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THE STATUS AND PECULIARITIES OF THE ACTIVITIES OF PUBLIC AUTHORITIES IN THE CONTEXT OF PARLIAMENTARY GOVERNANCE

Annotation

The article explores the intricate relationship between the executive, legislative, and judicial branches in parliamentary governance. It compares the parliamentary system to presidential and semi-presidential systems, highlighting the fusion of executive and legislative powers that fosters collaboration and accountability. The Prime Minister, appointed by the head of state, is at the helm of the government, formulating policies and ensuring their implementation while maintaining the confidence of the legislature. This system allows for swift crisis management and more inclusive governance. The legislative branch, responsible for lawmaking, also plays a critical oversight role in ensuring executive accountability. The judiciary ensures adherence to constitutional norms and protects individual rights, serving as a check on the power of both the executive and the legislature. Ultimately, parliamentary governance thrives on the dynamic interplay between the three branches of government.

Keywords: parliamentary system, executive power, legislative power, Prime Minister, government, coalition, crisis management, accountability, judiciary, legislative oversight.

Introduction

The status of the public authorities in a parliamentary system is diverse in its structure and functioning, especially compared to presidential or semi-presidential systems. Within the context of parliamentary governance, executive power is closely tied to the legislature, which creates an interesting and unique interplay of power and accountability. The Prime Minister, as the head of the government, receives authority from the legislator, shapes the governmental policies, and responds to crises in case of emergency situations. The fusion of executive and legislative powers fosters collaborative governance and the requirement for the executive to be responsive to the legislative.

The status of public authorities in parliamentary governance: Executive

Compared to the presidential or semi-presidential system, the executive branch in the parliamentary system upholds a pivotal role as unlike these two systems, where executive and legislative powers are separated, the parliamentary system fuses the two branches and creates a dynamic interplay of power and accountability. The executive is still the head of the government and this function is mainly carried by the prime minister (chancellor, chief minister, the names vary from state to state). This person is the head of the party with the majority seats in the parliament or the person appointed as a head in a coalition government through consensus. The head of the government is appointed by the head of state, who may be the president, or monarch (like in the UK). Vested with the authority to appoint ministers, the prime minister (hereinafter referred to as PM) forms a cabinet, which is an integral part of the executive branch. These people can be party members, who are responsible for overseeing governmental departments like finances, defense, education, international relations, etc. Without the government, formulation, and implementation of government policies is impossible.

The primary function of the executive is the policy formulation and implementation. The executive branch is responsible for not only implementing the policies but also overseeing and controlling the whole process. Policies are often shaped by the political platform of the ruling party or coalition. PM is the chief spokesperson of the government, as s/he provides

Crisis management and adequate response to emergency situations have become important in recent years all over the world. The executive is responsible for responding to emergencies, crises, national disasters, or security threats. While the technical work bears the cabinet and the ministries of the country, PM should coordinate their actions and check, whether the results are mitigating the consequences of the crisis. In the context of crisis management, the response may be more consolidated in the parliamentary system rather than in the presidential as in this case we are facing the fusion of power, which creates a closer relationship between the executive and the legislator. It is obvious that the executive is drawn from the legislative and the government has the support of the majority in the parliament. In this case, the government may take any necessary step to overcome the challenges by having a secure back in the face of a loyal parliament, which will not create legislative obstacles during the planning or implementation processes. In order to deal with the ongoing issues, the government is making an agenda to sort the problems based on their importance, as well as the executive sets the legislative agenda. Most of the bills introduced in the legislature originate from the government and reflect the priorities. The importance of agenda setting comes to the arena when the government should outline financial allocations or in cases where a military confrontation broke out.

² Library of Congress, (2017). Parliamentary Oversight of the Executive Branch. Retrieved from: <https://tile.loc.gov/storage-services/service/lh/lglrd/2017299150/2017299150.pdf>

The executive branch in the government may quickly respond to changing circumstances as the close relationship between the executive and the legislature facilitates swift decision-making and policy implementation. It is important to remember that the parliamentary system significantly limits the executive branch by overseeing its work, which obliges the government to work on maintaining the confidence of the legislature.¹ Small parties may otherwise be engaged in the political life of the country by joining each other or other major parties to form a government, which would make the parliament and the government more inclusive. Most importantly, such *prima facie* “limitations” may foster tradition-building in developing democracies, where small groups should not be marginalized in politics.

