Keywords: executive power, government, The Council of Ministers of the Republic of Karakalpakstan.

Introduction. In the process of globalization and increased competition, one of the most important functions of any state is to protect the rights, freedoms and legitimate interests of the individual, increase the trust of citizens in the future and create the conditions necessary for a prosperous life of society. In the implementation of this urgent task, the role of public authorities, including the Government, is gaining urgent importance. In this regard, taking into account the terms of reference of the Government, which regulates almost all spheres and branches of the people's life, it is important to systematically improve its activities based on democratic principles.

The main part. The executive branch occupies a special place in the system of State power. This feature comes from the specifics of the executive branch as a branch of government. In this regard, it is advisable to determine the legal nature, essence and features of this area [1].

Let's briefly focus on the positions of a number of jurists who have studied the division of state power, the peculiarities of executive power in its system. Thus, M.V.Baglay notes that the specific content of the principle of separation of powers is as follows:

- Laws must have the highest legal force and be adopted only by a legislative (representative) body;
- the executive branch should be mainly engaged in the execution of laws and only limited rule-making, be accountable to the head of state and only in some respects to parliament;
- a balance of powers should be ensured between the legislative and executive bodies, which excludes the transfer of the center of power decisions, and even more so the fullness of power to one of them;
- Judicial bodies are independent and act independently within their competence;
- none of the three authorities should interfere with the prerogatives of another government, much less merge with another government;
- disputes on competence should be resolved only by constitutional means and through legal procedure, i.e. by the Constitutional Court;
- The constitutional system should provide for legal ways to restrain each government by the other two, t.e. contain mutual balances for all authorities [2].



Undoubtedly, the above-mentioned signs fully cover the substantive side of the principle of separation of powers.

According to Yu.M.Kozlov, executive power in the state apparatus is an activity aimed at the direct implementation of generally accepted norms in order to regulate various aspects of society [3]. Indeed, the main activity of the executive branch is aimed at the implementation of existing norms, the effective organization and implementation of which is ensured through the management of bodies hierarchically functioning in this system. Let's try to define the concept and main features of the executive branch, based on the study of the opinions of jurists.

The executive branch is a collegial executive body of state power created on the basis of the Constitution and legislative acts, having its own structure, legal status and limits of activity, carrying out relevant tasks and functions on behalf of the state.

The main features of the executive branch include:

- 1) the executive branch, like the legislative and judicial branches, is a separate independent branch in the system of the state apparatus;
- 2) by means of normative legal acts, within the limits of authority, manages on behalf of the state the relevant areas of the country;
- 3) has the right to adopt generally binding legal norms of a subordinate nature;
- 4) implements the right of legislative initiative for the purpose of legal regulation of public relations;
- 5) manages the activities of hierarchically formed bodies in its organizational structure;
- 6) each executive authority (supreme, central, special and local) has its own competence (tasks, functions, powers) provided for by legislative acts;

the executive authority exercises its competence on the territory of the country or a certain administrative unit, etc.

The unified system of executive authorities is led by the "government", which is considered its core. The Government is called differently in different countries. For example, in Adygea [4], Azerbaijan [5], Turkmenistan [6], Tatarstan [7], Ukraine [8] and Uzbekistan [9] – the Cabinet of Ministers; Armenia [10], Bashkiria [11], Germany [12], Spain [13], Italy [14] Kyrgyzstan [15], Kazakhstan [16], Moldova [17], Altai [18], Russia [19], Slovakia [20], Tajikistan [21], France [22] and the Czech Republic [23] – the Government; Belarus [24] and Karakalpakstan [25] – the Council Ministers; The People's Republic of China – the State Council [26].

The Government is the supreme collegial body of the state with general competence, ensuring the execution of legislative acts, forming and directing the activities of executive authorities, participating in the internal and foreign policy of the state, enjoying the right of legislative initiative in the management of relevant industries, accountable to the President (in the presidential republic) and Parliament (in the parliamentary republic).

The procedure for forming a Government is related to the form of government. Thus, in parliamentary republics, by order of the head of state, the government is created by the leader (under a coalition government – one of the party leaders) of a unicameral parliament or the party with the majority of seats in the lower chamber of a bicameral parliament. Under the presidential form of government, the Government is formed by the President. In this case, in a number of states (Belarus, Kazakhstan, Kyrgyzstan), each member of the government is approved by parliament. Members of the Government (ministers, state secretaries, etc.) lead certain central government



bodies, in parliamentary republics they, as a rule, must also be members of parliament. In parliamentary countries, the Government is collectively accountable to Parliament (with a bicameral parliament – the lower house) [27]. Regardless of the order of formation, the Government, as the main link of public administration, in most cases plays a decisive role in the mechanism of state power [28].

Let's briefly focus on the activities of the Parliament and the Government of the Republic of Karakalpakstan.

