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**ACTS ISSUED BY THE PRESIDENT OF THE RUSSIAN FEDERATION  
AND FOREIGN POLITICAL LEADERS: LEGAL ANALYSIS**

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**Abstract**

The article considers the legal status of acts issued by the President of the Russian Federation and foreign political leaders. The article aims at determining the practical significance of the right enjoyed by heads of state to issue their own acts, as well as recognizing the essence, role, effectiveness and further development of such a right in the Russian Federation and foreign countries. This scientific study was conducted in several stages. For a start, the authors selected a research topic and justified its relevance. Then they determined the objective and tasks of the study and analyzed the corresponding scientific literature. The authors selected proper research methods, including general and special scientific methods. General scientific methods included the methods of system analysis, induction and deduction. Specific scientific methods of cognition comprised analytical, formal-legal, historical-legal and system-structural methods. After obtaining information on the issue under study, the authors processed and analyzed it.

**Keywords**

Constitution – Head of state – Orders – Enactments – Proclamation – Decrees

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## Introduction

In the modern world, there is a large number of countries with a republican or mixed form of government. As a rule, the institute of presidency is introduced into their political systems and the constitutional status of president is enshrined in their constitutions. According to the constitutional and legal status established in the basic law, the head of state either holds a central position in political affairs or does not have such influence, assigning this role to other state bodies or officials.

The president of a republican or mixed government is a civil servant or head of state elected by citizens. Having a certain constitutional and legal status, this person represents their state at the national and international levels. In the Russian Federation, the president does not belong to any branch of government. The head of state occupies a special position in the Russian political system, governs various state bodies and ensures their smooth and efficient functioning and interaction.

It is worth noting that new social relations can arise in various countries and be not legally regulated by their parliaments. As a result, political leaders have the right to issue their own acts that should govern these public relations before their parliaments adopt the relevant laws. Since the head of state issues acts for the effective exercise of official powers, there may be a cause-and-effect relationship between their issuance and grounds for their adoption, including cases when such acts are adopted not for the effective implementation of official powers.

In our previous articles, we compared the institute of presidency in Russia and other countries<sup>1</sup>, as well as technologies for developing presidency in the Russian Federation<sup>2</sup>.

Despite the obvious relevance of conducting a comprehensive legal analysis of acts issued by the President of the Russian Federation and foreign political leaders, the current scientific literature has not paid enough attention to this issue. However, various scholars have considered some aspects regarding the legal status of acts issued by the head of state.

Separate ways of solving this issue were disclosed by V.V. Maklakov<sup>3</sup>, A.A. Mishin, A.V. Bezrukova, N.M. Dobrynin and A.T. Khidzev<sup>4</sup>.

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<sup>1</sup> I. Y. Nikodimov; I. O. Loshkarev; E. S. Kuchenin y M. S. Lavrentieva, "Analysis of the institutions of the presidency in Russia and abroad", *International Journal of Recent Technology and Engineering* Vol: 8 num 1 (2019): 2318-2322.

<sup>2</sup> I. O. Loshkarev; M. S. Lavrentieva y E. S. Kuchenin, "Technology Development of the Institute of Presidency in the Russian State", *International Journal of Innovative Technology and Exploring Engineering* Vol: 8 num 8 (2019): 3022-3026.

<sup>3</sup> V. V. Maklakov, *Konstitutsiya Soedinennykh Shtatov Ameriki: prinyata 17 avgusta 1787 goda (s izm. i dop., vstup. v silu s 05.05.1992 goda). Konstitutsii zarubezhnykh gosudarstv: Velikobritaniya, Frantsiya, Germaniya, Italiya, Evropeiskii Soyuz, Soedinennye Shtaty Ameriki, Yaponiya: student's textbook. The 8th revised and enlarged edition* (Moscow: Izd-vo "Infotropik Media", 2012).

<sup>4</sup> A. T. Khidzev, *Akty glavy gosudarstva v sisteme zakonodatelstva (sravnitelno-pravovoe issledovanie): a thesis for a Candidate's degree in Law Sciences: 12.00.02* (Moscow: The Federal State Budgetary Educational Institution of Higher Professional Education "Russian Presidential Academy of National Economy and Public Administration under the President of the Russian Federation", 2017).



