

## **LEGAL FOUNDATIONS AND SPECIFIC CHARACTERISTICS OF THE INTERRELATIONSHIP BETWEEN INTERNAL AFFAIRS BODIES (POLICE) AND STATE REPRESENTATIVE AUTHORITIES IN THE LEGISLATION OF FOREIGN COUNTRIES**

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As is known, parliament and its chambers, in addition to participating in the formation of various state bodies and the appointment of officials, also exercise control in the field of personnel policy. For example, parliaments approve the document on the appointment of the head of government. In this way, the Chancellor of the FRG (Federal Republic of Germany), the Prime Ministers of Italy and the Netherlands, and the heads of government of many other states are confirmed.

In a number of states, parliaments appoint the head of state or participate in their election. Article 54 of the FRG Constitution provides for the election of the president by the Federal Assembly. The Czech Parliament elects the president in a joint session of both chambers [1].

It is known from history that in states that have existed from ancient times to the present day, we all know well that the form of state governance has been carried out in two forms: monarchy and republic. Forms of monarchical governance include: absolute, limited, and dualistic (mixed) forms. Today, in many countries with a monarchical form of government, state power is distributed based on the principle of separation of powers. Particularly, in states with a parliamentary monarchy form of government, including countries such as Great Britain, Denmark, Spain, Norway, Japan, and Sweden, the supremacy of parliament is manifested in the fact that the government, which is usually appointed by the monarch, must enjoy the confidence of parliament (the lower chamber). The monarch, in turn, is obliged to appoint as head of government the leader of the party that holds the majority of seats in the lower chamber.

The main feature of parliamentary monarchy is the government's political responsibility to parliament (the lower chamber) for its activities. If the lower chamber refuses to give a vote of confidence or express trust in the government, the government must resign or the monarch must dismiss it from office. However, this power is often balanced by the government's right to request that the monarch dissolve parliament and call new elections.

The purpose of this is to enable the people to resolve disputes between the legislative and executive branches of power. If the people support the government, the number of government supporters in parliament increases; should the voters be dissatisfied with the government, the composition of the lower chamber will also be replaced accordingly along with the government. Such a system of relationships between the monarch, parliament, and government is called the parliamentary regime or parliamentarism.

According to Part 2 of Article 66 of the Constitution of Spain, which is considered a parliamentary monarchy, parliament exercises legislative power, adopts

the budget, controls the activities of the government, and exercises other powers established in the Constitution [2].

According to the United Kingdom's Parliament Act of 1911, Parliament exercises control over the activities of the Government [3]. It is organized in the following forms: Members of the House of Commons submit questions to government members. Ministers answer these questions at sessions of the House of Commons and also prepare written responses, which are published in parliamentary reports and made public. In Great Britain, Parliament has general and special judicial functions. General judicial functions refer to the exercise of normal judicial functions. For example, the House of Lords of Great Britain is considered the highest court of appeal, meaning it issues final decisions on specific criminal or civil cases. The lower chamber of the British Parliament declares impeachment for the purpose of examining the conduct of high-ranking officials and removing them from power, and makes a decision on guilt or innocence in a collegial manner.

The Japanese Parliament differs from other countries, specifically from monarchical states, by a number of distinctive features in its control activities [4].

The country's Prime Minister is elected from among its members based on a resolution of members of the National Assembly. In cases of disagreements between the chambers and the impossibility of reaching a compromise decision in the consultation committee, or if the House of Councillors cannot reach a definite decision within 10 days after the adoption of the House of Representatives' decision, then the decision of the House of Representatives is considered the decision of the National Assembly. The Japanese Parliament exercises control over the executive power mainly in four directions. These include: expressing confidence and no-confidence in the Government, inquiries to the Government, investigations of the Government, and applying impeachment against officials. In this case, initiating the impeachment process is decided by the entire composition of the parliament or only by the lower chamber. After the dismissal of an official from their position, the case is examined not by the upper chamber, but by a special court.

It should be noted that in Belgium, which has a constitutional monarchy form of government, parliament also holds its own distinct position. In addition to its main function of adopting laws, parliament has the following powers: it approves the budget, trade agreements or contracts that impose any obligations on the state. It appoints members of the Supreme Court; if there is no male in the King's lineage, he cannot appoint an heir without parliament's consent, nor can there be other heads of state. Parliament also exercises its control function by sending parliamentary inquiries and questions to a number of officials.

In Belgium, upon the formation of the Government, a government program (declaration) is presented to the supreme legislative body [5]. If the program is not approved by even one chamber, the government cannot obtain a vote of confidence, and in such a case the Government is obliged to resign (Article 96 of the Belgian Constitution).

Parliamentary control in the FRG differs from the parliaments of other countries with its own distinctive features. As a supplementary body of the Bundestag

and to protect fundamental rights, it appoints a defense committee and a foreign affairs committee. The details are established by federal law.

