

FEATURES OF THE PRESIDENCY MANAGEMENT

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Abstract: This article presents the peculiarities of the manifestation of the presidential form and its representation in different countries.

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The presidential form of government is one of the modern forms of government, which combines the rights of the head of state and the head of government in the hands of the president at the same time on equal terms with parliamentarism.

The main advantages of the presidential form of government are:

1. Punishing or rewarding the president for his policies, which is why it increases the president's responsibility to the voters;
2. Ensuring great efficiency in management, especially in times of crisis;
3. Increasing the legitimacy of the political system;
4. Retaining the ambitions of parliaments, which in turn leads to an improvement in democracy.

Along with the advantages of the presidential form of government, there are also disadvantages, such as:

1. Double democratic legitimacy.
2. Lack of flexibility in the terms of the board.
3. Encouraging political outsiders.
4. Majority character.

The main features of the presidential republic:

1. The powers of the head of state are broader than in a parliamentary republic;
2. Extra-parliamentary method of electing the President and forming the government;
3. The Government's responsibility is to the President, not to the Parliament.

The President, who is elected by the population, is also the head of the executive branch. In a presidential republic, the president has more independence and independence in his actions from parliament, unlike parliamentary republics, but in a presidential republic there is also a high probability of the emergence of an authoritarian regime, namely a dictatorship, and to prevent this from happening, there is a complex system based on the principles of checks and balances. The lack of responsibility of the executive branch for its policy to the Parliament is the main sign for the presidential form of government. Therefore, in this form of government, the president may belong to one party, and the majority of the parliament to another, and this means that they will need to cooperate with each other.

Of course, during the transitional period of the development of the state, the presidential republic will be very effective. So, in case of emergency or prompt decision-making, the presidential republic will be uncontested. But in the case of a stable period of development of the state, the presidential form of government can also carry hidden threats to democracy.

As for post-communist countries, they have the opportunity to evaluate history and learn valuable experience, which they need to take into account during the transition of the presidential form of government, so that in the future, at the first stages, authoritarian tendencies in the governance of the country do not arise, due to the underdevelopment of political democratic institutions, this problem has caused the development of such a phenomenon as over-presidency.

The origins of the emergence and many years of experience that help to avoid over-presidency lie precisely in the United States. As you know, at the first stage of the formation of American statehood, legislative and executive power were concentrated in one representative body – the Continental Congress. The Congress chose its president, who had limitations in the presidency. "So in 1787, in Philadelphia, when the US Constitution was adopted," a difficult but historic choice was made between a republic and a monarchy. Due to the fact that most Americans had just been freed from the British monarchy, they were against creating a monarch, albeit with limited powers. But the principle of "one person of the state" won, and the founding fathers of the United States decided that all power should be in the hands of one, and then he became known as the president of the United States. At the same time, the institute of the presidency was formed there. The post of President is one of the key elements of the presidential republic.

The executive office of the President of the United States consists of more than 1,700 people, which is a powerful unit and consists of officials who, in turn, are part of the subordinates of the President of the United States. The creation of the apparatus takes place on the basis of the orders of the president, who has his own advisers in the administration.

The Office of the President consists of three grades of positions:

senior, deputy assistants to the President, junior, who serve as deputy assistants.

Since the president combines the two functions of the head of state and the head of the executive branch, there are no checks and balances in the relations between the government and the president in the presidential republic. Therefore, the president has the right to remove ministers and other officials from office, and in such cases he is not required to provide any justification, since the president has the right not to work with those with whom he does not want to do so. In a number of exceptions, ministers are appointed from their party leaders.

All official meetings are held under the leadership of the President, and the role of ministers in this case is purely advisory in nature. Taking into account the strict separation of executive and legislative branches, the policy of the presidential republic bears most of the authoritarian regime, which can also have negative consequences for the country. Moreover, the USA is a country that shows the whole essence of the presidential beginning and gives an example for other states. Therefore, the president of the United States, first of all, should be an excellent motivator who shows not only his citizens what kind of president they need to be, but also the presidents of other countries that have adopted the presidential form of government.

The President of the United States is also considering stimulating employees and subordinates who undergo tough selections and are entrusted with enormous powers. His categorical and demanding nature is much higher, which subsequently affects the work of the entire executive branch as a whole, but there are also a number of requirements and powers imposed on the president himself. For this purpose, a number of regulatory legal acts have been created and developed, which are prescribed "in the US Constitution". They describe all the activities of the presidential form of government. If we analyze the list of normative legal acts, they note that the president cannot be someone who is not a citizen of the United States from birth, therefore there are different interpretations – citizenship by birth. The most common is: the president of the United States can only be a person who was born in this country. This interpretation significantly restricts the rights of those categories of citizens who, for various reasons, were not born in this country, but they have lived in it all their lives, and many of them are active political figures.

