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Constitutional and legal aspects of developing electoral system of the Republic of Kazakhstan

Abstract. *This work is one of the first scientific studies in Kazakhstan, built on the basis of empirical research methods – interviewing. The author of the article conducted a total of 25 interviews in the period from September 2021 to December 2022. Among the respondents surveyed, 10 persons were ordinary voters, 15 persons were experts in the field of electoral law (including scientists, teachers of higher educational institutions, members of election commissions, judges, public figures). The article contains the opinions of 5 respondents regarding the existing problems in the field of the electoral system and ways to solve them. The study was conducted with the aim to study the opinions of citizens directly involved in the electoral process, as well as the voters themselves. The scientific literature shows that research in the field of improving the electoral system has not yet been studied (especially empirically). Therefore, it will undoubtedly increase the contribution of research to science. In addition, during the research, the author of the article analyzed the legal acts of Kazakhstan in the field of elections, examined the experience of Poland, in order to adopt the positive aspects of practice in solving problems that hinder the development of the electoral system of the Republic of Kazakhstan and, if possible, apply it in the conditions of our state.*

Keywords: *elections, parties, multiparty system, pluralism, democracy, electorate.*

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Introduction

In accordance with the Constitution, state power in the Republic of Kazakhstan, as in most developed countries, belongs to the people – «the only source of power endowed with the constitutional right to participate in the management of state affairs directly and through its representatives, to apply personally, as well as to send individual and collective appeals to state bodies and local self-government bodies» [1]. At the same time, citizens of the Republic have the right to elect and be elected to state and local self-government bodies, as well as to participate in the republican referendum. This indicates the high primary role of the people of Kazakhstan in the governance of the state.

Let's pay attention to the constitutional provision that the Republic of Kazakhstan claims to be a democratic, secular, legal and

social state, the highest values of which are a person, his/her life, rights and freedoms (Article 1 of the Constitution of the Republic of Kazakhstan). Proceeding from this, a modern democratic rule of law state presupposes the development of a civil society in which various public organizations and political parties interact, and no ideology can be established as an official state ideology. Political life in a legal democratic state is built based on ideological, political diversity, that is, it indicates the presence of pluralism. And the creation of a multiparty system and compliance with the principle of pluralism is a consequence of the successful development of the political system of the Republic of Kazakhstan as a whole.

The Republic of Kazakhstan is a relatively young country compared to other world powers, in 2021 it turned thirty years old. But despite such a young age, our state has

achieved significant results and declared itself. Now, thanks to the coordinated work of all the institutions of society and the state, they talk about us, they know us and accept us. International experience plays a big role in this. After all, only based on the international positive experience of the developed and strongest states, we can consider, study, modify and apply the experience of other countries already in the conditions of our country.

On the way of its development, the Republic of Kazakhstan, being a member country of international agreements, adheres to the established standards and requirements regulated in these agreements. A very striking example of this is the document of the Copenhagen Meeting, in which it is noted that «the countries participating in the meeting recognize and welcome the commitment expressed by all States to the ideals of democracy and political pluralism, as well as their common determination to build democratic societies based on free, competitive elections and the rule of law» [2, 94]. In this regard, the Republic of Kazakhstan strives in every possible way to hold free, legitimate and competitive elections, to freely exercise the constitutional rights of citizens to elect and be elected to public administration bodies, as well as to improve the electoral legislation and the electoral system of the Republic of Kazakhstan. That is, we see that elections, on the one hand, being an institution of direct democracy, play an important role in building a democratic state. At the same time, on the other hand, through elections, people participate in the governance of the state, exercise their constitutional rights to elect and be elected, thereby determine the value significance of elections in the system of state power.

All of the above determines the relevance of studying the issues of legal regulation of the electoral system of the Republic of Kazakhstan as a tool for the implementation of democracy.

Research methods

The applied research methods play an essential, sometimes decisive role in the construction of any research. The famous English politician, the founder of empiricism and English materialism Francis Bacon

called the method «a lamp in the hands of a traveler walking in the dark» [3,45]. And this undoubtedly speaks about the fundamental role of using certain methods when writing research papers.

In this regard, for a comprehensive analysis of the research topic and for the purpose of further modernization of the electoral system of the Republic of Kazakhstan, various research methods of cognition, both empirical and theoretical, were used.

Every scientist knows that more than one scientific research does not take place without the use of general scientific methods of cognition, on which most authors base their research on topical issues affecting all spheres of human activity. So in our case, in the course of studying the issues of improving the electoral system in Kazakhstan, general research methods of cognition, such as dialectics, analysis, synthesis and comparison, were applied. For example, the method of analysis and synthesis investigated the electoral systems of the Republic of Kazakhstan, previously used and currently operating by decomposing them into separate parts (*the presence of active and passive suffrage, the role of voters in the formation of representative and executive authorities, the voting procedure, the value of open and closed lists of candidates for deputies from a political party on elections*) and vice versa, the combination of its individual elements into a single whole, which together determines the type and type of electoral system (majoritarian, proportional and mixed), including a detailed analysis of these systems in the election of deputies of representative bodies, local executive bodies. In addition, for the purpose of a comprehensive study of the electoral system of the Republic of Kazakhstan, an analysis of the legislation of the Republic of Kazakhstan and the legislation of foreign countries was undertaken, as well as the research materials of Kazakhstani, foreign scientists, specialists in the field of constitutional (electoral) law, which is typical for most legal studies, were studied. At the same time, no scientific research takes place without philosophical worldview approaches – dialectics or metaphysics. We are all aware that the dialectical approach proceeds from the position: «all phenomena of the surrounding reality are interconnected. The cognition

