



## MODELS OF IMPLEMENTATION OF THE EXECUTIVE POWER

**Dmytro ARTEMCHUK,**  
external doctorate student  
of Odessa I.I. Mechnikov National University

### Summary

Article is devoted to the problem of determining the basic implementation models executive. The main attention is focused on the individual and collegial forms of realization of the executive power. Collegiate form studied in the framework countersigned and cabinet models.

**Key words:** executive branch, the president, ministers, cabinet, political regime, democracy.

### Аннотация

Статья посвящена актуальной проблеме определения основных моделей реализации исполнительной власти. При этом основное внимание сосредоточено на единоличной и коллегиальной формах реализации исполнительной власти. Коллегиальная форма исследуется в рамках контрасигнующей и кабинетной моделей.

**Ключевые слова:** исполнительная власть, президент, министры, кабинет, политический режим, демократия.

**Problem formulation.** The enormous transformations that occur in modern Ukraine, put on the agenda the question of their goals and means of achieving the latter. In these circumstances, any developments related to the implementation of the government, are not only interesting but are also very relevant. It is clear that the leading role in the choice of the development strategy is vested in parliament. However, the practical implementation of this strategy lies on the executive bodies whose activities require strong scientific and theoretical basis.

**Analysis of recent research and publications.** The questions on the study of executive authorities have already been the subject of analysis of well-known Ukrainian and foreign authors – V. Averyanov, S. Valanzuala V. Chesnokov and others.

**Unresolved earlier parts of the problem.** However, most of them examined the organization of executive power in the context of the structural aspects – through the analysis of executive authorities. At the same time the nature of the executive power as the functional characterization of the state has remained largely out of focus, or has been studied only in fragments.

**The purpose of the article.** That is why the focus of this article is to analyze the models of implementation of executive power.

Achieving this goal is possible due to the implementation of the following interrelated tasks. First, research the sole form of realization of executive power in the context of the political regimes.

Second, analysis of the countersigned model of collegiate forms of realization of executive power in the context of the form of government. Third, lighting of the cabinet model features of collegiate forms of realization of executive power in the various countries of the world in the historical aspect.

**Statement of the basic material.** As it is known, the executive power is implemented in individual and collegial manner. In turn, the collegial form exists in the countersigned and cabinet models.

At the same time, the most significant affect on the implementation of the sole form of executive power is made by not so much the existing form of government in the state as the dominant political regime in it.

At the time, V. Sukhonos Jr. is absolutely true, in our opinion, has suggested that there are four forms of the political regime: democratic, liberal, authoritarian and totalitarian [1, p. 238].

In a democratic regime the sole executive power is concentrated in the hands of the head of state, “it fulfils its role only in the framework of the Constitution and laws of the country” [2, p. 218].

The most famous example of the implementation of the sole form of executive power is the United States, in which the executive branch, in accordance with Section 1, Art. 2 of the Constitution “belongs to the President of the United States” [3, p. 336].

In the difficult historical times, it is the president who played the most significant role in overcoming the crisis.

In particular, we can recall that the “Great Depression” 1929–1933 has been

overcome due to the work of President Franklin D. Roosevelt, because the “New Deal” (a set of measures to overcome the crisis) began on March 5, 1933 after the presidential decree, according to which all the country’s banks, without exception had been temporarily shut down [4, p. 240].

Equally important is the fact that the US Supreme Court began the processes of desegregation, but the final point was put by the President D. Eisenhower, due to whose citizenship which was satisfied by the judgment, despite the opposition of the southern states.

Challenges of our time are also reflected in the work of American presidents. Thus, the transition of world civilization to the informational society has led to the introduction in the US of the electronic government. The cornerstone of this process was the released on July 19, 1996 Executive Order № 13011 of the President Clinton, “Federal Information Technologies” under which all the US agencies had to redirect information technologies and their management to the direct support of its strategic objectives. After that, most government documents were possible to be found in certain government websites, including the instructions for obtaining services that fall under the category of state. For example, the Passport Office has developed detailed instructions on what steps should be resorted to the obtaining or renewal of the passports; at the same time all the local sites were given and processing time of applications were targeted [5, p. 422].

In contrast to the democratic, under a liberal regime there is such a thing as



“granting of liberties” by the government to the people.

As was rightly pointed out in this connection by Pietro da Cortona, liberalization differs from the democratization of that the provision offers only the tip of the limited and supervised concessions in the area of civil and political rights, without providing them with full and comprehensive nature. That is why the liberalization may precede democratization and become part of the transition to democracy: the regime is going to make certain concessions and introduces freedom in certain areas, while trying to maintain certain attributes of authoritarianism and limiting participation requirements when implementing authority concludes da Cortona [6, p. 73].

It were the processes of liberalization which took place during perestroika in the USSR (on the one hand authority “granted” freedom and openness, but on the other – it was trying to save the Communist Party as the «leading and guiding force») and in the late 1980s – early 1990s in South Korea during the government of the President Roh Tae W. As it is known, on June 29, 1987 it was he who, against the wishes of that time President Chun Doo-hwan, unveiled a program of “democratic reforms” consisting of eight points, which introduced direct presidential election. This satisfied the opposition, which was supported by students. However, in the presidential election of December 16, 1987 the democratic opposition could not win because of sharp dispute within it. That is why Roh Tae W became president, received 36.6% of votes, and after that the process of political liberalization began [7, p. 127].

In the authoritarian regime, the executive branch, which is concentrated in the hands of the sole Head of state, allows him to control almost all the political sphere of society. As an example, we can recall that in Chile Augusto Pinochet as president of the country, has been granted the right to issue decrees which had the force of law on the issues stipulated by the Constitution, and to appoint ministers, governors, mayors, commanders of troops and carabinieri [8, p. 69]. As it is well known, having such leverage on society, the dictator controlled virtually the entire political sphere of his life.