If the Federal President deliberately violates the Constitution or other federal law, the Bundestag or Bundesrat may bring charges against him before the Federal Constitutional Court. A motion for impeachment may be submitted by not less than one-quarter of the Bundestag members or one-quarter of the Bundesrat votes. A decision on impeachment requires more than two-thirds of the Bundestag members or two-thirds of the Bundesrat votes. The charge is presented by a representative of the body that brought it forward.

If the Federal Constitutional Court determines that the President has deliberately violated the Basic Law or other federal law, the President shall be removed from office. The Federal Constitutional Court has the right to issue a temporary order stating that the charge brought forward prevents the President from performing subsequent duties.

Furthermore, the Federal Parliament may also express no-confidence in the Government. According to Article 68 of the Basic Law of the Federal Republic of Germany, the Federal Chancellor's request for a vote of confidence may not receive the confidence of the Federal Chancellor with the consent of the majority of Bundestag members. The Bundestag may elect another Federal Chancellor by a majority vote of its members. The Bundestag also has the right to establish an investigative committee, and must establish it upon the proposal of one-quarter of its members. This committee collects the required evidence in open sessions. Courts and administrative bodies are obliged to provide legal and administrative assistance. The decisions of investigative committees are not subject to interpretation by courts.

In parliamentary republics, parliament expresses the supremacy of parliament in exercising legislative power. The government is formed by parliament and is accountable to it. For example, Austria is considered a parliamentary republic, and based on Article 52 of the Austrian Constitution, the National Council and Federal Council have the authority to examine how affairs are conducted by the Federal Government, to address government members with inquiries regarding almost all aspects of executive activity, to demand all necessary information on executive activity, and to provide recommendations in their decisions on the implementation of executive activity. Additionally, each member of the National Council and Federal Council has the established right to address members of the Federal Government with brief oral inquiries at sessions of these bodies[6].

Based on Article 53 of the Constitution, the National Council may also form investigative committees by its decision. Courts and other bodies must satisfy the demands of these committees for the presentation of evidence, and all public institutions must present their documents upon their requests. According to Article 74 of the Constitution, if the National Council adopts a decision on no-confidence in the Federal Government or its member, the government or the respective minister must be removed from performing their duties. According to Article 76, members of the Federal Government are established as accountable to the National Council, and the National Council may declare charges against them.

The control activities of the Czech Parliament differ from the control activities of many other countries. In particular, the Czech Parliament elects the President of the Republic in a joint session of both chambers. The President is held accountable based on evidence presented by the Senate in cases of treason against the state. For this crime, the penalty of removal from the Presidency and ineligibility for re-election is applied to them [7].

A member of the Czech Government is prohibited from engaging in matters that do not fall within the scope of their authority. The Government must request a vote of confidence from parliament, and if no-confidence is expressed by the deputies, no-confidence in the Government must be expressed in writing by the Chamber of Deputies with the participation of at least 50 deputies, requiring more than half of the number of deputies. Notably, the Senate, which is the upper chamber of the Czech Parliament, resolves the issue of accountability of Constitutional Court judges in its session.

As is known, one of the states where parliament and its structural formations have great importance in the life of the state and society is Italy. According to Italy's current Constitution adopted in 1948, the country is considered a parliamentary republic. This, in turn, testifies to how high the position and importance of parliament is in the country.

The Parliament of the Republic of Italy consists of two chambers (the Senate and the Chamber of Deputies), and parliamentary control plays an important role in the activities of the chambers. The legal basis for exercising parliamentary control is reflected in the Italian Constitution and the regulations of the chambers, where almost all organizational-legal forms and procedures for exercising parliamentary control are clearly established [8].

Based on the country's constitution, the following main directions of control activities carried out by the Italian Parliament can be highlighted:

- a) control over the implementation of laws;
- b) budgetary-financial control;
- c) control in the sphere of state administration;
- d) control in the sphere of defense and security;
- e) control in the sphere of foreign policy.

As in many states, parliamentary control in Italy is mainly directed at government activities and its implementation of laws. In the process of carrying out its activities in this sphere, parliament uses the following instruments: inquiries, interpellations, debates, confidence and no-confidence resolutions, resolutions on economic and financial activities, reports, and others.

Among the instruments listed above, the most common are inquiries and interpellations sent to the government. Usually, inquiries are sent to the government by the relevant commission of parliament on one issue or another. An inquiry, according to the regulations of the Chamber of Deputies, is "a simple question given in writing to the government regarding the truthfulness of one fact or another, regarding information obtained by the government and its accuracy, regarding measures taken or to be taken by the government on certain issues." Based on the results of the inquiry, a government representative (Prime Minister, minister, heads of

departments, and other responsible persons) answers before the deputies at a meeting specially dedicated to inquiries. The obligation of the proposed government representative to participate in the meeting is enshrined at the constitutional level (Article 64 of the Constitution of the Republic of Italy). Questions are submitted in writing in advance and are read aloud at the meeting. They may be of a personal nature but cannot contain accusations and must only relate to the issue being examined. A minister may refuse to answer certain questions given, taking into account that they constitute state secrets or that preparing an answer would require a large amount of funds.