Consider a case where a person was not born in the United States, since his parents were military or diplomats and served abroad. So in 2008, presidential candidate John

McCain also almost fell under the anti-democratic wording, since he was born "near the Panama Canal on a military base." American lawyer Leo Donofrio took advantage of the ambiguity of the interpretation of "citizenship by birth" and filed a lawsuit in the US court, in which he questioned the right of candidate Barack Obama to take the post of US president. Donofrio believed that a "citizen by birth" is only a citizen who was not only born in the United States, but also whose parents are not foreigners, since Barack Obama's father was a Kenyan citizen. Therefore, the rejection of one of the most important democratic electoral principles of direct voting by the American electoral system was understandable. The population votes for the election of electors from the list of presidential candidates. At this stage, I would like to draw attention to the restriction for electoral candidates, which is not democratic. It says that an elector cannot be a person who participated in rebellions or uprisings against the United States, as well as someone who helped or supported the enemies of the United States in every possible way. This infringement gives the courts a chance to interpret the category of "assistance to the enemies of the United States" relatively freely, which, one way or another, borders on the anti-democratic possibility of removing the elector elected by the people in order to please the political parties and positions that prevail in the country. Electors were initially analyzed as free agents who have nothing to do with the opinion of their voters, but even now there are cases when, despite the fact that they were elected on party lists, electors can vote for a candidate from a rival party. The algorithm of the people's election of electors, obviously, is not fixed by law, which, according to theory, does not exclude their election even by legislative bodies. 48 states have a winner-takes-all system. This means that the entire list of electors is joined by the candidate who received the majority of votes, regardless of what the margin between these candidates is. Neither the presence and 99% turnout, nor the huge expenses for elections can guarantee the people, in their democratic right, to freely express their electoral will. Thus, we can say that in the conditions of the Presidential form of government and in the current American legal reality, such concepts as "elections", "democracy", "human rights" become only ideological statements intended only for external use. Therefore, it is not the perfection of presidential elections and thus not the flawless presidential form of government that gets one of the most important problems – this is the problem of democratizing US electoral legislation. And this is already a problem not only for Washington and US citizens. This is a problem of the entire international legal community. No factor of the country's governance, no matter the presidential or parliamentary form of government, should stop the democratic and international transformation of humanitarian law. Any attempts to take the national electoral law beyond the limits of international law are unacceptable. And such omissions in the regulatory legal acts of the United States make

the system of the Presidential form of government not perfect, but on the contrary only removes all the pitfalls.

Another country with a presidential form of government is Brazil. Brazil consists of 26 states, federal districts and municipalities. On the territory of the state, the "Constitution" was adopted in 1988, which is currently in force. The system of separation of powers has common features with the United States, but the rights of the President in Brazil are much broader, and they have a democratic political regime. The bicameral National Congress is the highest legislative body. The National Congress consists of the Chamber of Deputies and the Federal Senate, which are elected by secret and direct voting and their number is more than 513 people, and they are elected for 4 years using a proportional system. The Chamber of Deputies in Brazil is a body of national representation. The President is elected for a term of 4 years without the right to re-election. At the same time as the president, the Vice President is also elected. Based on the principles of the federal Basic Law, each state of Brazil has its own constitution. Each state has its own judicial system, which operates on the basis of the principles established in the Constitution. According to Article 76 of the Brazilian Constitution, all executive power is exercised by the President of the Republic. The President is also endowed with broad powers, which, according to Article 84 of the Constitution, are exceptional.

The President of Brazil can make decisions on the appointment and removal of State ministers alone. With the help of ministers, he has the highest leadership of the federal administration in accordance with the law.

The President of the Republic is absolutely not an outside observer of the legislative activity of the Parliament. He is the initiator and may demand immediate amendments. Therefore, comparing the model of the Brazilian and American forms of government, the relationship between the executive and legislative authorities, the President of Brazil has the right to amend bills on an equal footing with parliamentarians, and in some moments and spheres of public life this is of an exceptional nature.

Every year, within sixty days after the opening of the legislative session, the President of Brazil submits to the National Congress a report on the expenditures made in the previous period.

Also, the President of Brazil has the right to issue acts on temporary measures having the force of law; he has the right to issue decrees on the introduction of a state of protection and to execute them.

The President of the Republic is elected by direct elections for a term of four years, in 1997 the prohibition to be re-elected was lifted, and no restrictions were set on how many times one can be re-elected.

The first stage of elections is held on the first Sunday of October in the year of the end of the term of the incumbent President, the second stage is held only if necessary on the last Sunday of October. If there are no candidates with an absolute majority of votes, the re-election is held no more than 20 days after the announcement of the results.

Article 84 of the Brazilian Constitution describes all the powers of the President, which include the administration of the Republic, the appointment and removal of ministers, the entire legislative process and work with the National Congress, the declaration of martial law, awarding orders and medals, negotiating, concluding contracts and all the regulations and sections that are in the current Constitution.

Thus, comparing two states with the same form of government, as well as their normative legal acts, it can be concluded that the presidential republic is not perfect and most often this leads to the power of one person and to a dictatorial regime, which further provokes conflicts within the state due to infringement of the rights of a democratic state. The powers of the president of Brazil are much broader than in the United States, and thus it also has its negative sides, such as, for example, dictatorship. But the US presidential form of government itself is not ideal and has a number of negative consequences, which can thereby lead to the destruction of the democratic system in the country. And despite the fact that the United States is the founder of the presidential republic, their system and form of government is not perfect, and this is also affected by the fact that the power of one cannot always act as the right decision. After all, the power in the hands of one with the powers vested in him can develop into an authoritarian regime or the regime of the power of one. As for the structure built into presidential republics, over all the years of its existence, it has acquired clear boundaries and responsibilities of each link, where the president himself plays a key and motivating role. The President also establishes and appoints control bodies that carry out control over all activities on the territory of the country.

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