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THE IMPLEMENTATION OF THE AUTHORITIES' SEPARATION PRINCIPLE IN THE BUDGET SYSTEM OF THE RUSSIAN FEDERATION AND GERMANY¹

Annotation. The article is about the budget process in Russia and Germany and the implementation of the principle of powers' separation. There is an increase in the role of the executive power in the budget process in Russia. At the end of the article, the main similarities and differences between the budget mechanisms of the two countries are reflected.

Keywords: budget process, Germany, principle of powers' separation, budget, distribution of authority

ПРИМЕНЕНИЕ ПРИНЦИПА РАЗДЕЛЕНИЯ ВЛАСТЕЙ В БЮДЖЕТНОЙ СИСТЕМЕ РФ И ФРГ

Аннотация. В статье произведено сравнение бюджетного процесса в России и Германии, а также реализации принципа разделения властей в ходе бюджетного процесса. Отмечается повышение роли исполнительной ветви власти в бюджетном процессе России. В завершении статьи приводятся основные сходства и отличия бюджетных механизмов двух стран, а также возможные пути усовершенствования бюджетного процесса России.

Ключевые слова: бюджетный процесс, ФРГ, принцип разделения властей, бюджет, распределение полномочий.

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The fundamental principle of the budget process in democratic constitutional states is the principle of differentiation of the budget competence between the representative and executive authority. Formation of the budget legal relationship is connected with the right of approval of the budget by legislative authority as the representative of taxpayers. Voting procedure in parliament illustrated trust of legislature to the government or, on the contrary, mistrust in case of a deviation.

In the Russian Federation the basic principle of the budget process is the principle of powers' distribution between legislative, executive and judicial authority [1]. Basic powers of participants of the budget process are enshrined in the Constitution of the Russian Federation and the Budget Code of the Russian Federation. Regulations of executive authorities (The Ministry of Finance, the Government, Federal Treasury), supplement and disaggregate provisions of laws. Organizational matters of the budget process, as a rule, are enshrined in bylaws. However, executive bodies shan't substitute powers of the representative authority. In modern conditions there is important a question of observance of borders between competences of authorities.

The analysis of the budget legislation shows decrease in a role of legislature in the budget process and strengthening of the executive authority influence. For the last years the Budget Code underwent considerable changes. The actual expansion of powers of federal executive bodies in the field of regulation of the budget legal relationship happened. A part of the questions which are earlier subject to legislative regulation and, respectively, being in the sphere of maintaining Federal Assembly, turned into competence of the Government or Ministry of Finance [5]. Besides, the list of the bases on which changes without introduction of amendments to the law on the budget can be made to summary budget painting is established. The specified list isn't exhaustive, and limits of such changes aren't determined. It allows to bring annually up to 50 changes in summary budget painting that, in turn, leads to essential funds redistribution of the budget during its execution.

Since 2014 the federal budget is created on the basis of a program and target method that means distribution of budgetary appropriations according to state

programs [2]. It is provided due to redistribution of powers in the sphere of the budget relations between bodies of legislative and executive power. The analysis of changes allows to draw a conclusion on transfer of a part of legislature powers for benefit of executive and on essential reducing participation of Federal Assembly in the budget process. The executive authority (Government) approves state programs, determines terms of their implementation. For consideration of the State Duma the bill on the federal budget is presented in the expense allocation form on already approved state programs. The law on the budget approves only amount of budgetary appropriations on financial provision of implementation of state programs according to the corresponding target expenditure item of the budget. Thus the legislature has no opportunity to exert impacts on parameters of state programs and expense allocation in them.

However control powers of the Ministry of Finance considerably increased. In essence, the ministry was granted the right to perform functions on control and supervision in the sphere of the organization of budget execution [3]. A part of the questions concerning budget execution is removed from under legislative regulation. On a number of questions the Government has the right to make decisions on use of budgetary funds without introduction of amendments to the law on the budget. Such redistribution of powers in the budget process will result in lack of efficient control of forming and execution of budgets by legislature [6]. The provided analysis of regulatory legal acts shows that powers of the Government and the Ministry of Finance on use of means of the federal budget considerably extended. Moreover, such powers are implemented without introduction of amendments to the law on the budget. It creates additional risks and requires strengthening of control from Federal Assembly and Audit Chamber.

We will consider practical application of the principle of the authorities separation in the budget system of Germany. Germany is the federal state with the republican form of government. The fundamental law of the state fixes the authorities separation as the fundamental principle of the constitutional system. As the federal state, Germany has the three-level budget system consisting of the budget of

federation, budgets of lands and budgets of communities (communes). Reflection of questions of the budget device in the fundamental law of Germany is considered a standard of the constitutional settlement of the relations in the field of financial activities now. One of features of the budget policy in Germany is availability of the extensive legal base in this sphere [7]. Bases of forming the budget and also the budget powers of authorities are enshrined in the Fundamental law of Germany in the section X "Finance" [8]. Distinctive feature of many legal acts in Germany is the detailed regulation of the touched issue. The budget policy is performed in the conditions of close cooperation between parliament and the government. Already at a stage of the budget statement creation in the government important finance solutions often are accepted in coordination with the leading politicians of parliament. The executive authority can make certain changes to already approved budget with the consent of parliament. Therefore in precepts of law the big emphasis is placed on questions of regulation of interaction executive and legislature, and not just on differentiation of their powers.

