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Introduction

Is important to know that the distribution of political power across various organizations and people increases the likelihood of effective governance. To establish conditions that place human rights first, institutional, procedural, and structural divisions of public power are based on separation of powers. The separation of powers is a concept that governs the division of authority between the legislative, judicial, and executive departments of government, as. Typically, Montesquieu (1689–1755), a French philosopher, is given credit for it. I'll go into more detail about this by talking about the intergovernmental budgetary relations and the separation of powers as aspects of such an organization and I'll discuss judicial, executive, and legislative matters more.

Discuss the “separation of powers “

The division of powers is a hallmark of democratic administration. In this system, the legislative, executive, and judicial departments of the government are each given the authority to carry out specific functions. Later, I'll talk about this branch further.

The concept of separation of powers is straightforward. According to Pauw, Van der, David, Visser (2015:40) A democratic constitution grants the judicial, legislative, and executive branches with authority that is more or less exclusive to them. Then, these powers are set up so that there is always a balance between the three. To put it another way, no branch is powerful enough to dominate the others. Then, apparently, nobody in the state may exercise unrestrained power. This improves citizens' chances for freedom, and this is especially true in states where the constitution maintains additional checks on the authority of all three branches. This is true in South Africa, where there is the strongest separation of powers at the international level.

For instance, South Africa divides authority in this manner. South Africa has a three-tiered government structure, a separate judiciary, and a democratic constitution. The Constitution defines the national, provincial, and local levels of government as different, interdependent, and interrelated entities that each have legislative and executive authority within their respective domains.

Examination of separation of powers branches in terms of their weaknesses and strengths

Judicial is the network of tribunals that upholds, upholds, and enforces the law on behalf of the state. The system for resolving conflicts can also be seen as the judiciary (Lesaffer, 2009).

Weakness of judicial is that Congress can overturn their court decisions. "Judiciary is the part of government entrusted with interpreting laws, resolving cases and disputes over the implementation of laws, and levying judgment when laws are violated. This is supported by Pauw et al (2015:41) by saying Courts in South Africa have a long tradition of reviewing administrative or executive decisions made by ministers; this also occurred during apartheid. This custom relates directly to the exercise of the legislatively granted executive authority to

issue rules. The judiciary's flaw is that you have to go to court to get anything done. It is powerless to act on its own. The People must recognize the courts' power. If not, it cannot serve as a check on the other two powers because the courts lack the means of using force against them.

Strengths of judicial

The Courts' Authority, the ability to interpret the Constitution through judicial review is the federal courts' most significant power. Federal judges have a significant impact on public policy when they rule that laws or government acts are unconstitutional.

Legislation is the action or outcome of a legislature, parliament, or comparable governing body passing, promulgating, or enrolling laws.

Weakness of legislation

The difficulty and length of the legislative process is what makes legislatures weak. It might require months. Due to the transparency of the process, proposed laws or bills are somewhat vulnerable while they are being developed. A legislature lacks authority over a subject if it has not passed legislation on it. South African lawmakers also have a small staff at their disposal. Due to all of this, legislatures, particularly those at the federal and provincial levels, are inappropriate for carrying out daily governmental tasks.

Strengths of legislative.

Paul, (2005) Says that the fact that legislation it passes must be abided by everyone, including itself, gives the legislature, like that in Parliament, its power. These laws continue to be in effect, even under changing regimes, until they are repealed by Parliament or the relevant regional or municipal legislature, or until they are overruled by other laws that have already been established and are still in effect. Of course, a legislature is not permitted to pass laws that are in violation of the Constitution. For example, a combination of Roman Dutch civil law, English common law, customary law, and religion personal law makes up the legal system in South Africa. The influence of English common law and Roman Dutch civil law on South African law reflects the country's history of successive Dutch and English colonial rule.

Executive is frequently used to refer to the part of government that is in charge of upholding the law and overseeing state governance.

Strengths of Executive

Executive can issue executive orders that have the same legal effect as legislation but are not subject to Congressional approval. Can grant pardons for federal crimes. Can call special sessions of Congress. Lastly it can be able to veto legislation that Congress has authorized. This is supported by Pauw et al (2015:42) because they have bureaucracies at their disposal, such as the military and public or police, executives are strong in their capacity to respond swiftly. It is useful to consider the differences between the President's and Parliament's power to influence events. Section 85 of the South African Constitution grants the President executive authority, and the President can take action by merely picking up the phone.

Additionally, it is important to keep in mind that the executive always represents the majority party in the legislature.

Weakness of Executive

The Executive Branch's submission to Congress in questions of allocation and taxation, according to Bundy, is the "easiest manifestation of weakness in the Executive Branch." He used the current tax increase standoff as an example of how Congress was impeding the Administration. The executive branch of the US government is stable, yet it also has some weaknesses. One of them is the weak level of coordination between the legislative and executive branches, which leads to the former's over-empowerment. Price (2016) contends that when it is swayed by one party, the White House can be challenging to manage. This issue might be caused by the system that permits the president to use tools like presidential memoranda, executive orders, and recess appointments to override significant decisions made by Congress. As an example, we might look to other nations to learn more about executive weakness.

According to StudyCorgi, (2022) The executive branch of the US government is stable, yet it also has some weaknesses. One of them is the weak level of coordination between the legislative and executive branches, which leads to the former's over-empowerment. Price (2016) contends that when it is swayed by one party, the White House can be challenging to manage. This issue might be caused by the system that permits the president to use tools like presidential memoranda, executive orders, and recess appointments to override significant decisions made by Congress.

Discuss intergovernmental fiscal relation.

Intergovernmental fiscal relation refers to a system that distributes taxing and spending authority within a state to various levels of government in accordance with their mandates or responsibilities.

According to Pauw et al (2015:42) There are often three or four levels of government in a nation. Many nations also have provincial (or regional) and local governments in addition to the national government. Sub-levels of local authorities, such as ward and village councils, are frequently established. In many countries, the lower levels of government carry out significant financial tasks, both in terms of revenues and expenditures. Such systems dictate how taxes are distributed and split among the many levels of government, as well as how funds are transferred from one level to another, through a variety of fiscal arrangements between the national and lesser levels. In order to create and maintain an effective and efficient public sector, it is crucial to have both vertical and horizontal intergovernmental relationships between different levels of government.

The intergovernmental system in South Africa is founded on the idea of collaboration between the municipal, provincial, and national levels of government. Several tasks are divided among the three spheres, even though some tasks are assigned to a particular sphere.

Municipal

A municipality must organize and manage its organization, budgeting, and planning processes to prioritize the basic requirements of the community and to advance the community's social and economic growth; and (b) take part in national and provincial development initiatives. This is supported by Pauw et al (2015:42) by saying that Basic household services like garbage collection, electricity, water, and sewerage are provided by municipal, along with streets and street lighting.

Provincial

The provincial governments are in charge of economic activities like agriculture and highways, social services like education, health, and social development, as well as provincial governance and administration, which includes the provincial legislature, provincial treasury, local government, and human settlements.

National

The Parliament, the Cabinet, and other Ministries make up South Africa's National Government. These elements perform the tasks listed in the Constitution and in laws passed by Parliament. Example of national government go as follow, the Confederacy during the American Civil War was an example of a loose confederation of states, but a national government can also be anything else. Federal and unitary governments are the two major types of national governments.

CONCLUTION

I'll conclude by stating that intergovernmental interactions are intended to encourage and facilitate cooperative decision-making, ensure that all policies and activities support service delivery, and properly answer public expectations. The concept of separation of powers, which refers to the division of a state's government into "branches" that each have their own independent authorities and responsibilities, was more intriguing to read about, in general.

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