The legal status of acts issued by the Russian President and foreign political leaders was also examined by A.V. Vankov<sup>5</sup>, T.V. Vasilenko<sup>6</sup>, O.V. Vinogradov<sup>7</sup>, S.N. Volkova<sup>8</sup>, E.E. Gazvinova<sup>9</sup>, E.A. Dzhunzhik<sup>10</sup>, K.S. Inalkaeva<sup>11</sup>, M.S. Kozyrev<sup>12</sup>, N.K. Krasnoslobodtseva<sup>13</sup>, I.O. Loshkarev, A.I. Yastrebova<sup>14</sup>, E.S. Pyankov<sup>15</sup>, O.G. Filimonova<sup>16</sup> and A.T. Khidzev<sup>17</sup>.

## Methods

While working on the article, we used both general and special scientific methods of cognition. The research methodology was based on the dialectical method. It is used to consider political and legal processes and phenomena in their integrity, inconsistency and development. General scientific methods include system analysis, induction and deduction. Specific scientific methods comprise formal-legal, analytical, systemic-structural and historical-legal methods.

<sup>5</sup> A. V. Vankov, "Pravotvorchestvo Prezidenta SShA v sopostavlenii s otdelnymi aspektami pravotvorchestva Prezidenta Rossiiskoi Federatsii", Zhurnal zarubezhnogo zakonodatelstva i sravnitel'nogo pravovedeniya Vol: 6 num 61 (2016): 16.

<sup>6</sup> T. V. Vasilenko, Uchastie Prezidenta Rossiiskoi Federatsii v zakonodatel'nom protsesse. Fundamentalnye osnovy pravovogo gosudarstva i aktualnye voprosy reformirovaniya sovremennogo zakonodatelstva. The collection of articles of the 4th International scientific conference (Penza: Izd-vo "Nauka i Prosveshchenie", 2018).

<sup>7</sup> O. V. Vinogradov, "Pravovye akty Prezidenta Rossiiskoi Federatsii o vvedenii osobykh pravovykh rezhimov: sravnitel'no-pravovoi analiz", Vestnik Sankt-Peterburgskoi yuridicheskoi akademii Vol: 3 num 32 (2016): 13-18.

<sup>8</sup> S. N. Volkova, Reglamentarnye akty Frantsii kak osobyi vid normativnykh pravovykh aktov. Problems of the modern Russian legislation: the collection of articles by students, graduate students, postgraduate students, young scientists and lecturers. (Moscow: Izd-vo "Vserossiiskii gosudarstvennyi universitet yustitsii (RPA Minyusta Rossii)", 2013) y S. N. Volkova, Sravnitel'nyi analiz sistemy normativnykh aktov v stranakh romano-germanskoi pravovoi semi i v stranakh "obshchego prava", Vestnik Universiteta imeni O.E. Kutafina Vol: 3 num 19 (2016): 213-219.

<sup>9</sup> E. E. Gazvinova, "Ukaz Prezidenta kak odin iz vidov pravotvorchestva", Biznes. Obrazovanie. Pravo Vol: 4 num 41 (2017): 307-310.

<sup>10</sup> E. A. Dzhunzhik, Poryadok opublikovaniya i vstupleniya v silu pravovykh aktov Prezidenta RF, Pravitelstva RF, federalnykh organov ispolnitel'noi vlasti. The improvement of cognition methods to develop science. The collection of articles of the International scientific conference: in three parts (Ufa: Izd-vo: OOO "AETERNA", 2017).

<sup>11</sup> K. S. Inalkaeva, "Formy uchastiya Prezidenta Rossiiskoi Federatsii v pravotvorcheskom protsesse", Izvestiya Chechenskogo gosudarstvennogo pedagogicheskogo instituta Vol: 3 num 23 (2018): 132-135.

