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SECURING THE LEGITIMACY OF EXECUTIVE POWERS THROUGH PUBLIC ADMINISTRATION

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Abstract

This paper analyses how public administration ensures the legitimacy of executive authority through the enforcement of legality, transparency, accountability, and ethical governance. Public administrators are tasked with converting legal frameworks into operational procedures, overseeing executive actions, and ensuring government operations adhere to constitutional and legal limits. This paper uses a descriptive approach by analysing documents to show that public administration is vital for democracy, helping to maintain the legitimacy of executive authority and reduce wrongdoing. Mechanisms such as audits, compliance checks, citizen engagement, and oversight serve to prevent the abuse of power, corruption, and executive lawlessness. The study highlights public administration as a stabilising force in democratic governance by referencing both historical and contemporary examples, including the functions of oversight bodies and administrative issues in Nigeria. Furthermore, it examines the difficulties and intricacies encountered by public administrators in reconciling conflicting demands and interests while maintaining legal principles and ethical norms. The paper concludes that, despite ongoing obstacles such as corruption and politicisation, enhancing administrative processes and cultivating a culture of legality can bolster the legitimacy of executive authority in contemporary administrations.

Keywords: Public Administration, Policy Formulation, Executive Branch, Policy Environment, Legal Framework

Introduction

In contemporary democratic democracies, the executive branch wields considerable authority in decision-making and policy implementation that impacts citizens' lives. The employment of such power must adhere to the rule of law to maintain values of fairness, justice, and accountability. Public administration is essential for ensuring the legality of executive power operations

through efficient management, supervision, and compliance with legal standards. A fundamental responsibility of public administration is to execute and enforce laws, regulations, and policies established by the legislative branch of government. Public administrators are tasked with converting legal mandates into practical plans and procedures that direct the conduct of government agencies and officials. Public administration upholds the rule of law and mitigates executive authority abuse by ensuring operations comply with legal standards (Montjoy, 2018). Public administrators also play a vital role in overseeing the operations of the executive power to guarantee compliance with legal and ethical norms. They assess the effectiveness of government agencies, scrutinise their financial records, and probe charges of impropriety or corruption. Through these oversight measures, public administration aids in preventing corruption, nepotism, and other forms of wrongdoing that undermine the legitimacy of executive authority (Peters, 2014). Furthermore, public administration acts as a conduit between the government and the populace, promoting transparency, accountability, and responsiveness in the execution of executive authority. Public administrators interact with citizens via public consultations, feedback mechanisms, and grievance redressal processes to guarantee that government activities are lawful, legitimate, and serve the public interest. Through the promotion of transparent and inclusive decision-making processes, public administration cultivates trust and confidence in the executive branch.

Public administration is an essential component of governmental operations that includes responsibilities such as planning, organising, directing, coordinating, and controlling resources to achieve public goals and objectives. It encompasses the administration of public policies, programmes, services, and resources to guarantee the effective and efficient provision of services to citizens. A fundamental responsibility of public administration is to provide transparency, accountability, and integrity in governmental activities. Embracing ethical principles and best practices is essential for fostering citizens' trust and confidence in government organisations. As a public administrator, I have consistently endeavoured to maintain high ethical standards in all my contacts and decision-making processes (Yusuf, 2019).

A crucial element of public administration is strategic planning and policy formulation. Establishing explicit goals, objectives, and priorities is crucial for directing governmental actions and efficiently allocating scarce resources. Through strategic planning, public administrators can recognise chances for innovation, adjust to evolving conditions, and tackle new societal concerns. Furthermore, public administration is essential in advancing social equity and justice. It is crucial in ensuring that government policies and programs are inclusive, fair, and responsive to the needs of all citizens, particularly the marginalised groups. Public administration in Nigeria faces various obstacles, but there is also considerable opportunity for growth and progress. As the backbone of governance and service delivery, it plays a critical role in the development and operation of the country. Nonetheless, problems including corruption, inefficiency, and insufficient accountability have afflicted the system for numerous years. A significant difficulty confronting public administration in Nigeria is corruption (Obasanjo, 2020). Corruption is a widespread issue that diminishes the efficacy and credibility of governmental institutions. It undermines public confidence, reallocates resources from vital services, and obstructs economic progress. To address corruption, the government must emphasise openness, accountability, and institutional reforms. Robust anti-corruption initiatives, including the formation of anti-corruption agencies and the prosecution of corrupt officials, are vital for fostering integrity and ethical behaviour in public administration. The importance of public administration in a nation's government is paramount. This paper examines the critical role of public administration as a mechanism that ensures the executive branch operates within legal parameters, promoting

transparency, equity, and efficiency in government functions. It also analyses how the legitimacy of executive powers can be ensured through the implementation of public administration, especially in response to executive misconduct or lawlessness in Nigeria.