Interpellation is considered a relatively stronger instrument of control, and it is a written address sent by parliament to the government regarding the content and essence of measures being implemented by the government and the relevant policy, and the prospects for its implementation (Article 136 of the Chamber of Deputies regulations). It is worth noting that if the government has appropriate grounds and evidence, it may refuse in response to an inquiry and interpellation sent by parliament.

In order to inform the general public about the inquiries and interpellations conducted and their results, relevant information is regularly published in the bulletin of the Italian Parliament.

Conducting appropriate debates on predetermined issues of foreign and domestic policy also constitutes a separate form of parliamentary control. Such debates are organized at the proposal of deputies or the government. The main purpose of debates is to determine ways to resolve a specific problem, and they are most often conducted with the aim of influencing public opinion.

In Italy, the role of chamber commissions in exercising parliamentary control is incomparable. According to their specialization, commissions deeply and thoroughly control separate spheres of state activity and take appropriate measures. They also exercise control over the process of legislation development by the government in their directions and, when necessary, adopt appropriate decisions (resolutions). Failure to implement such resolutions can, in some cases, lead to the resignation of some ministers and even the Council of Ministers. At this point, it is necessary to look at the situation characteristic of the Italian government, namely the frequent changes of government. The instability of the country's government can be explained by the complexity of contradictions within government coalitions in the context of multi-party system in Italy, as well as the wide-ranging application of control powers by parliament.

A distinctive feature of the Italian Parliament is that, based on Article 72 of the country's Constitution, chamber commissions have the right to adopt laws. Bills on constitutional and electoral matters, on granting legislative powers, on ratification of international treaties, and on budget approval are exceptions. The usual procedure is applied in their adoption.

The Italian Constitution has established another important rule regarding the exercise of parliamentary control. According to it, both chambers may conduct investigations on matters concerning state interests (Article 82). For these purposes, the chambers establish a special commission composed of their members. This

commission has all the powers and limitations that the judiciary possesses. Through such commissions, unlawful acts of government members and other similar officials are investigated and appropriate accountability is imposed. In the Italian Parliament, investigative commissions composed of members of both chambers have operated. Clear examples of this can be shown by the establishment and operation of commissions on control over radio and television (1949), on state participation in economic activity (1977), and on the activities of secret services (1977). It is worth emphasizing that in Italy, there has even been a case where the country's Prime Minister was accused by parliament of taking bribes and subsequently held accountable by the court. This, in turn, testifies to the well-developed institution of constitutional accountability in the country.

Among the CIS countries, the state with its own distinctive parliamentary control is the Republic of Belarus.

According to Article 97 of the Constitution of Belarus, Parliament exercises the following control functions:

- Gives consent to the President for the appointment of the Prime Minister;
- Listens to the Prime Minister's report on the government's program of activity and approves or rejects the program. The second rejection of the program leads to no-confidence in the government;
- Considers the question of confidence in the government at the proposal of the Prime Minister;
- Expresses no-confidence in the government at the proposal of no less than 1/3 of the full membership of the House of Representatives. The question of the government's accountability cannot be raised within one year after the approval of its program of activity;
- Accepts the resignation of the President;
- By a majority of the full membership of the House of Representatives, brings charges against the President for committing treason or other serious crimes against the state. By a vote of no less than 2/3 of the full membership, subject to the corresponding decision of the Council of the Republic, makes a decision on removing the President from office [9].

According to Article 98 of the Constitution of the Republic of Belarus, the control powers of the Council of the Republic include the following:

- Gives consent to the President for the appointment of the Chairman of the Constitutional Court, the Chairman of the Supreme Court and its judges, the Chairman of the Supreme Economic Court and its judges, the Prosecutor General, the Chairman and members of the National Bank, and the Chairman of the Central Commission for Conducting Elections and Republican Referendums;
- Dissolution of local councils of deputies in cases of regular or gross violations of legislative requirements or other cases specified by law;
- Examines the charges brought by the House of Representatives against the President for treason or other serious crimes against the state and makes a decision on its investigation. Based on the corresponding decision, by a vote of no less than 2/3 of the full membership, makes a decision on removing the President from office.

Among the CIS countries, the state with distinctive features of parliamentary control is the Republic of Kazakhstan. Parliament approves the republican budget, the government and the reports of the Accounts Committee controlling the execution of the Republican budget, and also introduces amendments and additions to the budget. It gives consent to the President for the appointment of the Prime Minister of Kazakhstan and the Chairman of the Central Bank [10].

It listens to the Prime Minister's report on the government program, approves or rejects it, and by a vote of more than 2/3 of the total number of deputies of each chamber, expresses no-confidence in the government. It listens to the annual message of the Constitutional Council on the degree of constitutionality of legal documents in Kazakhstan.

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