<sup>12</sup> M. S. Kozyrev, "Poryadok podgotovki, prinyatiya i ispolneniya aktov Prezidenta RF", Materialy Afanasevskikh chtenii Vol: 1 num 14 (2016).

<sup>13</sup> N. K. Krasnoslobodtseva, "Formy pravotvorcheskoi deyatel'nosti Prezidenta RF", Sovremennoe obshchestvo i vlast Vol: 2 num 12 (2017).

<sup>14</sup> I. O. Loshkarev y A. I. Yastrebova, "Poryadok dosrochnogo prekrashcheniya polnomochii glavy rossiiskogo gosudarstva", Sovremennoe parvo num 4 (2019): 28-33.

<sup>15</sup> E. S. Pyankova, "Akty Prezidenta Rossiiskoi Federatsii, ikh ponyatie i sushchnost", Mezhdunarodnyi zhurnal konstitutsionnogo i gosudarstvennogo prava num 3 (2017): 51-55

<sup>16</sup> O. G. Filimonova, Prezident Rossiiskoi Federatsii i zakonodatelnaya vlast. Aktualnye voprosy prava, ekonomiki i upravleniya: the collection of articles of the 9th International scientific conference (Penza: Izd-vo "Nauka i Prosveshchenie", 2017).

<sup>17</sup> A. T. Khidzev, "Ob ispolnitel'nykh direktivakh Prezidenta SShA", Vestnik Moskovskogo universiteta MVD Rossii num 3 (2017): 163-164 y A. T. Khidzev, "Pravovye akty Prezidenta v sisteme zakonodatelstva SShA", Mezhdunarodnyi zhurnal konstitutsionnogo i gosudarstvennogo prava num 1 (2017).

Using the method of system analysis, we established cause-and-effect relationships that cause the above-mentioned problem (the legal analysis of acts issued by the President of the Russian Federation and foreign political leaders) and analyzed options for solving this problem with due regard to restrictions, risks and uncertain environmental conditions. The method of induction let us move from individual factors to generalizations and conclusions (to establish the legal nature, types and procedures for issuing acts of the head of state based on research results, etc.). The method of deduction was used to put forward different hypotheses, i.e. assumptions about the existence of a certain relationship between phenomena and political-legal processes and their subsequent verification with certain facts (cause-and-effect relationships between the issuance of acts by a political leader and grounds for their adoption, etc.).

Based on the system-structural method, we established structural relations among various categories of social relations whose settlement makes state leaders issue acts. The analytical method allowed to analyze the correlation of the legal status of acts issued by the President of the Russian Federation and heads of foreign states in separate aspects and as a unified phenomenon. Using the formal-legal method, we considered legal norms contained in the Constitution of the Russian Federation, the Constitution of the United States, the Constitution of France, federal constitutional laws, federal laws and acts issued by presidents of the Russian Federation, the United States of America and the French Republic. The historical-legal method was used to determine the activity period when the President of the Russian Federation issued most by-laws

We conducted the study in the following stages (Table 1).

<b>Stages of the Research Process</b>	
1.	To define the research topic
2.	To justify the relevance of scientific research
3.	To determine the objectives and tasks of scientific research
4.	To seek and study scientific literature
5.	To select methods of scientific research and justify them
6.	To obtain, process and analyze data
7.	To draw conclusions
8.	To designate a range of unresolved issues

Table 1  
Stages of the research process

## Results

The study has established the legal status of acts issued by presidents of the Russian Federation, the French Republic and the United States of America. The acts they issue are of particular importance during the introduction of presidency into their political systems and are still significant when fully formed. These acts are nationwide and universally binding on any state bodies or officials. They cannot contradict the Constitution or federal laws. If presidential acts or their provisions contain national security or confidential information, such acts shall not be published officially. As a rule, these acts have the highest legal force among other by-laws. They have a law-enforcement or regulatory character and the same legal force with respect to each other. The article examines the category of public relations, whose settlement requires political leaders to issue acts. With their help, public relations are governed that are not regulated at the legislative level by the country's parliament. As a rule,

national leaders issue acts to effectively implement their official powers, ensure the coordinated work and interaction of state bodies or officials, manage various consulting and advisory state bodies that assist the President in the exercise of their powers with due regard to the obligations established by the Constitution or state laws.

