

## Adding Bills in the Parliaments of Countries in the Asia-Pacific Region

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**Abstract:** The high level of cooperation among the Asia-Pacific region necessitates relatively that means the legal study of various institutions of the organization and the activity of the Parliaments of these states and first of all the legislative process. As well, the preparation and the submission of the bill to the Parliament is an important, crucial stage of the legislative activity, the mechanism of multi-stage start work on creating the necessary legislation for the development and the improvement of the political, economic and social systems of the state. The study of the specifics of the legislative process in the Parliaments of foreign countries, synthesis and creative use of their positive experience, taking into account Russian realities contributes to the organization of effective legislative work in the Federal Assembly the Parliament of Russia. The legislative process is one of the basic and defining the constitutional and legal institutions of the modern state, regardless of its form of government, the state apparatus and the political regime. And the high level of cooperation between the Russian Federation and other Asian Pacific countries at the present stage necessitates a comparative legal research of the various aspects of the organization and activity of the Parliaments of the above, in the first place the legislative process. The Preparation and the submission of bills to Parliament is an important stage of legislative activity, the mechanism of multi-stage start work on creating the necessary legislation for the development and improvement of the political, economic and social systems of the state. The researchers concluded that the comparative legal research of the legislative process and powers of its members having the right to create and submit the draft laws to the Parliament of the Asian-Pacific region, allows you to understand the peculiarities of the state and political system, it helps to better understand our political and economic partners, to develop various forms of mutually beneficial cooperation in many areas of our life.

**Key words:** Parliament, introduction of the bill, legislative process, legislative initiative, Asia-Pacific region

### INTRODUCTION

Parliament representative bodies of state feudalism has its origins in the era of bourgeois revolutions. During these years, it is issued and developed as a Parliamentary system of state management of society which is characterized by the separation of powers into legislative, executive and judicial branches with substantial political and ideological role of Parliament.

The norms of the constitutions of various countries contains some typical characteristics of the Parliament but the most important ones are those that allow you to discover its dual nature as a representative and legislative body. Both of these features are linked, since it is the election of the people's trust and allows Parliament to legislate and carry out other functions. But, the Parliament is not just a body, a complex multi-element body having a variety of communication and relations with other institutions of the state and society. It is for this reason that the notion of "parliament" is a system in the context of statehood and democracy.

The peculiarity of Russia as a federal state is a two-tier Parliamentary system because in addition to the Federal Assembly in the Russian Federation has its own representative bodies. Their status, functions and organization of the basic features are similar to the corresponding elements of the status of the Federal Assembly. They are dedicated to the head of the constitutions of the republics and charters of territories, regions and other regions of the Russian Federation. "Parliament" and "parliamentarism"-concepts related but are known to be unequal. The Parliamentary system a system of organization and functioning of the supreme state power, characterized by separation of legislative, executive and judicial powers in the important role of the Parliament. The concept of "parliamentarism" in the narrow sense, reflects the position of Parliament in the mechanism of separation of powers and in the broadest sense the principles of device of Parliament and all that relates to it.

As the political and legal category of Parliamentarianism it is a complex and multi-valued phenomenon. Most researchers consider how a particular

Parliamentary system of government in which the Parliament the supreme representative and legislative body of the country forms the government which bears political responsibility in front of him and through the adoption of legislation having an impact on domestic and foreign policy of the state.

Some researchers consider an essential attribute of Parliamentary system there is a clear separation of powers in the defining and decisive role of the Parliament, in fact, identify Parliamentary predominantly, if not exclusively a Parliamentary republic and the monarchy. In our view the Parliamentary system is inextricably linked with the theory and practice of separation of powers and therefore, does not provide for vesting of any branch of government powers of the supreme power. The balance of power may be biased towards Parliament or as in the present time in Russia, in the direction of the executive branch and the president. In various forms inherent Parliamentary republic and the monarchy as well as a presidential republic (USA) and countries with a mixed form of government (the Republic of Korea, the Russian Federation).

The legislative process one of the basic and defining the constitutional and legal institutions of the modern state, regardless of its form of government, the state apparatus and the political regime. In the Russian Federation the legislative process consists of the following stages: introduction of the bill; consideration of the bill and the adoption of the law by the State Duma; review and approval by the Federation Council of laws adopted by the State Duma; consideration of the laws of the conciliation committee in the event of disputes; re-examination of the laws of the State Duma, rejected by the President of the Russian Federation; re-examination of the laws of the Federation Council rejected the President of Russia; signing and promulgation of laws by the President of the Russian Federation.

Of course, some of these steps are possible but not mandatory. Despite the fact that any set of the creators of the law the main role is performed by the lower house of Parliament the State Duma. The high level of cooperation between Russia and other Asian Pacific countries at the present stage necessitates a comparative legal research of various aspects of the organization and activity of the Parliaments of the above, in the first place the legislative process.

