

# GOVERNMENT IN THE FEDERAL REPUBLIC OF GERMANY

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## **ABSTRACT**

*PARLIAMENTARY REGIMES ARE DUALISTIC. THEY HAVE A HEAD OF STATE, WHO IS APPOINTED BY PARLIAMENT AND A GOVERNMENT THAT IS HEADED TO A PREMIER. PRIME MINISTER SHALL ACT AS CHIEF EXECUTIVE. HEAD OF THE STATE, APPOINTED BY PARLIAMENT, DEPENDS ON THE ROLE OF POLITICAL PARTIES IN HIS NOMINATION. THE HEAD OF GOVERNMENT IS SUBJECT TO THE RULES OF THE PARLIAMENTARY MAJORITY.*

**KEY WORDS:** EXECUTIV, GERMANY, CHANCELLOR, PRESIDENT, BUNDESTAG

In Germany, the Federal Executive power is subject to the rules of parliamentary procedure, being granted to a person who performs the function of head of State, the above computer and a collegial, by its very nature, essentially in charge. The first component of the Executive Branch is the President, and the next Government.[1]

The President is elected for a five-year term by the Federal Assembly, the reunited Berlin, a body composed of members of the Bundestag and a number of members equal to that of the deputies elected according to the principle of proportional representation in representative assemblies of the Land (in total their number stands at 1338).[2]

According to the Constitution, can be elected President every german who has the right to vote in elections for the Bundestag and has reached the age of 40 years. The same person can be elected President more than two terms consecutively. Also according to the article. 55 of the Federal Constitution, the President cannot be a member of the Government or a member of the legislative body of the Federation or a land. Besides, the Federal President may not exercise any other function exercised no profession or occupation or to belong to any directions or a Board of Directors of an enterprise based on profit. In case of tripping or terminating before the term of his Office the President Federal powers are exercised by the President of the Federal Council (Bundesrat). In the event of war the President's term of Office shall expire on Federal nine months after termination of a State of defence.

According to the President of the Federal Constitution has the following duties: represent the Federation in international relations; concluded on behalf of the Federation of

international treaties; accredit and Plenipotentiary Ministers called; appoints and revokes federal judges, federal civil servants, as well as alternates and the officials thereof, if the law does not provide otherwise. Also the Federal President shall exercise the right of dissolution of the Bundestag, pardon; promulgates the laws; declare the legislative crisis regarding a Bill; proclaim the State of Defense where the competent authorities are unable to determine; statement of international law over the existence of a State of defence, promulgates the Bundestag's decision halting the State's defense.

The President is not responsible in politically for his acts. According to the article. 58 of the Constitution, and Federal Ordinances, decrees of the President, to be valid, it must be countersigned by the Federal Chancellor or the competent federal Ministry. However, President of the Federation is responsible, pursuant to article 5. 61 of the Constitution for violation of the fundamental Law of voluntary or other federal laws. The request for impeachment is done by the Federal Constitutional Court and shall be signed by at least one quarter of the members of the Bundestag or one fourth of the members of the Federal Council (Budesrat). Impeachment resolution is adopted if at least two thirds of the members of the Bundestag or Bundesratului, depending on who initiated the procedure Room.

The German Federal Government is composed of the federal Chancellor and the Federal Ministers. The Chancellor is of without discussion, by majority vote, by the Bundestag on the proposal of the President of the Federal Republic. The Chancellor talks without choice is dictated by the existence of a secure parliamentary majorities, which renders superfluous the intervention of parliamentary opposition in appreciation of the qualities of the person proposed to hold the post of Chancellor. Federal Ministers are appointed and dismissed by the President of the Federal Republic on the proposal of the federal Chancellor.[3]

The specifics of german Government lies in the concentration of executive power in the Chancellor's hand, for the most part. According to the article. 65 of the Constitution of the Federal Republic of Germany. Chancellor decides the guidelines of the policy and responsibility for them. It leads the Federal Government's Affairs after a regulation inside Government-appointed and approved by the Federal President. Federal Chancellor called a federal Minister as his Deputy.

The Federal Government has the power of leadership and command of armed forces, the federal Minister of defence; initiates draft laws and forward them to the Bundestag debate; issue decrees on the basis of statutory authorization received from Parliament; proposed Federal President to declare state legislative crisis; declare the urgency of adopting some legislative project; inform the Bundestag and the Federal Council (Bundesrat) in matters that are the subject of the European Union; It means that the initiatives relating to increasing income or decreasing expenses for the Federation; It means that in case of war production, transport and putting into circulation of certain types of weapons; It means that the conclusion of international treaties by the States; where natural catastrophe or accident put in jeopardy a territory more stretched than of a land, the Federal Government may, to the extent that is necessary for effective control, to give directives to the Laender governments to make available police forces of other States and to install to support the police forces of the federal units of the border guard and the warring forces; take steps to ensure that the district should be forced on the path to achieving federal constraint of its debt and deliver provisions to comply with them; calls to the Bundestag to meet in session; propose that certain debates of the Bundestag Parliament

not to be public; Federal Government members may participate in the meetings of the Bundestag and Bundesratului (if Bungestagul or Bundesrat calls them, then Government members are required to attend); may require that the Federal Council (Bundesrat); shall inform the Joint Committee[4] over its plans for Defense; may issue, with the consent of the Bundesratului, general administrative instructions; verifies the legality and appropriateness of the way in which the laender put into execution or execute federal laws; cover to the extent that the law does not decide otherwise, the Organization of the authorities; If the conditions are met. 91 (2)[5], and the police forces and border guard corps are not sufficient, perhaps to put armed forces to assist police and federal watchdog body of the border defense of civil targets and for combating organized and armed militărește rebels, the Federal Government may also give instructions to the Laender governments effective control; refer the matter to the Federal Constitutional Court in relation to the unconstitutionality of a law; calls to the Bundestag that the territory of the federal subject of an armed attack, or that such an attack is imminent; in declaring the State of Defense the power of command over the armed forces is transferred to the Federal Chancellor. During the State of national defence and to the extent that circumstances so require, the Federal Government can: employ the body guard of the border throughout the federal territory; to give instructions, in addition to the Federal Government and the Laender governments, and if the Administration's urgent, reckons the laender, delegând his powers of members of the Länder Governments appointed by him; put the current Bundestag, Bundesrat immediately and the Joint Committee on the measures taken.

A constitutional element of stability in the german political system is the so-called positive motion of censure by which Bundestag cannot express distrust of Chancellor, only to the extent that support a successor with the absolute majority of votes. If a motion regarding confidence in the Chancellor is not adopted by the majority votes of the members of the Bundestag, President of the Republic may, on the proposal of the Chancellor, to dissolve the Bundestag.[6]

## REFERENCES

- [1]. Ioan Alexandru, *Tratat de administrație publică*, Ed. Universul Juridic, București, 2008, p. 70
- [2]. Claudia Gilia, *Sisteme politico-administrative europene*, Ed. Hamangiu, București, 2008, p. 318
- [3]. Ioan Alexandru, *Tratat de administrație publică*, ed. cit., p. 70
- [4]. article 53 of the Constitution: the Joint Committee is composed of two-thirds of the members of the Bundestag, one third of the members of the Federal Council (Bundesrat). The deputies are appointed by the Bundestag in proportion to the share fraction; they should not belong to the Federal Government. Each land is represented by a member of the Federal Council appointed by him.
- [5]. If the district there is the threat isn't prepared to deal with himself the danger or is unable to do so.
- [6]. Ioan Alexandru, op. cit., p. 71