We have revealed that the main acts issued by the President of the Russian Federation are decrees and orders but he also has the right to issue acts in the form of letters. The President of the United States issues proclamations, administrative and executive instructions that can be divided into the following groups: memoranda, designations and notification messages. In the cases defined by law, the U.S. leader might issue other acts (a form of executive instructions), add written comments to bills, prepare draft reorganization plans for state executive bodies and enter into agreements with foreign states that also belong to acts issued by the President of the United States. The President of the French Republic has the right to issue decrees and interact with the French Parliament through presidential messages. The procedure for issuing presidential acts in these countries has similar features but there are also certain differences in the period of the official publication, sources of publication and grounds for terminating acts. After the President of the Russian Federation signs some acts, they are published in Rossiyskaya Gazeta, the Official Internet Portal of Legal Information and the Russian Federation Code within ten days. Only the president can terminate these acts. The Constitutional Court of the Russian Federation or the Supreme Court of the Russian Federation have the right to recognize presidential orders and decrees as inconsistent with the Constitution of the Russian Federation (invalid), which will entail their full reversal or derogation. The acts issued by the President of the United States are published in the Daily Journal of the United States Government, the Federal Register, the Presidential Records Act and the United States Code of Federal Regulations. Either the President of the United States (possibly subsequent) or the Parliament in the cases prescribed by law might terminate these acts.

We revealed legal gaps in the Russian legislation regarding the legal status of acts issued by the President of the Russian Federation in the form of letters. This form of acts is used for the implementation of the president's veto power and legislative initiative. Some of them are published in Rossiyskaya Gazeta and are not available for public inspection. Using letters, the President of the Russian Federation reveals the motives for their actions. Despite their importance for addressees (state bodies and officials), the legal status of presidential letters is not enshrined at the legislative level.

We determined that there are cases when heads of state issue acts not for the effective exercise of official powers but in view of the obligations established by state laws. For instance, the President of the Russian Federation has the right to dismiss the State Duma of the Federal Assembly of the Russian Federation if it rejects the candidate for the Chairman of the Government provided by the President of the Russian Federation three times in a row. If state or nation is under a direct and serious threat, the President of the French Republic has the right to implement any measures that are deemed appropriate for resolving such a situation. Under these conditions, there is an obvious cause-and-effect relationship between the issuance of presidential acts and grounds for the adoption of these acts, including the adoption of such acts not for the effective exercise of official powers.

We realized that the President of the Russian Federation issued most acts in the 20<sup>th</sup> century, i.e. after 1991 during the formation of the new Russian statehood. At that time, the Russian parliament was unable to regulate all spheres of public relations due to the heavy workload of normative activity. In this regard, the President of the Russian Federation

independently regulated these public relations by issuing their own acts that were valid before the adoption of the relevant legal acts by the legislative body.

## Discussion

I.O. Loshkarev notes that the President of the Russian Federation is vested with a specific constitutional and legal status, as well as represents Russia at the national and international national levels<sup>18</sup>. The President of the Russian Federation is inaugurated to a six-year term until the successor is elected. The law prohibits anyone from ever being elected to presidency for a third consecutive term. These restrictions were introduced into the Constitution of the Russian Federation to prevent the concentration of all power in the hands of one person, support and develop democratic institutions in the country<sup>19</sup>. E.E. Gazvinova believes that the Russian leader is endowed with an extensive list of powers by the Constitution of the Russian Federation and other regulatory legal acts. The President of the Russian Federation has the right of legislative initiative and the right to issue acts for exercising official powers<sup>20</sup>. Acts issued by the head of state were of particular importance during the introduction of presidency into the Russian political system and are still crucial when this institute is fully formed and constantly developing. Using such acts, the President of the Russian Federation regulates public relations that are not governed by the Federal Assembly of the Russian Federation.