Legislative branch

Parliament, National Assembly, Congress... the name of the legislator does not change its primary function in the parliamentary system of shaping laws, overseeing the executive, and representing the interests of the people. In parliamentary systems, everything is moving around the legislator. In parliamentary systems, legislators can be unicameral or bicameral. In the case of the unicameral system, everything is clear, there is only one body that is responsible for the legislature, while in bicameral systems the lower house (often called House of Commons, National Assembly, or House of Representatives) performs primary legislative functions. In such a system, members of the lower house are directly elected by the public and represent their constituencies. The lower house is vested with authority and holds significant power to introduce and pass legislation, approve the budget, and oversee the executive. While, the upper house, known as the Senate, the House of Lords serves as revising chamber. Their members may be appointed or elected (depending on what is stated in the constitution or the Basic Laws of the particular country). The main function of the upper house is to review and make suggestions to amendments passed by the lower house, though they have less power compared to the lower house, especially in matters of finance and confidence vote.²

¹ Putri, R. & Ausath, M. (2024). The Oversight Role of Legislative Institutions in Emergency Situations (Comparison of Indonesia with The United States). Retrieved from:

<https://jurnal.fh.unila.ac.id/index.php/constitutionale/article/view/3376/2105>

² UNDP, (n.d.) Internal Organization of the Legislative Branch. Retrieved from: https://www.agora-parl.org/sites/default/files/agora-documents/undp_-_internal_organization_of_the_legislative_branch_-_en_-_pi.pdf

The primary role of the legislator is the lawmaking. Parliament should draft, debate, and pass laws. The procedure starts with the proposition of bills by the members of the parliament (MPs) which are discussed and amended in committees and during the plenary sessions. Upon being approved by the majority of votes, they are sent to the head of state for formal assent. However, this procedure may differ from country to country based on the internal rules of procedure. For instance, according to Chapters 13 and 14 of the Rules of Procedure of the National Assembly of the Republic of Armenia, the session of the National Assembly is valid if more than half of the total number of deputies have been registered at the beginning of the session. Unless otherwise provided by the Rules of Procedure, issues shall be discussed at a session of the National Assembly in the following order, main report, questions to the rapporteur, his/her answers, responses of the questioner and the rapporteur, related reports, questions to each related rapporteur, their answers, responses of the questioner and the rapporteur, exchange of views and voting. During the discussion of an issue, a deputy has the right to make a speech on the procedure once before and after the vote, in accordance with the procedure established by Article 59 of the Rules of Procedure. Voting on issues shall be held openly, by roll call. Secret votes shall be held in cases provided for by the Rules of Procedure.¹

Elected officials are responsible to represent the interests of their constituents. Their role is to ensure that diverse voices are heard in the policymaking process. They serve as a bridge between the government and the people by addressing local concerns and advocating for the communities. Moving away from lyrical pathos about their role, in Armenia, according to the Rule of Procedure of the National Assembly (Chapter 4), MP is obliged by law to be included on one of the standing committees of the NA, regularly participate in the sessions, parliamentary hearings convened by the committee of which s/he is a member, observe the rules of parliamentary ethics, ensure the compliance with the requirements of incompatibility of the parliamentary mandate, organize the reception of citizens, as well as respond to written proposals of citizens within the framework of his powers in the manner prescribed by law and observe the security rules in force in the territory and building of the National Assembly.²

¹ Rule of Procedure of the National Assembly of the Republic of Armenia, (2002). Chapters 13, 14 and 59. Retrieved from: <http://www.parliament.am/legislation.php?sel=show&ID=38&lang=eng>

² Ibid.

The legislative branch is responsible for holding the executive accountable through various mechanisms such as question time, parliamentary inquiries, and votes of confidence. MPs are allowed to ask questions to the members of the cabinet, scrutinize governmental policies, debate complex policy issues, and investigate the allocation of misconduct or inefficiency. While talking about inefficiency one should not forget about the driving force of the state; finances. The legislator has the power to approve or reject the budget. In the majority of cases, the parliament adopts the state budget upon the presentation of the government. The state budget usually includes budget revenues and expenditures.