Clarifications of Concepts

Public Administration

The notion of public administration, as a mechanism to ensure the legality of executive power acts, possesses a profound historical legacy that extends over millennia. Public administration pertains to the structuring and execution of governmental policies and programmes, emphasising efficiency, effectiveness, and compliance with legal standards. Public administration is essential in guaranteeing the legality of executive power activities, ensuring that government acts comply with the constitution and applicable laws. Historically, we can trace public administration, as a mechanism to ensure the legality of executive power actions, back to ancient civilisations like Greece and Rome, where they established administrative processes to handle public affairs (Follett, 1918). The contemporary notion of public administration originated in the late 19th and early 20th centuries, when governments confronted the problems posed by industrialisation, urbanisation, and democratisation. During this period, prominent individuals like Woodrow Wilson, regarded as the progenitor of public administration, and Max Weber, a German sociologist, made substantial contributions to the discipline by underscoring the necessity of professionalising and rationalising government bureaucracy (Weber, 1921). The influence of public administration in ensuring the legality of executive power acts is significant and extensive. Public administration mitigates corruption, power abuse, and arbitrary decision-making by government officials through the establishment of explicit rules, procedures, and accountability systems. It guarantees that governmental acts are transparent, equitable, and responsive to citizens' needs. Public administration fundamentally acts as a protection against the abuse of executive authority and reinforces the tenets of democracy and the rule of law (Waldo, 1948). Notable figures who have impacted public administration by ensuring the legality of executive actions include Mary Parker Follett, a trailblazer in organisational theory and management, and Dwight Waldo, a distinguished scholar in public administration ethics. These individuals have enhanced our comprehension of how public administration may foster good governance, accountability, and citizen engagement in decision-making processes. Notwithstanding its numerous advantages, public administration faces some challenges. Critics contend that bureaucratic red tape, inefficiency, and slowness may impede the efficacy of government agencies in fulfilling their objectives.

The politicisation of public administration, wherein government officials prioritise political factors over effective administrative methods, can compromise the rule of law and diminish public trust in governmental institutions. The future of public administration, as a mechanism to ensure the legality of executive power actions, will certainly be influenced by continuous technology improvements, globalisation, and evolving societal expectations. Governments face intricate challenges like climate change, social inequality, and pandemics, necessitating innovative and adaptive public administration strategies that effectively address these issues while maintaining legality, transparency, and accountability. Public administration upholds democracy, safeguards human rights, and advances the common good by ensuring that government activities align with the rule of law and the principles of good governance. In navigating the complexity of the 21st century, it is imperative to enhance and refine our public administration systems to address the increasing requirements of society and maintain the rule of law.

Executive Authority

Executive power denotes the authority and obligation of the executive branch of government to execute and uphold laws, administer programmes, handle foreign relations, and oversee the daily operations of the government. It is one of the three branches of government, alongside the legislative and judicial branches, and is essential to the operation of a democratic society (Magill, 2020). The executive authority is generally conferred onto the head of state or government, such as the president or prime minister, together with their designated officers. This position encompasses the authority to nominate and dismiss cabinet ministers, issue executive orders, veto legislation, and negotiate treaties with other governments. The executive branch supervises the execution of policies and programmes sanctioned by the legislature, together with the enforcement of rules and regulations established by the government. A fundamental characteristic of executive power is the capacity to render swift and resolute decisions during crises or emergencies. This skill is especially crucial in circumstances necessitating prompt action to safeguard national security, respond to natural disasters, or tackle public health problems. For instance, during the COVID-19 pandemic, the Nigerian government exercised its executive authority to enforce lockdowns, impose travel restrictions, and implement other steps to mitigate the virus's transmission. Nevertheless, executive power is not absolute and is constrained by checks and balances to avert abuses of authority. In numerous democratic nations, the executive branch is answerable to the legislature, courts, and the populace via procedures including legislative supervision, judicial review, and elections. This system ensures that the executive branch operates within legal parameters and upholds the rights and freedoms of citizens. Although it confers the requisite authority to make decisions and execute policies, it must be applied judiciously and transparently to uphold the trust and legitimacy of the government. By adhering to the rule of law and maintaining the separation of powers, the executive branch may execute its responsibilities while protecting the rights and interests of the populace.