N.K. Krasnoslobodtseva claims that the President of the Russian Federation issued most acts in the 20<sup>th</sup> century, i.e. after 1991 during the formation of the new Russian statehood. At that time, the Russian parliament was unable to regulate all spheres of public relations due to the heavy workload of normative activity<sup>21</sup>. Therefore, the President of the Russian Federation independently regulated these public relations by issuing their own acts that were valid before the adoption of the relevant legal acts by the legislative body. It is worth noting that the Decree of the Constitutional Court of the Russian Federation of April 30, 1996 characterized the independent issuance of acts by the President of the Russian Federation as acceptable and consistent with the Constitution of the Russian Federation. According to the current Constitution of the Russian Federation, the President of the Russian Federation has the right to issue acts in the form of decrees and orders. These acts are nationwide and universally binding on any state bodies or officials. E.S. Pyankova emphasizes that the decrees and orders issued by the President of the Russian Federation should not contradict the Basic Law or state legislation<sup>22</sup>. After the President of the Russian Federation signs some acts, they are published within ten days. According to O.G. Filimonova, presidential acts or their provisions containing national security or confidential information shall not be published officially<sup>23</sup>.

<sup>18</sup> I. O. Loshkarev, "Istoriya stanovleniya i razvitiya instituta prezidentstva v zarubezhnykh stranakh", *Sotsialno-politicheskie nauki* num 3 (2018): 77-80.

<sup>19</sup> I. O. Loshkarev y A. I. Yastrebova, "Poryadok dosrochnogo prekrashcheniya polnomochii glavy rossiiskogo gosudarstva", *Sovremennoe parvo* num 4 (2019): 28-33.

<sup>20</sup> E. E. Gazvinova, "Ukaz Prezidenta kak odin iz vidov pravotvorchestva", *Biznes. Obrazovanie. Pravo* Vol: 4 num 41 (2017): 307-310.

<sup>21</sup> N. K. Krasnoslobodtseva, "Formy pravotvorcheskoi deyatel'nosti Prezidenta RF", *Sovremennoe obshchestvo i vlast* Vol: 2 num 12 (2017): 89.

<sup>22</sup> E. S. Pyankova, "Akty Prezidenta Rossiiskoi Federatsii, ikh ponyatie i sushchnost'", *Mezhdunarodnyi zhurnal konstitutsionnogo i gosudarstvennogo prava* num 3 (2017): 51-55.

<sup>23</sup> O. G. Filimonova, *Prezident Rossiiskoi Federatsii i zakonodatel'naya vlast. Aktualnye voprosy prava, ekonomiki i upravleniya: the collection of articles of the 9th International scientific conference*. Penza: Izd-vo "Nauka i Prosveshchenie". 2017.

The orders and decrees issued by the head of state are published only in legal sources defined in a special list. Such sources include the Official Internet Portal of Legal Information and the Russian Federation Code and Rossiyskaya Gazeta. The listed sources reveal the full content of presidential acts.

After presidential orders and decrees went public, they come into force in the territory of the Russian Federation within seven days. However, E.A. Dzhunzhik notes that acts containing national security or confidential information enter into force on the day they are signed by the President of the Russian Federation<sup>24</sup>.

To implement the right of legislative initiative and veto power, the head of state can issue acts in the form of letters. Some of them are published in Rossiyskaya Gazeta and are not available for public inspection. Despite their importance for addressees (state bodies and officials), the legal status of such letters revealing motives for presidential actions is not enshrined at the legislative level.

The orders and decrees issued by the President of the Russian Federation dominate the legal sphere in relation to by-laws of other state bodies and officials. T.V. Vasilenko believes that presidential acts have a law-enforcement or regulatory character<sup>25</sup>. Apart from the fact that these decrees and orders should comply with the Constitution of the Russian Federation and federal laws, they have the same legal force with respect to each other<sup>26</sup>.

According to K.S. Inalkaeva, no official or state body has the right to terminate or amend the acts issued by the President of the Russian Federation. Only the head of state is capable of that. However, the Constitutional Court of the Russian Federation has the right to recognize presidential orders and decrees as inconsistent with the Constitution of the Russian Federation, which will entail their full reversal or derogation<sup>27</sup>.