Judicial branch

The judiciary – in all types of democratic governance – is responsible for upholding the rule of law. The principle itself ensures that everybody in the state – individuals, institutions, and the government – is subject to law. The judiciary is vested with the authority to interpret the role impartially and ensure that justice is administered without bias. In the context of the parliamentary system, the judiciary performs the function of the inspector against arbitrary actions by the executive and the legislator. Otherwise, they are checking whether the actions taken by the two branches of the government are within the boundaries set by the laws and constitutional norms. Courts show their positions by rendering decisions regarding a disputed issue, where they detailly explain their position by reference to the existing laws.¹

Courts are often called to resolve disputes not only among individuals or companies but also state institutions and to determine the limits of their power. For instance, according to the Constitution of the Republic of Armenia (Article 168, Part 3), the Constitutional Court shall determine the compliance of the commitments of the international treaties prior to their ratification, which are enshrined in the Constitution. This example shows how the separation of power works in practice. While the National Assembly as a legislative body is vested with the authority to ratify the treaties with other countries, they are unable to do so, unless the Constitutional Court gives its consent and states that all the points and requirements enshrined in the treaty are in conformity with

¹ Luney, P. (1990). The Judiciary: Its Organization and Status in the Parliamentary System. Retrieved from: <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4029&context=lcp>

the Constitution. In case the Court renders a decision where it is stated that an international treaty cannot be ratified, the parliament should oblige to this decision, otherwise, it would be a gross violation.¹ In the protection of human rights and civil liberties judiciary also plays an indispensable role as courts serve as a venue for citizens to challenge government actions that infringe upon their rights. In many countries with a parliamentary system, the human rights charter serves as a legal framework in order to safeguard individual freedoms. Courts are responsible for interpreting this document to ensure that governmental powers do not undermine their rights. The key feature of the parliamentary system is the separation of power, with the judiciary checking both on legislative and executive branches.

By checking over the legislative and executive branches, the judiciary may face significant pressure on its independence. By itself, the independence of the judiciary is essential, as in the parliamentary system, where politicians have significant influence over the legislative process, judges should be free from political interference in order to be unbiased. Freedom from political pressure is the most crucial component for judges to make decisions based solely on law. In order to protect judges from pressure, many parliamentary systems provide protection for them such as security of tenure, which makes the process of removing a judge based on political reasons at least problematic and time-consuming.

Attorney General

In parliamentary systems, the Attorney General also plays an important role in ensuring that the government acts within the legal boundaries of the Constitution and law. In general, this position prescribes that the appointee should serve as a legal advisor for the government, its position's functions extend beyond merely providing legal counsel. It also includes overseeing the administration of justice, representing the government (in a legal framework), and ensuring the legal integrity of government actions. However, the primary function of the Attorney General is to serve as the chief legal advisor to the executive branch of government. However, it is worth mentioning that this position typically is part of the Cabinet, and in many countries, the Attorney

¹ Constitution of the Republic of Armenia. Retrieved from. <https://www.concourt.am/normative-legal-bases/constitution-of-ra>

General may be a member of a political party. In the process of providing legal opinions on the interpretation of laws and constitutional matters. In the parliamentary system, where the legislative and the executive closely cooperate, the Attorney General is assigned the task of ensuring that proposed laws and policies comply with the Constitution. Offering guidance on the legality of proposed government actions like the introduction of legislation, the execution of administrative decisions, or the interpretation of judicial rulings that can affect government policy.¹ In other words, the Attorney General helps to prevent the executive and other branches of government. In states with codified constitutions like India, this position is responsible for ensuring that executive actions are constitutional and do not violate the rights. The Attorney General appears before the courts, especially in cases where the actions of the government are challenged or when the government is the party initiating litigation. In case of conflict between the legislative and executive branches, the Attorney General has an essential role in maintaining the government's legal stance and defending its interests in legal proceedings. The importance of this position is especially significant in states with a prolonged history of judicial review, where courts (Constitutional or Supreme) may strike down laws passed by the legislator if they are found to be unconstitutional.² In such cases, the Attorney General may intervene in legal proceedings in order to represent the government's interests and argue the validity of the legislation under scrutiny. In some cases, this position is empowered to intervene in high-profile cases, even if there is no direct involvement of the government. For example, in the United Kingdom, the Attorney General can act in public interest litigation, where legal issues of national importance are being debated.