The totalitarian regime allows the Head of the executive branch to influence on almost all aspects of society.

As an example, we can recall that in Nazi Germany, a strong power of Chancellor Adolf Hitler led to its transformation into the power of the Führer III Reich. The latter made decisions based solely on his own worldview. On the one hand, this sometimes resulted in victories, on the other – in a huge defeat. So well-known is the fact that the invasion of Nazi Germany to Norway, France and Crete was carried out exclusively on the own will of Adolf Hitler. [9] Thus, in the first case he used the fleet, in the second – the land forces, and the third – the airborne troops, and in all three cases, the enemies were defeated. On the other hand, the ratio of Adolf Hitler to the Slavs as inferior, led to numerous punitive operations against the civilian population, which could not but lead to the emergence of a powerful resistance movement and many guerrilla armies that significantly affected the promotion of the German fascist invaders on east and eventually allowed Adolf Hitler to win.

But if in the conditions of the one-man forms the chief executive mainly exercises its powers in its sole discretion, and collegiate institutions mainly act as advisory bodies, the collegial form will require approvals and meetings, without which it is impossible to take the necessary decisions.

Wherein under conditions of the countersigned model the executive power is implemented jointly by the Head of state and Head of government or the Head of state and the minister who is responsible for a particular area of administrative relations.

Wherein the countersign is very actively implemented in the parliamentary systems of government, regardless of monarchical or republican is the state.

So according to Art. 106 of the Belgian Constitution: “None of King’s acts can have power if it was not countersigned by the minister”. In the sphere of executive power, the King, according to Art. 108 “adopts the rules and regulations necessary for the implementation of the law” [10, p. 125]. In this case, collective decision making is implemented through the common will of the King and the relevant minister.

Almost a similar situation exists in Italy, after its president, according to Art. 87 of the Constitution has the right to issue decrees having the force of

law and regulations. At the same time, in accordance with Art. 89 “act of the President of the Republic is valid if it was not countersigned by the ministers, who proposed the act”, or the Prime Minister [3, p. 146].

At the same time mixed republics substantially restrict the institute of the countersign. So, the French Constitution gives the president the discretion to appoint the prime minister (Art. 8) and at the same time obliges him to issue ordinances and decrees discussed in the Council of Ministers (Art. 13) [3, p. 49] with the consent of the Prime Minister (Art. 19) [3, p. 50].

Unlike the countersigned model, the cabinet model realizes the collective decision-making within the government.

The origins of cabinet models are derived from the time of formation of the United States, because, as it is known, the presidency was not immediately fixed in this country. First it was offered to give the executive branch to the collegiate institution – the Continental Congress [11, p. 161].

In France, the Constitution of 1793 provided that the supreme organ of collegial government was the Executive Board, which was created “as a part of the twenty-four members” [12, p. 338]. This body existed until the establishment of the Jacobin dictatorship and was reorganized in another collegiate institution – the Committee of Public Safety, headed by M. Robespierre [11, p. 164].

In 1795–1799 France has adopted two new constitutions, which initially gave the executive branch directory of five members [12, p. 395], and then – three consuls, whose names were individually fixed in the Basic Law – Bonaparte, Cambacérès and Le Brun [12, p. 426].

Thus, in the first case (Constitution of August 22, 1795), the government fell into complete dependence on the supreme representative bodies: directors were appointed by the Council of Elders from the list of candidates proposed by the Council of Five Hundred; annually only one director who cannot be re-elected for five years was appointed. The very same executive power was shared between the individual directors.

In the second case (the Constitution of December 13, 1799) the government was re-elected with the enormous prerogatives. In particular, the consuls were elected for



10 years and may have been re-elected. That is the position which eventually led to the fall of the First French Republic and the establishment of the regime of the First Empire led by Napoleon I Bonaparte.

The third country that has introduced in its territory armchair model of the collegiate form of realization of executive power was Switzerland, where the executive power is vested in the Federal Council, which consists of seven members, elected for four years by the Federal Assembly [13, p. 119 and 123].

However, most clearly the cabinet model works in the UK.

Its history began in the reign of the Tudor dynasty, when the King implemented its executive power by the formula “the King in the Council” (referring to the so-called “Privy Council”). With the fall of the Tudor dynasty and the rise to power of the Stuarts situation was gradually changing: the kings were beginning to tackle the affairs of state in the sphere of executive power not only “on the board” as a whole, but highlighting the individual of its advisers, who were more inclined to listen to the royal mind. In the end this position has aroused discontent that led to the English Revolution in the XVII century.

However, after the restoration of the monarchy it became clear that the Privy Council is not quite adequate authority, which is able to deal with the current governance and respond to the changes that require settlement. That is why King Charles II formed a special committee of the members of the Privy Council. It so happened that their last name formed the word “cabal”. That is why the Committee has received the royal title of “cabinet”.

During the reign of William of Orange in 1689 the “Bill of Rights” was adopted, which essentially limited the royal prerogative: its individual powers could be implemented only with the consent of Parliament. That is why the Royal Cabinet begins to take shape only of representatives of the parliamentary majority.

At the same time, the King and his heir Anna first chaired personally in the Cabinet. However, with the coming to power of George I and his successors George II and George III, who have ceased to attend meetings of the Cabinet, the Chairman minister took the place of the King who became an intermediary

between the King and his colleagues [14, p. 189–191]. Thus, the political solidarity account began to form around prominent member of the ruling party, which was the main specificity of the modern Cabinet models.

**Conclusions.** Thus, the executive power is realized in the framework of bodies and structures that carry the current government. These bodies are controlled by the government and their ministries, as well as the Head of state.

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