The regulations and rulings issued by the head of state can be also appealed in the Supreme Court of the Russian Federation. If the Supreme Court of the Russian Federation establishes that they are inconsistent with the Constitution of the Russian Federation and federal laws, such presidential decrees or orders will be recognized wholly or partially invalid. In case the Supreme Court of the Russian Federation establishes that presidential acts violate some rights and freedoms, the applicant shall entrust the President of the Russian Federation with the obligation to eliminate all the violations.

In certain situations, the head of state issues acts not for the effective exercise of official powers but rather in view of the obligations established by the Constitution of the

<sup>24</sup> E. A. Dzhunzhik, Poryadok opublikovaniya i vstupleniya v silu pravovykh aktov Prezidenta RF, Pravitelstva RF, federalnykh organov ispolnitelnoi vlasti. The improvement of cognition methods to develop science. The collection of articles of the International scientific conference: in three parts (Ufa: Izd-vo: OOO "AETERNA", 2017).

<sup>25</sup> T. V. Vasilenko, Uchastie Prezidenta Rossiiskoi Federatsii v zakonodatelnom protsesse. Fundamentalnye osnovy pravovogo gosudarstva i aktualnye voprosy reformirovaniya sovremennogo zakonodatelstva. The collection of articles of the 4th International scientific conference (Penza: Izd-vo "Nauka i Prosveshchenie", 2018).

<sup>26</sup> M. S. Kozyrev, "Poryadok podgotovki, prinyatiya i ispolneniya aktov Prezidenta RF", Materialy Afanasevskikh chtenii Vol: 1 num 14 (2016).

<sup>27</sup> K. S. Inalkaeva, "Formy uchastiya Prezidenta Rossiiskoi Federatsii v pravotvorcheskom protsesse", Izvestiya Chechenskogo gosudarstvennogo pedagogicheskogo instituta Vol: 3 num 23 (2018): 132-135.

Russian Federation or federal laws. For instance, the President of the Russian Federation has the right to dismiss the State Duma of the Federal Assembly of the Russian Federation if it rejects the candidate for the Chairman of the Government provided by the President of the Russian Federation three times in a row. At the same time, certain acts issued by the President of the Russian Federation come into force only if they are approved, signed and made public by the head of state and other state bodies. According to O.V. Vinogradov, these acts refer to the imposition of martial law or state of emergency. They enter into force only after approval by the Federal Assembly of the Russian Federation<sup>28</sup>.

Like the President of the Russian Federation, the President of the United States is endowed with an extensive list of powers. They are enshrined in the Constitution of the United States and their range is not exhaustive. Although the President of the United States does not have the right of legislative initiative, this person can issue acts. Thus, V.V. Maklakov claims that the head of state affects various private interests and manages the work of the Federal Government of the United States through such acts<sup>29</sup>. A type of presidential acts in the United States of America are executive directives, i.e. sequentially numbered documents signed by the President of the United States used to exercise control over the Federal Government of the United States.

One more type of presidential acts is proclamations. They are sequentially numbered documents signed by the President of the United States and containing information on celebrations organized by the Federal Government, i.e. memorable dates or public holidays. According to A.V. Vankov, the President of the United States can also issue administrative directives, i.e. non-numbered documents divided into memoranda, designations and notification messages<sup>30</sup>.

Designations are documents containing the official position of state bodies (the executive branch of the Government) on issues of federal importance. Memoranda are documents through which the President of the United States controls the Federal Government. The executive directives and memoranda issued by the head of state fulfill similar functions and are close to each other. Notification messages are quite small and are used to ensure state security. The President of the United States refers them to the House of Representatives and the Senate, as well as the U.S. population.

A.T. Khidzev mentions that the President of the United States periodically addresses to the Congress either orally or in written form. Such appeals contain information on the state of affairs and challenging issues, as well as propose appropriate measures to solve them<sup>31</sup>.