The constitution establishes that the bill on the budget is introduced at the same time to the Bundestag and the Bundesrat. However in standard legislative process the bill is transferred at first in lower, then to high chamber.

The federal Audit Chamber draws the conclusions according to the budget requests of the ministries and participates in negotiations at the level of heads of department of budget department with advisory capacity by the budget statement preparation.

The leading role in consideration of the budget statement belongs to the Bundestag (lower chamber). The Bundesrat is obliged to provide within 6 weeks the conclusion according to the budget statement. If the Bundesrat directs the formal protest within 2 weeks, then the Bundestag quickly enough overcomes objections of high chamber. The fact that this chamber of parliament is urged to express the interests of lands, but not all federation is the main reason of a small role of the Bundesrat in the budget process.

In Germany there was a tradition according to which the chairman of the Budget commission of the Bundestag is the representative of the largest opposition party. The similar tradition promotes fair work of committee and accomplishment of the control functions by parliament. Other tradition consists that members of the Budget commission and other deputies who will act as speakers in the Bundestag by consideration of the budget are present at the meetings of the Government devoted to questions of forming the budget.

Thus, the overview of the budget process of Germany confirmed that the basic principle in the budget system is the principle of the authorities separation. It is shown in differentiation of activity fields of the budget process participants. However, according to us, in Germany the dominating role of the executive authority isn't so brightly expressed in the budget process, than in Russia.

Financing of bodies of state is the most important expenditure item of the budget. In both countries the considerable amounts are allocated for nation-wide needs (see Table 1). According to the Ministry of Finance of the Russian Federation, annually on a development stage of the budget 60 million rubles leave. In recent years in Russia the tendency to increase in expenses on the section "Nation-wide Questions" is observed. Such expenses grew in 2016 by 6,81% (for 69 billion rubles). In the federal budget for 2017 most of all expenses from the section "Nation-wide Questions" are pledged on providing the president (15 billion rubles), on legislature(13 billion rubles) [10]. Expenses on legislature in the Russian Federation exceed expenses on the executive authority more than twice. It is connected with complexity of legislative process. Increase in expenses on a legislative can be also caused by payment of so-called "golden parachutes". Monthly content of each of not elected deputies costs to the budget approximately 1,5 million rubles. Apparently from Table 1, in Germany expenses on a legislative power is less, than on executive [11]. At the same time the share of expenses on management personnel in total expenses of the budget exceeds this indicator in Russia. In both countries the share of expenses on each branch of the power isn't so considerable (doesn't exceed 1%), however the tendency to increase in maintenance costs of the state apparatus in Germany is traced too.

Table 1 - The comparison of Expenses on authorities

Expenditure items	Expenses in the Russian Federation (% of total expenses)	Expenses in Germany (% of total expenses)
Executive authority	6 billion (0,03 %)	2798010 thousands of euros (0,85%)
Legislature	13 billion (0,08%)	898731 thousands of euros (0,27%)
Bodies of the state financial control	205 billion (1,26%)	132 851 thousands of euros (0,04%) (only Audit Chamber)

Source: compiled by the author

Thus, Russia and Germany have similar mechanisms of implementation of the budget process (see Table 2). In the Russian Federation the overweight of a role of the executive authority in the budget process is more noticeable, it is connected with transition to program-target method. In Germany the role of Audit Chamber at a stage of budget execution differs from the Russian Federation. The Audit Chamber in Germany participates in project development of the budget with a voting power. Besides, in Germany time is considerably saved by transfer of the budget directly in two chambers of parliament.

Table 2 - Comparative analysis of budgeting in Russia and Germany

Criterion of comparison	Russia	Germany
Number of levels of the budget system	3 (federal, regional, local)	3 (federal, budget of lands, budget of communities)
The period for which the law on the budget is constituted	The budget for the next financial year and planning period ("the sliding three years")	Budget for one or several years
The body constituting the budget statement	Ministry of Finance	Ministry of Finance
The body considering the budget statement	State Duma, then Federation Council	At the same time Bundestag and Bundesrat
Bodies of the state financial control	Accounts Chamber of the Russian federation (external) Federal Treasury of the Russian Federation (internal)	Federal Audit Chamber
Powers of control facilities in the budget process	Audit Chamber: audit of efficiency, examination of state programs Treasury: control of conducting transactions with budget funds	The conclusion according to the budget requests of the ministries and participation in negotiations at the level of budget department with advisory capacity
Budget execution	Federal Treasury (cash servicing of execution) Bank of Russia (account management of Treasury)	Main federal cash desk (cash execution) Treasury (passive role)

Source: compiled by the author

Due to the above it is obviously necessary to consider a question of that in the conditions of transition to program-target budget the State Duma had powers according to indicators of an efficiency evaluation of state programs implementation. Appropriate questions could be considered by special-purpose committees of the State Duma. Such mechanism will provide efficient parliamentary control of the budget forming with direct participation of Audit Chamber in carrying out audit of specified programs' efficiency.

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