

THE ESSENCE OF THE INSTITUTION OF THE PRESIDENCY IN MODERN PUBLIC ADMINISTRATION

TECHMIND-2021

Bekhzod Yodgorov

Master's student of

Tashkent state university of law

Kh. I. Ruzmetov Scientific supervisor (consultant)

Doctor of Law, DSc, Associate Professor

Bekhzod91@mail.ru



Annotation

This research paper analyzes the role of the Institute of the President in administrative management, which is a modern type of public administration. With the help of legislative norms and practical examples, the topic is covered.

Keywords

Presidency, public administration, government

Today, a large number of modern states are countries with a republican form of government, where the state system is based on the bodies of supreme power elected for a certain period. The institution of the presidency is one of the most important components of this form of government. If we look at this phenomenon from a democratic perspective, we can note that the institution of the presidency is a kind of victory for the people, since the existence of the institution of the presidency in the state gives the people the right, by direct election or through representatives also elected by the people, to vote for the most worthy candidate for the post of President, who will carry out the will of his people.

Turning to the very term "institute of the presidency", first of all, we note that it consists of the concepts "president" and "institute". The concept of "institution" is widely used in legal science as a set of legal norms that regulate the range of homogeneous social relations. The word "president" by etymology comes from the Latin word *praesidere* (*praesidentis*) "to sit in front, to preside", *praesidens* (*praesidentis*) "presiding, head" [1, p.341]. In his writings, the legal scholar N. A. Sakharov describes that the President in ancient times was usually addressed to the person who presided over various meetings. After a while, the name was transformed into a position. Thus, the primary ideas about the concept of "president" as the dominant person were born [2, p. 5].

In the social sciences, there is a very significant set of methods and approaches for defining the very concept of the "institution of the presidency". According to the general social approach, to define the concept of "president", first of all, the reasons and conditions for the establishment of this position, its social significance and focus on social development are investigated. The political approach implies the disclosure of the concept of "president" on the basis of linking with the political processes and the political situation taking place in the state.

The legal scholar B. P. Yeliseyev defines the Institute of the President "as an integration legal institution, the purpose of which is to coordinate the activities of state power institutions". In his research work, B. P. Yeliseyev proposed the structure of the institute of the presidency consisting of the following norms: 1) norms defining the order of presidential elections and inauguration; 2) norms establishing the place and role of the president in the system of higher state authorities (constitutional and legal status - as a structural aspect); 3) functions and powers of the president (constitutional and legal status - as a functional aspect); 4) norms delineating the limits of the powers of the president [3, p. 10]. All of them, being an ordered set of legal norms, act as

substitutions of the institution of the presidency grouped separately, which regulate a specific type of public relations that are within the competence of each of them.

The research of Professor M. M. Mirakulov lists 8 groups of constitutional and legal norms that make up the complex structure of the institution of the presidency, including: 1) the rules establishing the office of the president; 2) presidential elections (in particular, the legal status of a candidate for the office of the president, a candidate specified in the supreme body of the party, a registered candidate, an elected but not inaugurated president); 3) the procedure for assuming the office of the president(inauguration); 4) the functions and powers of the president; 5) guarantees of the legal, organizational, material, social, and security of the president's activities, including those of the ex-president; 6) the procedure and basis for delineating the limits of presidential powers; 7) the procedure and basis for the temporary performance of the duties of the president; 8) the basis of responsibility and their application[4, p.19].

Analyzing the above, we concluded that the institution of the presidency is a set of systematized legal norms that include the establishment of this position, the process of holding elections, taking office, the powers and functions of the president, guarantees of activity, as well as the norms of responsibility. Despite the rather high degree of knowledge of the scientific apparatus in the field of the research conducted by the author, we found that when interpreted in the scientific literature of Russian scientists, the term "institute of the president" is used, but in the English-language literature of scientists of Western countries, "institute of the presidency". In our opinion, the use of the second term seems to be more correct, since it allows us to perceive the essence of the institution under study more broadly.

Having thoroughly studied the terminology, we came to the conclusion that in order to fully master the concept of the essence of the institution of the presidency, we need to determine the main features that characterize this institution.:

- the president is an elected head of state, who has the right to head the executive branch or to be an arbiter in the system of separation of powers;
- in the organizational aspect, the president is not subordinate to anyone, has the highest indicator of independence from any other higher state authorities, based on the above, the president is relieved of the obligation to act on the basis of and in compliance with the laws;
- the post of president has pronounced signs of a political nature. The President has a very significant role in the formation of both domestic and foreign policy of the state, the supremacy of the political leadership of state affairs[3, p. 13].