Legitimacy

Legality denotes compliance with the law or established norms and regulations. This fundamental notion regulates the conduct of individuals and organisations within a community, ensuring acts are executed in a fair, just, and ethical manner. The notion of legality spans various domains, including criminal law, civil law, and administrative law (Stephen, 2006). In criminal law, legality is essential for establishing the guilt or innocence of those charged with offences. The principle of legality asserts that individuals may only be penalised for conduct explicitly forbidden by law, and any penalty must correspond proportionately to the gravity of the offence. This safeguards persons from capricious or inequitable treatment by the legal system, guaranteeing that justice is administered consistently and fairly. In civil law, legality regulates interactions between persons and organisations, delineating the rights and obligations of each participant. Legal doctrines, including contract law, property law, and tort law, delineate legal parameters and furnish a structure for the equitable and transparent resolution of conflicts. By adhering to legal principles, persons can safeguard their interests and assure the protection of their rights in legal processes (Black, 2004). In administrative law, legality delineates the regulations and protocols that oversee the conduct of governmental agencies and personnel. This ensures that public power is exercised lawfully and accountably, preventing authority abuse and safeguarding citizens' rights. Administrative law enhances openness, justice, and efficiency in public service delivery by enforcing legal requirements. Legality is a fundamental idea that undergirds societal functioning and the rule of law. By adhering to the principles of legality,

individuals and organisations can confidently navigate intricate legal systems, assured that their rights will be safeguarded and justice administered. Moreover, legality contributes to the establishment of order, stability, and trust within society, cultivating a culture of reverence for the law and the institutions that enforce it.

The Legality of Executive Authority

The legality of executive power is a multifaceted and continually contested issue within the domain of governance and political discourse. Executive power denotes the authority conferred upon the executive arm of government, usually led by a president or prime minister, to enforce laws, render decisions, and execute policies. This power can be extensive and influential, raising enquiries over its boundaries and legitimacy (John, 2005). A fundamental question regarding the validity of executive power is the principle of checks and balances. In numerous democratic systems, like the United States, the executive branch is designed to be counterbalanced by the legislative and judicial branches to avert power abuse. In practice, however, the distinctions between these branches may become indistinct, resulting in allegations of presidential overreach. A further crucial factor is the origin of the executive's authority. In a democracy, the executive derives its legitimacy from the permission of the populace, usually via elections. This prompts enquiries about the validity of executive acts that may contravene the populace's desires or encroach upon their rights. The rule of law is crucial in assessing the legality of executive authority. The executive must function within the legal framework and cannot act arbitrarily or whimsically. This principle acts as a protection against the misuse of authority and guarantees that the executive is answerable for its actions (Bruce, 2018). The legality of presidential power, particularly regarding the use of executive orders, has emerged as a highly contested issue recently. The president's directives circumvent the conventional legislative procedure and may yield significant repercussions. Critics assert that executive orders may bypass Congress and erode the separation of powers, but proponents believe that they are an essential mechanism for the president to implement policy amid parliamentary impasse. The legality of executive power is a complex and dynamic matter essential to the operation of a democratic society. The executive must adhere to legal constraints, honour the separation of powers, and reflect the will of the populace. By meticulously evaluating these principles, we may guarantee that executive authority stays legitimate and accountable to the populace it serves.

The Legitimacy of Executive Authority

The executive branch is essential to government operations, tasked with the implementation and enforcement of laws and policies. This authority must be wielded within legal parameters to avert misuse and safeguard individual rights. The assessment of the legality of executive authority entails multiple checks and balances to prevent overreach and guarantee accountability. The principal method for assessing the validity of executive authority is judicial review. The judiciary functions as an autonomous entity that interprets the law and assesses the constitutionality of the executive branch's acts. Judicial review enables individuals to contest executive decisions and ensure governmental accountability for legal infractions or power abuses. This system of checks and balances mitigates authoritarianism and upholds the rule of law (Gregory, Smith, and Strauss, 2018).