Conclusion

In the end, parliamentary governance relies on the integration of the executive and legislative branches in order to ensure a dynamic and accountable relationship between them. The Prime Minister and Cabinet (which is formed from a parliamentary majority) are bearing responsibility for formulating and implementing policies, while also putting an effort to maintain the support of the legislation. Such close relationships may foster

¹ House of Commons, (2007). Constitutional Role of the Attorney General. Retrieved from: <https://publications.parliament.uk/pa/cm200607/cmselect/cmconst/306/306.pdf>

² Ibid.

more efficient decision-making. At the same time, the legislative branch by its ability to pass laws and having an oversight function ensures that the government remains accountable to the people. In its turn, the judiciary, as a neutral and impartial branch upholds constitutional principles and protects individual rights.

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ՀԱՆՐԱՅԻՆ ԻՇԽԱՆՈՒԹՅԱՆ ՄԱՐՄԻՆՆԵՐԻ ԿԱՐԳԱՎԻՃԱԿԸ ԵՎ ԳՈՐԾՈՒՆԵՈՒԹՅԱՆ ԱՌԱՆՁՆԱՀԱՏԿՈՒԹՅՈՒՆՆԵՐԸ ԽՈՐՀՐԴԱՐԱՆԱԿԱՆ ԿԱՌԱՎԱՐՄԱՆ ՊԱՅՄԱՆՆԵՐՈՒՄ

Ամփոփագիր

Հոդվածն ուսումնասիրում է գործադիր, օրենսդիր և դատական իշխանությունների սերտ կապերը խորհրդարանական կառավարման համակարգում: Խորհրդարանական համակարգը համեմատվում է նախագահական և կիսանախագահական համակարգերի հետ՝ ընդգծելով գործադիր և օրենսդիր իշխանությունների միաձուլումը, որը խթանում է համագործակցությունը և հաշվետվողականությունը: Խորհրդարանական կառավարման համատեքստում կառավարությունն ընդգծում է վարչապետի դերը՝ քաղաքականություն մշակելիս և իրականացնելիս: Խորհրդարանական համակարգը թույլ է տալիս արագ արձագանքել արտակարգ իրավիճակներին և ընդգրկել ավելի լայն զանգվածներին քաղաքականության մեջ: Օրենսդիր մարմինը պատասխանատու է օրենքների ընդունման համար, ինչպես նաև վերահսկում է գործադիր իշխանությանը՝ ապահովելով նրա հաշվետվողականությունը: Իր հերթին, դատական իշխանությունը ապահովում է սահմանադրական նորմերի կատարումը և անձնական իրավունքների պաշտպանությունը՝ ծառայելով որպես երկու իշխանությունների վերահսկող կառույց: Վերջին հաշվով, խորհրդարանական կառավարման համակարգը զարգանում է երեք իշխանությունների սերտ փոխազդեցության շնորհիվ:

Հիմնաբառեր. խորհրդարանական համակարգ, գործադիր իշխանություն, օրենսդիր իշխանություն, վարչապետ, կառավարություն, կոալիցիա, արտակարգ իրավիճակների կառավարում, հաշվետվողականություն, դատական իշխանություն, օրենսդիր վերահսկողություն:

СТАТУС И ОСОБЕННОСТИ ДЕЯТЕЛЬНОСТИ ОРГАНОВ ПУБЛИЧНОЙ ВЛАСТИ В УСЛОВИЯХ ПАРЛАМЕНТСКОГО ПРАВЛЕНИЯ

Аннотация

Статья рассматривает сложные взаимоотношения между исполнительной, законодательной и судебной ветвями власти в парламентской системе. В отличие от президентской и полупрезидентской систем, в парламентской системе происходит слияние исполнительной и законодательной власти, что способствует сотрудничеству и подотчетности. Премьер-министр, назначаемый главой государства, возглавляет правительство, формулирует политику и отвечает за её реализацию, одновременно поддерживая доверие парламента. Эта система обеспечивает оперативное реагирование на кризисы и более инклюзивное управление. Законодательная ветвь отвечает за принятие законов и играет ключевую роль в контроле над исполнительной властью. Судебная власть гарантирует соблюдение конституционных норм и защиту прав граждан, служа проверкой для обеих ветвей власти. В конечном итоге парламентская система управления зависит от динамичного взаимодействия между тремя ветвями власти.

Ключевые слова: парламентская система, исполнительная власть, законодательная власть, премьер-министр, правительство, коалиция, управление кризисами, подотчетность, судебная власть, законодательный контроль.

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