In legal literature, there is no single approach to the allocation stages of the legislative process Aleman (2003). Researchers commonly referred to as the stage of the legislative initiative. Preparation and submission of bills to Parliament is an important stage of legislative activity, the mechanism of multi-stage start work on creating the

necessary legislation for the development and improvement of the political, economic and social systems of the state.

## **MATERIALS AND METHODS**

The science of constitutional law as it is known, reveals the objective requirements of the Constitution Legal Regulation in the creation of efficient standards, mechanisms for their implementation. Science creates a kind of constitutional and legal periodic table, prompting the subjects of the legislative process, any regulatory legal acts necessary to properly prepare and adopt, filling her "cell", there by eliminating gaps in the system of constitutional law (Avakyan, 2015a, b).

To optimize, the legislative process should study in detail the different characteristics of the organization and activities of Parliament, the legislators of countries with different history and traditions as well as the level of constitutional and Parliamentary development. In a study of the multifaceted process of creating a regulatory legal acts of higher legal force law defines the importance comparative, historical, systemic and some other methods of scientific knowledge.

## **RESULTS AND DISCUSSION**

Multistage, contradictory process of formation of the national Parliament in Russia developed in two directions: creation, work organization of legislative (representative) bodies of state power and the emergence, the development of ideas of Parliamentarism. Over the years, develop, improve law-making subjects of legislative initiative.

Adding to the bill in the Parliament means the realization of the right of legislative initiative. In the Russian Federation introduced draft laws to the State Duma and have the right of legislative initiative, President; Council of the Federation; Members; Deputies of the State Duma; The Russian government; legislative bodies of state power of subjects of the Russian Federation. The constitution gives the right of legislative initiative and the Russian Constitutional Court and the Supreme Court for their conduct (Kolesnikov and Pazhetnyh, 2011).

Later, the list became replenished now submitted: documents and materials provided by a number of articles of the Budget Code of the Russian Federation on the draft federal law on the federal budget for the next fiscal year and planning period; documents provided by the Federal Law "On International Treaties of the Russian Federation" the bill of ratification, termination or suspension of

international agreements of Russia; official comments of the Government of the Russian Federation and the Supreme Court the draft law on amendments to the Criminal Code of the Russian Federation and others.

Prepared for submission to the State Duma a bill and sent it to the materials subject (subjects) of the right of legislative initiative to the President of the State Duma. Received a bill registered in the Office of Documentation and Information Support of the State Duma in the automated workflow and document management of the State Duma. He was assigned a registration number which is indicated along with the name of the bill for the whole period of the passage of the bill in the State Duma of the Federal Assembly of Russia (Avakyan, 2015b). In other States, the Asia Pacific region are also a lot of attention is paid to the legislative procedures.

The legislative initiative can be viewed as a set of actions for inclusion in the legislature entitled subjects of the draft law or proposals for its publication, modification or revocation involves legal consequences as a duty of this body to consider the bill and take a decision on it (Kochetkov, 2003). It should be noted that a legislative initiative involves not only the introduction of new laws. Thus, in the Russian Federation, it can be realized in the form of submission to the State Duma of the Federal Assembly of the amendments to the projects already under consideration by the House.

The range of subjects of legislative initiative in the Asia-Pacific region has traditionally include Parliamentarians and government. The constitutions of the individual and other entities mentioned: in Russia, Mexico the highest state bodies and a lower level, in the Kingdom of Thailand government agencies and organizations in Vietnam, Peru other public formations, in Colombia, Peru, the Philippines, a group of voters.

In China, the right of legislative initiative vested: Presidium session of National People's Congress (hereinafter the National People's Congress). The Standing Committee of the NPC, the State Council, Central Military Commission, the Supreme People's Court, Supreme People's Procuratorate, the delegation of People's Representatives and a group of at least 30 deputies (Gudoshnikov, 2002).

Fundamentals of the legislative process set out in Articles 59-61 of the Constitution of Japan but he settled in detail regulations Houses of Parliament. Have the right of legislative initiative of Parliament and the Cabinet of Ministers (Article 71 of the Constitution). The right to make laws for the people enshrined in Article 16 of the Japanese Constitution: "Everyone has the right of peaceful petition for the introduction, repeal or amendment of laws, decrees and regulations".

The Parliament of the Republic of Korea makes the laws and the state budget. According to articles 55, 56, 89 of the Constitution, the right of legislative initiative to members of the National Assembly, the President, Council of State.

The constitutions of some countries of the Asia-Pacific fixed popular legislative initiative which is a right to a certain group of voters to propose a draft law which is subject to mandatory review by Parliament. The institute operates at the state level in Colombia, Peru, the Philippines, at the regional in 24 US states and in some regions of the Russian Federation.