Besides judicial review, the legislative branch is essential in overseeing executive authority. Legislative oversight enables parliamentarians to hold the executive branch accountable for its activities and ensure compliance with the law. Congress has the authority to scrutinise executive acts, enact legislation to limit executive power, and impeach officials

involved in misbehaviour. This system of checks and balances guarantees the executive branch's accountability to the populace and constrains its authority within the legal framework delineated by the constitution (Jerry, 2014).

Additionally, public scrutiny and media supervision function as crucial means for assessing the constitutionality of presidential authority. The press is essential in ensuring government accountability through the reporting of governmental actions and possible abuses of power. Investigative journalism and public conversation enable citizens to become aware of the executive branch's actions and to fight for enhanced transparency and accountability. This public oversight mitigates corruption and guarantees that the government functions in the public's best interests (Strauss, Rakoff, and Kim, 2019). The assessment of the legitimacy of executive authority entails a synthesis of judicial review, parliamentary supervision, and public examination. Governments can avert power abuse and maintain the rule of law by instituting a system of checks and balances. To ensure the legal exercise of executive power, citizens must remain vigilant and hold their government accountable. A comprehensive system of checks and balances is essential for government accountability and the protection of individual rights. The public administration is a crucial mechanism for ensuring the legitimacy of executive power actions.

Public administration exerts significant impact, from broad policy formation to detailed service delivery. Public administration is a complex component of governance, efficiently converting policy into action and bearing substantial responsibility for the practical implementation of political decisions to achieve outcomes that benefit the public (Pollitt, 2015). The executive branch plays a significant role in influencing public administration. Nonetheless, the principles and norms of public administration establish the legality of activities undertaken by the executive branch. This interaction is grounded in the principles of democratic government and the rule of law, wherein executive authority is mandated to function within legal confines (Peters and Pierre, 2017).

For example, when a policy is issued by the executive, it is the responsibility of public administration to verify that the implementation of the directive conforms to legislative mandates, constitutional stipulations, and existing judicial precedents (Rhodes and Tiernan, 2014). This is significant in the United Kingdom, where the executive's prerogative powers, including the issuance and revocation of passports, are constrained by public administrative regulations to ensure adherence to existing laws (Lynch, 2019). Furthermore, the legal framework of public administration encompasses more than mere adherence to regulations. Public administrators act as a safeguard against presidential orders that may violate individuals' rights or contradict established laws, thereby maintaining the government's constitutional obligation to the rule of law. Challenges to the Trump administration's immigration policy by public administrators exemplify this dynamic; although the policy was based on an executive order, its implementation encountered obstacles in fulfilling due process standards (Sager and Fowler, 2019). Similarly, offering legal counsel, guidance, and training on procedural and ethical norms to executive personnel is a crucial responsibility in public administration, which helps prevent legal issues that could endanger executive actions. Consequently, public administration reinforces a culture of legality within the operations of the executive department. In a constantly changing policy landscape, public administration's capacity to maintain legality is perpetually enhanced through reforms, public examination, and judicial oversight. This cultivates a culture of respect for the rule of law, accountability, and transparency in executive activities.

The Complexity of Public Administration and Executive Authority

Public administration and executive power are intrinsically linked in a successful democracy. Public administration guarantees that executive activities comply with constitutional mandates and consider public benefit, therefore upholding a legal framework (Henry, 2017). Simultaneously, executive power encompasses the tasks of policy formulation, execution, and maintaining law and order, all of which are realised through an effective public administration. Public administration functions as a regulatory apparatus, supervising the executive's decisions and actions to ensure compliance with legal requirements (Peters, 2010). By establishing a framework of rules and policies, it facilitates lawful behaviour, thereby reducing the potential for overreaching or abuse of power. Furthermore, executive powers denote the authority granted to the president, governors, ministers, and commissioners to enforce laws and oversee state activities. Public administration pertains to the civil service and other entities tasked with implementing these authorities in a lawful and effective manner. Legitimacy refers to public acknowledgement that the executive operates within its legal entitlements and ethical jurisdiction, (Montjoy, 2018). This distinction is significant as Nigeria's democracy relies on public confidence in governmental operations, whereas executive overreach or misconduct can incite civil unrest or legal disputes, and public administration functions as a regulatory mechanism to ensure the executive remains within legal confines, (Adebayo, 2004).