<sup>28</sup> O. V. Vinogradov, "Pravovye akty Prezidenta Rossiiskoi Federatsii o vvedenii osobykh pravovykh rezhimov: sravnitelno-pravovoi analiz", Vestnik Sankt-Peterburgskoi yuridicheskoi akademii Vol: 3 num 32 (2016): 13-18.

<sup>29</sup> V. V. Maklakov, *Konstitutsiya Soedinennykh Shtatov Ameriki: prinyata 17 avgusta 1787 goda (s izm. i dop., vstup. v silu s 05.05.1992 goda). Konstitutsii zarubezhnykh gosudarstv: Velikobritaniya, Frantsiya, Germaniya, Italiya, Evropeiskii Soyuz, Soedinennye Shtaty Ameriki, Yaponiya: student's textbook. The 8th revised and enlarged edition* (Moscow: Izd-vo "Infotropik Media", 2012).

<sup>30</sup> A. V. Vankov, "Pravotvorchestvo Prezidenta SShA v sopostavlenii s otelnymi aspektami pravotvorchestva Prezidenta Rossiiskoi Federatsii", Zhurnal zarubezhnogo zakonodatelstva i sravnitel'nogo pravovedeniya Vol: 6 num 61 (2016): 16.

<sup>31</sup> A. T. Khidzev, "Pravovye akty Prezidenta v sisteme zakonodatelstva SShA", Mezhdunarodnyi zhurnal konstitutsionnogo i gosudarstvennogo prava num 1 (2017).



Based on guidelines and recommendations provided by the National Security Council, the President of the United States might issue other directives (a type of executive directives). They form the state policy of the executive branch in the field of national security. In terms of legal force, other directives are equated with laws as they contain national security information. In this regard, other directives are classified and are not publicly available in any sources. The head of state has the right to express a personal opinion on the effectiveness and validity of laws adopted by the Congress by writing comments on bills that are also a type of acts issued by the President of the United States.

The President of the United States can apply any measures deemed necessary for the structural reorganization of state executive bodies to increase the effectiveness of public administration. To implement this procedure, the head of state should prepare a plan for reorganization containing a list of possible amendments. These plans are also a type of presidential acts used to change the structure and system of subordinate executive bodies. In addition, the President of the United States has the right to conclude international agreements that are regarded as executive agreements in conformity with their constitutional and legal status, i.e. a kind of acts issued by the President of the United States.

The acts issued by the President of the United States like similar acts in the Russian legal system should be published in official sources, whose list is enshrined in law. Such sources comprise the Daily Journal of the United States Government, the Federal Register, the Presidential Records Act and the United States Code of Federal Regulations. They present full texts of proclamations, executive and administrative directives and other acts issued by the head of state<sup>32</sup>. The United States Code of Federal Regulations contains all the acts issued by the President of the United States systematically.

The President of the United States or the United States Congress can terminate or amend the acts issued by the head of state in contrast to the Russian Federation, where only the President of the Russian Federation has the right to terminate or amend presidential acts. A.T. Khidzev claims that the President of the United States can reverse or alter the acts issued by previous presidents if an international or domestic situation changes, which happened more than once. It is worth noting that the United States Congress has the right to terminate or amend presidential acts based on the powers previously delegated to the head of state by the Congress. In this case, such an act issued by the President of the United States becomes invalid wholly or partially.

Any act issued by the President of the United States ceases to be valid if the United States Congress imposes temporary restrictions. However, these restrictions do not let to extend the laws or powers delegated by the Congress that serve as the basis of presidential acts at the legislative level.

The President of the French Republic has a list of official powers similar to that of the President of the Russian Federation. However, the President of the French Republic is not endowed with the right of legislative initiative. The head of state might still issue acts that are close to by-laws and regulatory acts in their legal force and have a regulatory character. These acts are called decrees and are issued by the head of state to settle down some issues or address the issues unregulated by law.