However, the procedural conditions that set a number of requirements on the number of participating voters, collecting signatures, verifying their authenticity restrict the possibility of realizing their right to the people of Colombia and Peru. Consolidated legislative initiatives are inter-regional in nature and serve as an effective mechanism of influence of the Federation in the legislative process, contributing to improving the quality of laws. Comparative legal analysis of the practice of the Federation of Asian-Pacific region shows that consolidated legislative initiative is unique in a specific form has gained acceptance only in the Russian Federation.

Not all the upper house of Parliament APR countries are entitled to make laws. We should not confuse the power to initiate legislation making the actual upper chamber (Russia, Japan) and the right of legislative initiative of individual members (Mexico, United States). In some countries such as Canada, the right to bill the upper chamber is limited to procedural features as well as content issues on which this House can initiate legislation. These restrictions relate to the budget, tax matters and the ratification of international treaties. In some countries, the procedure of making laws is simple. In the United States House of Representatives a bill falls into a special box, in the Senate, making the project is accompanied by a short speech of the researcher of this document. The Parliament of India is sometimes accompanied by the introduction of the bill short-lived debate. Search optimization legislative work is on the way "filtration" of incoming bills, either by way of the definition of such a complex procedure of these documents, the execution of which provides them with a high level of quality.

In a number of countries in the Asia-Pacific region is enshrined collective constitutional right of legislative initiative. For example, in Japan, the Parliamentarian who wants to make a project must obtain written support of ten advisers or twenty representatives to formulate a written justification and comply with statutory deadlines. To draft

budgets need the support of at least twenty or fifty representatives of advisers. This insistence is due to factional fragmentation of Japan's Parliament, it helps reduce the number of untrained properly bills reinforces the responsibility of legislators.

The phrase "legislative initiative" is used more than a century but has no strict legal definition to date (Abramova, 2006). In recent years, the Russian constitutionalists and legislators seeking to streamline and strengthen the regulatory mechanisms and procedures for implementing the right to development and the introduction of bills in Parliament. The result was drafted did not become law. The Russian Federation was the only country of the last of the republics of the USSR which failed to pass the law on normative legal acts (Rafalyuk, 2012).

Research has shown that not all of the heads of state have the right of legislative initiative. The form of government and the existing political regime determine their legal and real status. The heads of the Commonwealth of Australia, Canada, China and Japan have called the law, they are endowed with largely ceremonial and representational powers. In contrast to these countries, the President of the Republic of Korea has significant rights in legislative activities as head of state and head of the executive branch.

The active participation of the Russian President in the legislative process underlines the specificity of the national institute of the President. Moreover, in contrast to the higher courts of the Russian Federation, who are endowed with the right of legislative initiative only on subjects within their jurisdiction, the Constitution (Article 134) does not restrict the president. The Russian president can make laws on any subject, including amendments and revision of the provisions of the Basic Law.

### **CONCLUSION**

Comparative legal research of the legislative process and the powers of its members having the right to create

and submit draft laws to the Parliament of the Asian-Pacific region allows you to understand the peculiarities of the state and political system, it helps to better understand our political and economic partners to develop various forms of mutually beneficial cooperation in many areas of life. The study of the specifics of legislative procedures in other countries, synthesis and creative use of their positive experience taking into account Russian realities contribute to the organization of effective legislative work in the Federal Assembly the Parliament of Russia.

### **REFERENCES**

- Abramova, A.I., 2006. The right of legislative initiative: The problem of security and protection. *World Law*, 3: 15-15.
- Aleman, E., 2003. *Legislative Rules and the Amending Process in Argentina, Chile and Mexico: Theory and Evidence*. University of Houston, Houston, Texas.
- Avakyan, S.A., 2015a. *Constitutional Lexicon: Public The Legal Dictionary Cal Terminology*. Yustitsinform, Moscow, Russia,.
- Avakyan, S.A., 2015b. *The Constitutional Law of Russia*. INFRA, Norma, Moscow, Russia,.
- Gudoshnikov, L.M., 2002. The constitution of the peoples republic of China in the process of historical change and reform. *Far East*, 3: 38-39.
- Kochetkov, A.V., 2003. Stages of the legislative process both forms of legal policy. *Legal Policy Legal Life*, 4: 154-154.
- Kolesnikov, E.V. and D.V. Pazhetnyh, 2011. Interaction of the State Duma and the Federation Council in the legislative process. *Constitutional Munic. Law*, 10: 61-61.
- Rafalyuk, E.E., 2012. The concept of the draft law on normative legal acts of the Russian Federation. *World Law*, 8: 123-123.