Moreover, compliance with due process serves as an additional method for ensuring executive legitimacy within public administration. The Federal Civil Service Commission guarantees that recruitment for public jobs adheres to merit and federal character principles, hence mitigating nepotism, as evidenced by the 2021 public outcry that resulted in the annulment of unlawful employment practices at some federal ministries, (Premium Times, 2021). Transparency in budget implementation serves as a mechanism for ensuring legitimacy; for instance, the Office of the Accountant General publishes monthly revenue allocations to states, as evidenced by the publicly accessible FAAC allocations, thereby constraining executives' ability to divert funds without oversight. The mechanism of checks and balances through audits serves as an additional method for ensuring the effectiveness of public administration in regulating the executive branch. For instance, the Auditor-General for the Federation conducts audits of ministries and parastatals, as demonstrated in 2023, when the Auditor-General's report revealed unremitted funds in the NNPC and other MDAs, leading to investigations, (The Cable, 2023). Moreover, public personnel must serve the current administration without political affiliation. Civil officials persist in their roles despite shifts in political leadership (e.g., the transfer from Buhari to Tinubu), so they guarantee continuity. The EFCC and ICPC, while not integral to the core civil service, contribute to administrative enforcement by monitoring the abuse of executive authority. This type of behaviour is seen in various state governors (e.g., Orji Uzor Kalu, Jolly Nyame) who were convicted post-tenure due to corruption revealed through administrative investigations, (EFCC Press Release, 2023). Despite in-built safety mechanisms, instances of executive transgressions exist. The transparency of public administration and rigorous oversight can expose such transgressions, leading to enquiries and sanctions (Public Administration and the Rule of Law, 2020). Oversight agencies and institutions further bolster these measures, ensuring a resilient system of checks and balances.

Challenges to Public Administration Inefficiency in Nigeria

Another challenge facing public administration in Nigeria is inefficiency. Bureaucratic red tape, poor management, and outdated systems contribute to inefficiencies in service delivery. This leads to delays, backlogs, and a lack of responsiveness to citizen needs. To address these challenges, the government must invest in improving infrastructure, training civil servants, and modernising administrative processes. By streamlining operations, enhancing productivity, and embracing technology, public administration can become more efficient and effective in delivering public services. Furthermore, the lack of accountability in public administration is a significant issue in Nigeria. The absence of mechanisms to hold public officials accountable for their actions allows for impunity and undermines the rule of law. To promote accountability, the government must strengthen oversight mechanisms, such as auditing, monitoring, and evaluation. By ensuring that public officials are held responsible for their decisions and actions, transparency and integrity can be enhanced in public administration.

Despite these challenges, there is great potential for improvement in public administration in Nigeria. The country is rich in human capital and natural resources, which can be leveraged to build a more efficient and responsive public administration system. By investing in capacity building, training and development, and empowering civil servants to perform their duties effectively, public administration can become a key driver of development and progress in Nigeria.

Conclusion

In conclusion, public administration is an essential instrument assuring the legality of executive power activities. By performing this role, it significantly contributes to maintaining the core values of democracy, equal rights, justice, and, most importantly, the rule of law. It indicates that sound public administration is less about hierarchical command and control than it is about legality, ethicality, and public value. Public administration plays a momentous role in upholding the legality and legitimacy of the executive power's actions. Through checks and balances, it assures a democratic functioning where all executive decisions and actions are accountable, in accordance with law, and transparent. The significance of public administration becomes even more pronounced in our increasingly complex democratic societies, where preserving the rule of law and public trust is crucial. The role of public administration in securing the legality of executive power activities is essential for the functioning of a democratic society governed by the rule of law. Through effective management, oversight, and engagement with the public, public administrators uphold legal principles, prevent abuses of power, and promote accountability in the exercise of executive authority. By recognising the importance of public administration in safeguarding the legality of government actions, we can ensure that the executive branch operates in a manner that respects the rights and interests of all citizens. Public administration is a vital function in government that plays a significant role in improving the lives of citizens and advancing the public good. By upholding ethical standards, engaging in strategic planning, and promoting social justice, public administrators can contribute to the betterment of society and ensure the effective delivery of public services. On the other hand, public administration in Nigeria faces numerous challenges, including corruption, inefficiency, and lack of accountability. However, with the right reforms, investments, and political will, these challenges can be overcome. By promoting transparency, accountability, and efficiency in public administration, Nigeria can build a more responsive, effective, and citizen-centric governance system. It is crucial for the government, civil society, and citizens to work together to address these challenges and build a better future for Nigeria.

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