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Languages**

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# **Separation of powers in Kazakhstan, USA and UK**

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**Project theme :** Separation of powers in Kazakhstan, USA and UK

**Objective of the project:** to provide information about separation of powers in Kazakhstan, in USA , in Britain and compare them.

**Project plan:**

- **Introduction**
- **Main part**
  1. Separation of powers in Kazakhstan
  2. Separation of powers in USA
  3. Separation of powers in UK
- **Conclusion**

## Introduction

The separation of powers, often imprecisely used interchangeably with the trias politica principle, is a model for the governance of a state (or who controls the state). The model was first developed in ancient Greece. Under this model, the state is divided into branches, each with separate and independent powers and areas of responsibility so that the powers of one branch are not in conflict with the powers associated with the other branches. The typical division of branches is into *a legislature, an executive, and a judiciary*. It can be contrasted with the fusion of powers in a parliamentary system where the executive and legislature (and sometimes parts of the judiciary) are unified.

Separation of powers, therefore, refers to the division of government responsibilities into distinct branches to limit any one branch from exercising the core functions of another. The intent is to prevent the concentration of power and provide for checks and balances.

## **Legislative (Congress)**

- Passes bills; has broad taxing and spending power; regulates inter-state commerce; controls the federal budget; has power to borrow money on the credit of the United States (may be vetoed by President, but vetoes may be overridden with a two-thirds vote of both houses)
- Has sole power to declare war, as well as to raise, support, and regulate the military.
- Oversees, investigates, and makes the rules for the government and its officers.
- Defines by law the jurisdiction of the federal judiciary in cases not specified by the Constitution
- Ratification of treaties signed by the President and gives advice and consent to presidential appointments to the federal judiciary, federal executive departments, and other posts (Senate only)
- Has sole power of impeachment (House of Representatives) and trial of impeachments (Senate); can remove federal executive and judicial officers from office for high crimes and misdemeanors

## **Executive (President)**

- Is the commander-in-chief of the armed forces
- Executes the instructions of Congress.
- May veto bills passed by Congress (but the veto may be overridden by a two-thirds majority of both houses)
- Executes the spending authorized by Congress.
- Declares states of emergency and publishes regulations and executive orders

## POWER

Parliament

Executive

Judiciary



## ROLE

The Parliament makes and amends the law

The Executive puts the law into action

The Judiciary makes judgements about the law



## COMPOSITION

Parliament (also referred to as the Legislature) is made up of the Queen (represented by the Governor-General), the Senate and the House of Representatives

The Executive is made up of the Queen (represented by the Governor-General), Prime Minister and ministers

The Judiciary is made up of the High Court and other federal courts

# *Main part*

## *Separation of powers in Kazakhstan*

Since its independence from the Soviet Union in 1991, Kazakhstan has consistently moved towards a stable, democratic transition, which resulted in the establishment of a secular constitution in 1995. The constitution, modeled after Western models of the separation of powers, outlines the responsibilities of the executive, legislative and judicial branches. The executive power is under the President, the Government and the Ministries. The Senate and the Majlis control legislative powers. Lastly, the Constitutional Council and the Supreme Court control



- The President of the Republic elected through a direct, popular vote for a five-year term. The Constitution enables the President to appoint the Prime Minister, with Parliament's approval. The President may propose constitutional amendments, veto laws, and dissolve Parliament during a national crisis. The President is entrusted by the Parliament all legislative powers with a majority of two thirds of both chambers. He has the right to veto laws, which can only be countered by a majority of two thirds of each chamber. As the Supreme Commander of the armed forces, the President retains the authority to make final decisions on issues regarding national security and defense.



President

- The bicameral Parliament is composed of the Senate and the Mazhilis. The Senate includes forty seven deputies. All fourteen regions, plus the cities of Astana and Almaty, elect two representatives to serve for six-year terms, with half of the Senate up for election every three years. The President appoints the remaining fifteen deputies. The Majilis, with 107 members, makes up the lower house of the legislative branch. 98 members are elected by proportional representation to serve five-year terms, and the Assembly of Peoples of Kazakhstan chooses nine members.
- The Parliament has the right to take initiatives but those having budgetary implications must be submitted to the Government for approval. Proposed bills are first approved by at least two-thirds of the Majilis before they are sent to the Senate for consideration. If at the bill is approved by at least two-thirds of the Senate within sixty-days, the bill is sent to the President for his signature. However, in case they are rejected, they are returned to a second review by the Majilis who must then vote by a majority of two thirds before returning the bills again to the Senate. The Parliament also approves the President's appointment of the Prime Minister



Parliament

## *Separation of powers in USA*

Separation of powers is a political doctrine originating in the writings of Montesquieu in *The Spirit of the Laws* where he urged for a constitutional government with three separate branches of government. Each of the three branches would have defined abilities to check the powers of the other branches. This idea was called separation of powers. This philosophy heavily influenced the writing of the United States Constitution, according to which the Legislative, Executive, and Judicial branches of the United States government are kept distinct in order to prevent abuse of power. This United States form of separation of powers is





# Checks and balances

## Legislative

Writes and enacts laws

Enacts taxes, authorizes borrowing, and sets the budget

Has sole power to declare war

May start investigations, especially against the executive branch

The Senate considers presidential appointments of judges and executive department heads

The Senate ratifies treaties

The House of Representatives may impeach, and the Senate may remove, executive and judicial officers

Sets up federal courts except the Supreme Court, and sets the number of justices on the Supreme Court

May override presidential vetoes

## Executive

May veto laws

Wages war at the direction of Congress (Congress makes the rules for the military)

Makes decrees or declarations (for example, declaring a state of emergency) and promulgates lawful regulations and executive orders

Influences other branches of its agenda with the State of the Union address.