It is well known that in Karakalpakstan, the priorities and functions of the state are carried out by public authorities whose activities are based on the Constitution and laws. The Basic Law enshrines the constitutional principle of dividing the system of government into legislative, executive and judicial branches [29].

The head and the highest official of the republic is the Chairman of the Jokargy Kenesa. [30].

The Parliament performs the main function of the state – the development, discussion and adoption of the Constitution and legislative acts of the Republic of Karakalpakstan, making amendments and additions to them, as well as legal regulation of public life on the basis of national legislation. Ensuring the implementation of these normative legal acts is entrusted to the country's highest executive body, the Government of Karakalpakstan [31].

The place of the Government in the system of the state apparatus of Karakalpakstan is determined:

firstly, the organization of its activities as the highest executive and administrative authority of the republic;

secondly, the implementation of general management of the economic, social and cultural sphere of the country on the basis of ensuring the implementation of the Constitution, laws and state strategic programs;

Thirdly, the presence of bodies in the Government system that are subordinated both vertically and horizontally;

Fourthly, the development, within the limits of authority, of measures to ensure state security and defense capability, the protection of state borders, the protection of state interests and the preservation of public order;

Fifth, the adoption of by-laws that are generally binding on all state or economic management bodies, enterprises, institutions, organizations, as well as citizens of the republic;

Sixth, the exercise of the right of legislative initiative in Parliament regarding the legislative regulation of public relations that do not have an appropriate legal basis, etc.

Thus, the Government of Karakalpakstan differs in its legal nature from the governing bodies, and in its functional significance from other branches of government. In carrying out the relevant State tasks and functions, the Government directly enters into mutual legal relations with other branches of government. These relations are manifested in holding joint meetings, hearing reports from heads of government bodies in parliament and other forms of interaction.

Judgments about the place of the government in the system of state power of Karakalpakstan allow us to define the Council of Ministers of the Republic.

Council of Ministers of the Republic of Karakalpakstan – This is the supreme executive and administrative collegial body of state power formed on the basis of the Basic Law, consisting of the Chairman, his deputies, ministers, chairmen of committees and heads of other bodies that manage



the economic, social and cultural sectors of the state by ensuring the execution of legislative acts, having the right of legislative initiative in Parliament, uniting a single system of central, special and other bodies of state or economic management, ensuring the coordination of their activities and effective interaction, accountable to the Parliament of the Republic.

In the process of changing the life of society, increasing the level of political and legal culture and public consciousness of the people, the expediency of further improving the legal status of the Government of Karakalpakstan arises. In particular, the analysis of the regulatory and legal regulation of the activities of this public administration body indicates the presence of the following legal gaps.

Firstly, article 5 of the Law of the Republic of Karakalpakstan "On the Council of Ministers" establishes the legal status of the Chairman of the Council of Ministers, his deputies, ministers, chairmen of State committees and heads of other state or economic management bodies of the Republic of Karakalpakstan, while this norm has not been reflected in the Basic Law as constitutional. In our opinion, the provision in question should be enshrined in article 86 of the Constitution of the Republic.

Secondly, the Basic Law (Articles 87, 89) enshrines constitutional norms regarding the formation of the Government of Karakalpakstan by the Parliament of the Republic and the accountability of the first to the second. However, given the central place in the system of state power of the head of the Republic of Karakalpakstan (Chairman of the Parliament), the first part of Article 89 of the Constitution should be amended accordingly. In our opinion, it is advisable to state this rule in the following wording: "The Council of Ministers of the Republic of Karakalpakstan is responsible and accountable to the Zhakargy Kenes of the Republic of Karakalpakstan and the Head of the Republic of Karakalpakstan." The proposed constitutional norm also implies amendments to the title of chapter XVIII and article 81 of the Basic Law.

Thirdly, the Basic Law and other legislative acts do not separately provide for provisions governing the appointment and dismissal of ministers, chairmen of State committees and heads of other state or economic management bodies of the Republic of Karakalpakstan. In our opinion, based on the legal status of Karakalpakstan and the constitutional powers of the Head of the Republic of Karakalpakstan (Chairman of the Parliament), the legislative and executive branches of government, it is advisable to consolidate the norms governing the appointment and dismissal of heads of state and economic management bodies of the republic in the Constitution and other legislative acts.

Fourth, article 89 of the Basic Law stipulates that the Government of Karakalpakstan resigns its powers to the newly elected Parliament of the country. However, the question legitimately arises, representatives of which authority carry out the activities of the Government until the end of the elections to the Parliament of the Republic of Karakalpakstan. In this regard, it is advisable to amend the third part of Article 89 of the Constitution as follows: "The current Council of Ministers of the Republic of Karakalpakstan carries out its activities in accordance with the decision of the newly elected Jokargy Kenes of the Republic of Karakalpakstan until the formation of a new Government."

In conclusion, it should be noted that the above provisions once again confirm the status of the Republic of Karakalpakstan as a parliamentary republic.

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