In contrast to the "legal status of the president", the institution of the president includes not only the functioning, but also the election of the president. Based on the latter, we can conclude that the legal status of the president is an integral part of the legal institution we are studying, which determines the presidential activity. Similarly, in our opinion, the legal status of the president is a set of norms defining the rights, duties and responsibilities assigned to him in the Constitution and regulatory documents.

The separation of powers is a classic form of self-limiting mechanism of public administration, which allows you to maintain a balance between the most important institutions of state power, which is often interpreted as a "system of checks and balances". According to some scholars, the existence of the post of head of state in addition to the three branches of government in the system of separation of powers contradicts the principles of the rule of law. For this reason, we can observe the renunciation of many Western countries from the concept of "head of state" in order to build a developed state of law. It is important to note that in order to ensure the constitutional order, the stability of power and the mechanism of succession, as well as to ensure the highest representation in international and interstate relations, the State needs a comprehensive, strong and independent official.

Based on the latter, the definition of "presidential power" arises before us. As such, it is not a separate branch of government, but only ensures the interaction of the three classical branches of government. S. A. Osetrov, using the example of the Russian Federation, points out that this is represented and implemented not only by the President, but also by bodies and officials [5, p.41-44]. These bodies create a lot of controversy in the scientific community, since some characterize them under the term "mechanisms of presidential power" [6, p. 156-158], while others use the

definition of "executive office of the president" [7, p. 273]. Professor S. A. Avakian suggests that the system of state bodies, institutions and officials directly involved in the exercise of presidential power should be defined as the "team of the president" [8, p.346].

V. E. Chirkin developed an approach implying the enrollment of the institute of the presidency in the ranks of organizational institutions, which is expressed in the existence of the highest official of the state (the president), the management apparatus subordinate to the president (in presidential republics), the presidential administration (in presidential and semi-presidential republics), the office of the President (in parliamentary republics), the residence, state insignia (flag over the presidential palace, standard on vehicles, etc.) [9, p. 99].

It should be noted that the tendency to strengthen the role of the institution of the presidency in a number of states is explained by their economic, legal, social, and political-cultural characteristics, which require a rigid hierarchy of presidential power for the timely and correct solution of certain tasks based on national interests.

Summing up the results of all of the above, we note that the efficiency of the functioning of the institution of the presidency is determined by the establishment of the constitutional and legal status of the president, his constitutional powers and duties, building effective mechanisms for building a coherent system of public administration in which the head of state occupies a fundamental role, which is aimed at achieving democratic development, constitutional principles of separation of powers, as well as further gradual transition to a strong civil society

References

1. Шанский Н.М. Краткий этимологический словарь русского языка / Н.М. Шанский и др. – М.: Просвещение, 1971. – 542 с.
2. Сахаров Н.А. Институт президентства в современном мире / Н. А. Сахаров. - М.: Юрид. лит., 1994. – 176 с.
3. Елисеев Б.П. Институт Президента Российской Федерации: Автореф. дис. ... юрид. наук.: 12.00.02 / Рос. акад. упр. М.: 1992. – 18 с.
4. Миракулов М.М. Узбекистон Республикаси Президентининг конституциявий-хукукий мақоми (қийсий-хукукий таҳлил): дисс. ... д.ю.н. – Ташкент, 2016. – 251 с.
5. Осетров С.А. Организационные основы президентской власти в Российской Федерации // Конституционное и муниципальное право. 2010. № 7. С. 41-44
6. Дегтев Г.В. Становление и развитие института президентства в России: теоретико-правовые и конституционные основы. М.: Юрист, 2005. – 237 с.
7. Колюшин Е.И. Конституционное право России: Курс лекций. М.: Городец, 2006. – 381 с.
8. Авакьян С.А. Конституционное право России: Учеб. курс: В 2 т. Т. 2. М.: Юрист, 2005. С. 346.
9. Чиркин В.Е. Основы сравнительного государственоведения. Москва: Артикул, 1997. – 352 с.
10. O'G'Li, Z. J. K. (2020). Administrative Reforms In The Republic Of Uzbekistan: Some Problems And Prospects. The American Journal of Political Science Law and Criminology, 2(12), 1-4.
11. Javlon Karimjon O`G`Li Zoilboev. (2021). Requirements For The Adoption And Administration Of An Administrative Document (Act) By Public Administration Bodies . INTERNATIONAL SCIENTIFIC AND CURRENT RESEARCH CONFERENCES, 137–141. Retrieved from <https://usajournalshub.com/conferences/index.php/isrcr/article/view/90>