Appoints judges and executive department heads

Has power to grant pardons to convicted persons, except in cases of impeachment

## Judicial

Determines which laws Congress intended to apply to any given case

Determines whether a law is unconstitutional. However, this is not a power given in the constitution. It was 'created' in Marbury v Madison (1803)

Determines how Congress meant the law to apply to disputes

Determines how a law acts to determine the disposition of prisoners

Determines how a law acts to compel testimony and the production of evidence

Determines how laws should be interpreted to assure uniform policies in a top-down fashion via the appeals process, but gives discretion in individual cases to low-level judges. (The amount of discretion depends upon the standard of review, determined by the type of case in question.)

Polices its own members

# CONSTITUTION



The U.S. Capitol



The White House



The Supreme Court

## LEGISLATIVE

## EXECUTIVE

## JUDICIAL

CONGRESS



PRESIDENT

VICE PRESIDENT



SUPREME COURT



HOUSE OF REPRESENTATIVES



SENATE



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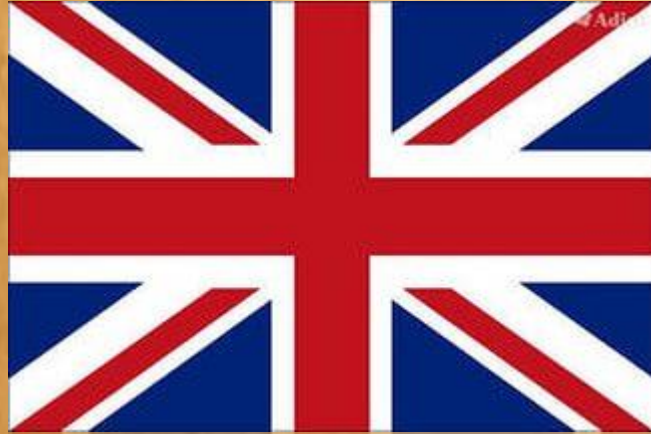


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# *Separation of powers in UK*



The conception of the separation of powers has been applied to the United Kingdom and the nature of its executive (UK government, Scottish Government, Welsh Government and Northern Ireland Executive), judicial (England and Wales, Scotland and Northern Ireland) and legislative (UK Parliament, Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly) functions. Historically, the apparent merger of the executive and the legislature, with a powerful Prime Minister drawn from the largest party in parliament and usually with a safe majority, led theorists to contend that the separation of powers is not applicable to the United Kingdom. However, in recent years it does seem to have been adopted as a necessary part of the UK constitution.

The independence of the judiciary has never been questioned as a principle, although application is problematic. Personnel have been increasingly isolated from the other organs of government, no longer sitting in the House of Lords or in the Cabinet. The court's ability to legislate through precedent, its inability to

# *UK Political System.*

The United Kingdom of Great Britain and Northern Ireland is a constitutional monarchy. This means that Great Britain is governed by the Parliament and the Queen is Head of State.

The legislative power in the country is exercised by the Houses of Parliament. The British Parliament consists of two chambers: the House of Lords and the House of Commons. The House of Lords is composed of hereditary and life peers and peeresses. The members of the House of Commons are elected by the people. They are elected from the constituencies in England, Scotland, Wales, Northern Ireland. The House of Commons is the real governing body of the UK. The executive power is exercised by Prime Minister and his Cabinet.

The government is usually formed by the political party which is supported by the majority in the House of Commons. Prime Minister is the majority party leader and is appointed by the Queen. Prime Minister chooses a team of ministers; 20 of the ministers are in the Cabinet.

The second largest party becomes the official opposition with its own leader and the Shadow Cabinet. The two leading parties in Great Britain are the Conservative Party (the Tories) and the Labour Party.

The judiciary branch of the government determines common law and is independent of both the legislative and the executive branches.

There is no written constitution in Great Britain, only precedents and traditions.

-legislature

UK Parliament  
House of Commons  
House of Lords



-  
judiciary

Courts



-  
executive

The United Kingdom  
Government  
The Prime Minister and  
the Cabinet  
Government departments  
and the Civil Service



USA Government:

USA is the most powerful country at the present time and the federal government system works in this country. There are fifty states of USA and all of these states work as federating units. In USA, government works under the presidential system in which the president is the head of the state and has many powers according to the constitution of USA. The USA parliament is called congress which has the legislative powers to pass all sorts of bills and also makes amendments in the constitution. USA is a big state having its territorial area around 9.83 million square kilometres. The USA government works according to the constitution and general elections are held every four years. The US economy is currently at the top by touching over US\$ 14 trillion of GDP.

Kazakhstan

*Conclusion*  
Kazakhstan is a constitutional republic with a strong presidency. The president is the head of state. The president also is the commander in chief of the armed forces and may veto legislation that has been passed by the Parliament. Kazakhstan is a unitary republic. Its first and, to date (2016), only President is Nursultan Nazarbayev. The President may veto legislation that has been passed by the Parliament and is also the commander in chief of the armed forces. The Prime Minister chairs the Cabinet of Ministers and serves as Kazakhstan's head of government. There are three deputy prime ministers and sixteen ministers in the Cabinet.

UK Government:

United Kingdom's governmental system is very old and has a rich history. The parliament of UK is called the mother of all parliaments in the world because many countries of the world derive their constitutions by imitating many aspects of UK parliament. Constitutional monarchy-parliament governance works in UK in which the head of the government is Prime Minister while the head of the state is the queen. In UK, unitary system of government works in which there are no federating units and all powers vested in the central authority. The UK economy is the sixth biggest economy in the world with over US\$ 2 trillion of GDP. Four dominions come under the UK constitution including Scotland, Northern Ireland, England and Wales. UK