

## SUMMARY

### **The »SAK» as a pressure group in Finnish politics. I.** By Väinö Huuska.

The summary of this article will be published in connection with the second part in the next number of POLITIIKKA.

### **The Separation of Powers. III.** By Kauko Sipponen.

In the first part of his article (Politiikka no 3/1961) the writer describes the purposes of the separation of power, and he comes to the conclusion that Montesquieu did not aim to a strict division of state tasks. The distribution of state power has been carried out to different extent and different degrees in the so called »western democracies» according to their own political and legislative conditions.

In the second part of the article (Politiikka no 4/1961) the writer deals with the growth of the chief duties in the state and their distribution during the Swedish and Russian dominance of Finland.

The third part of the article consider certain problems in the distribution of state power, which are especially characteristic to Finnish political life.

In Finland, the delegation of legislative power implies that the constitutional legislative organs — Parliament and the President of the Republic — may jointly transfer legislative power, i.e. the power to establish legal norms, to administrative authorities. The delegation of legislative power is not permitted in principle by the Finnish Constitution. § 2 of the Constitution Act states that »Legislative power shall be exercised by Parliament in conjunction with the President of the Republic». This clause is not, however, interpreted literally. In many acts, legislative power on special questions is delegated to the President alone, the Council of State or other authorities lower down in the hierarchy. But when § 2 is disregarded to the extent that is was, for instance, in World Wars I or II, the administrative authorities are practically given carte blanche in both the extent of their edicts and the ways and means of applying them. Such enabling acts depart very basically from the principles laid down in the Constitution and they must be passed in accordance with the procedure prescribed for Constitutional Laws in general. The granting of broad powers of legislative delegation in a constitutionally correct way to the Government has been fairly flexible, because a bill for modification to a Constitutional Law can be passed in only three days, if it is pronounced urgent by a five-sixths majority.

Parliament supervises the administration through the intermediary of the officials named in the Constitution and elected by Parliament. Such are the Ombudsman and State auditors. Parliament examines reports on the activities of these officials, of the Trustees of the Bank of Finland and the National Pensions institute, and also of the Council of State and the Chancellor of Justice. On such occasions, it can criticize the administration and even initiate measures that may lead to the prosecution of a Cabinet member or the Chancellor of Justice in the Court of High Impeachment. Under the Parliamentary system, the Government is also responsible to Parliament.

Parliament and its committees are not entitled to undertake such investigations as come within the sphere of the judiciary and the State attorneys. Its power to supervise administration is based solely on the above mentioned provisions in the Constitution. Parliamentary committees are entitled only to consult experts, not to conduct hearings, make arrests or imprison. In certain exceptional cases, the Council of State (Cabinet) has appointed State committees to enquire into specific questions. The purpose of a State committee investigation is to find the answers to the specific questions set in its principal enquiry. After completing its report, the committee submits it to the Council of State. On the basis of the report, the appropriate police detectives and prosecutors can take the necessary steps.



*Itävallan ulkoministeri Bruno Kreisky vieraili Valtiotieteellisessä Yhdistyksessä joulukuun 9 pnä 1961 — Österrikets utrikesminister Bruno Kreisky besökte Statsvetenskapliga Föreningen den 9 december 1961 — The Austrian Foreign Minister Bruno Kreisky visited the Finnish Political Science Association December 9th 1961.*