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<sup>32</sup> A. T. Khidzev, "Ob ispolnitelnykh direktivakh Prezidenta SShA", Vestnik Moskovskogo universiteta MVD Rossii num 3 (2017): 163-164

In addition, the President of the French Republic can interact with legislative bodies in the form of messages. The Constitution of the Fifth French Republic states that the President of the French Republic can address messages to both houses of the French Parliament that are not subject to their joint discussion. If the existence of state and nation is under a serious and direct threat, the normal interaction and functioning between state bodies and officials ceases. Therefore, the head of state receives the right to implement any measures that are deemed reasonable to resolve this situation. According to S.N. Volkov, the President of the French Republic is obliged to consult with the Prime Minister, the Constitutional Council, the President of the Senate and the President of the National Assembly before realizing any of the above-mentioned measures. Next, the President of the French Republic shall inform citizens about the implementation of the measures taken by means of a message<sup>33</sup>.

The acts issued by the head of state are signed by the President of the French Republic, the Prime Minister and other ministers. Thus, officials who certified these acts with their signatures are also responsible for their proper execution<sup>34</sup>. In certain situations defined by the French legislation, the acts issued by the President of the French Republic are not signed by the Prime Minister and other officials.

## Conclusion

Not all heads of states with a republican or mixed form of government have the right to legislative initiative enshrined in their constitutions but all state leaders can issue universally binding and nationwide legal acts. Each state gives these acts their own names. As a rule, they are entitled orders and decrees in the Russian Federation, enactments in the French Republic, proclamations, executive and administrative directives in the United States of America.

In states with a republican or mixed form of government, acts issued by political leaders fulfill an important function, i.e. they regulate social relations that have not been governed by legal norms or ensure the implementation of issues stipulated by the existing state legislation. It is worth noting that heads of some countries hold a special position in their political system, they manage various state bodies, ensure their prompt and coordinated interaction and functioning. On a daily basis, heads of these states make many decisions that are necessary and important for their countries, both at the international and national levels. Indeed, political leaders exercise a large amount of their own powers through the adoption of acts. In addition, presidents often establish various advisory and consulting state bodies for the most efficient and coordinated exercise of their official powers that are managed through the issuance of presidential acts.

Unlike many foreign countries, the Russian Federation has introduced the institute of presidency into its political system not so long ago (about 25 years ago). Although the constitutional and legal status of the President of the Russian Federation has been fully

<sup>33</sup> S. N. Volkova, "Srovnitelnyy analiz sistemy normativnykh aktov v stranakh romano-germanskoy pravovoy semi i v stranakh "obshchego prava, Vestnik Universiteta imeni O.E. Kutafina Vol: 3 num 19 (2016): 213-219.

<sup>34</sup> S. N. Volkova, Reglamentarnye akty Frantsii kak osobyi vid normativnykh pravovykh. Problems of the modern Russian legislation: the collection of articles by students, graduate students, postgraduate students, young scientists and lecturers (Moscow: Izd-vo "Vserossiiskii gosudarstvennyi universitet yustitsii (RPA Minyusta Rossii)", 2013).

formed and is currently developing, there are still legal gaps in some of its spheres. Nowadays the legal status of acts issued by the Russian leader in the form of letters addressed to state bodies or officials are not subject to legislation.

With the help of such acts, the President of the Russian Federation reveals and justifies the motives for their own actions. In certain situations, the head of state issues acts not to exercise their official powers but to fulfill the obligations established by the Constitution of the Russian Federation or federal laws, for example, to dismiss the State Duma of the Federal Assembly of the Russian Federation if it rejects the candidate for the Chairman of the Government provided by the President of the Russian Federation three times in a row, etc.

Of course, these provisions demonstrate a cause-and-effect relationship between the issuance of acts by the head of state and grounds for their adoption, including the adoption of such acts not for the effective exercise of their official powers.

Based on the study results, it is possible to renew the current Russian legislation and eliminate legal gaps in the legal status of acts issued by the Russian leader in the form of letters.

In addition, these conclusions can be used by subjects of state strategy in the process of forming public policy. Although the above-mentioned issues have not been fully disclosed in the framework of this study, they can become the basis for further scientific research.

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