of one phenomenon cannot occur without taking into account the influence of other phenomena on it» [4, 57]. Similarly, in our study, a dialectical approach to cognition of the electoral system of the Republic of Kazakhstan is applied, in which causal relationships are established: how the development of public relations in the field of elections on the path of evolutionary formation and development affects the improvement of the electoral system as a whole. That is, based on the method of dialectics, we investigated the electoral system in development and movement, starting from the moment of independence to the present, and identified positive aspects that could be slightly modified and applied in the conditions of modern Kazakhstan, as well as identified negative aspects that hindered the development of the electoral system at that time, to which it is desirable not to return.

In addition, this study uses special methods used only in legal research, such as: comparative legal and historical legal methods. Of course, the methods used are considered in the form of a comparison of various comparable state and legal phenomena operating in the past or at the present time. In this regard, it is on the basis of comparative legal and historical legal methods that the study of electoral systems, its elements and normative legal acts applied in the Republic of Kazakhstan and in other states has been carried out.

In addition, an empirical research method was used when writing the work. In the study of problems in the existing electoral system and to improve the legislation of the Republic of Kazakhstan in the field of elections, we used the interviewing method. It is safe to note the fact that this method is not popular in the scientific community of legal scholars, at least in the Republic of Kazakhstan, this method has not been used as a key one in legal scientific research. Perhaps due to ignorance about the procedure, methods of applying the interviewing method, or due to emerging difficulties, this direction in research methodology is not developing in modern Kazakhstan. Therefore, in this work, the authors have built a methodology for studying the electoral system in such a way as to obtain a full-fledged point of view of experts and

ordinary voters on existing problems in the field of elections and electoral legislation. So, as soon as citizens know what is necessary for the people of Kazakhstan and how to transform the current system of government for the effective development of democracy in the country.

Discussion

Relatively speaking, until recently, in accordance with the legislation of the Republic of Kazakhstan in the field of elections, «out of 107 deputies of the Mazhilis of the Parliament, 98 were elected according to the proportional system from political parties that overcame the five percent barrier (previously – seven percent) and 9 deputies – by the Assembly of the People of Kazakhstan» [5]. However, there were certain discussions among legal scholars and theorists about the illegality of the procedure for nominating candidates for deputies by the Assembly of People of Kazakhstan. In one of the interviews conducted by us, the respondent noted that the deputies elected from the Assembly of People of Kazakhstan do not represent the interests of all the people of Kazakhstan, one can say all the ethnic minorities of the people. How can we talk about the representativeness of the Assembly of Peoples of Kazakhstan when they are not of an electoral nature, that is, it is not a representative body, but we elect them to the Mazhilis. The point of view in question, in our opinion, is close to the truth. For example, if 9 (nine) deputies of certain 9 (nine) nationalities pass, the interests of the remaining ethnic groups will not be represented? Therefore, this issue gave rise to the changes that were made at the republican referendum in June 2022. Namely, with the new upcoming elections of deputies of the Mazhilis of the Parliament of the Republic of Kazakhstan, the right to be elected will belong to both political parties and citizens of the Republic. That is, 30 percent of candidates for deputies of the Mazhilis will be elected according to the majority system, 70 percent – according to the proportional system. In our opinion, the most optimal and effective will be the use of a mixed electoral system according to the 50-50 scheme, that is, 50% will be elected according to the majority system, 50% - according to the proportional

system. This innovation, in turn, will give the opportunity to be elected to the Mazhilis of the Parliament of the Republic of Kazakhstan not only to candidates from political parties, but also to ordinary citizens of the republic, regardless of political affiliation.

At the same time, legislators continued to reform the electoral system by introducing in 2018 a proportional electoral system for the election of deputies of local representative bodies (maslikhats). That is, citizens previously known to the local population, without being members of any political party, participated in the elections in their district as self-nominees and became deputies of the maslikhat, and since 2018, candidates for deputies of the maslikhat can participate in elections only from the list of political parties. Of course, on the one hand, this was done in order to exclude the so-called «tribalism» in the formation of local representative bodies, and on the other hand, it is impossible to develop some democratic institutions at the expense of restricting others (to deprive the citizens of the country in the exercise of their passive suffrage). That is, now citizens cannot participate in elections independently as self-nominees, they are simply deprived of the rights guaranteed by the Constitution of the Republic of Kazakhstan to be elected to public administration bodies, if they do not belong to any of the political parties. There is a violation of the constitutional rights of citizens. If we evaluate this Law from the perspective of the above message, it becomes obvious that its developers have approached the solution of this problem superficially. One of the experts who took part in the interview spoke about this with the words: Based on this, the model that was adopted in 2018 concerning the elections of local authorities, accordingly, in my opinion, it is not very successful. On the one hand, this can be explained by the fact that the authorities may have wanted to revive party life in Kazakhstan, but you know that initially the same system was introduced at the level of the country's Parliament when the Mazhilis of the Parliament was elected. And they decided to extend the same practice to the elections of local bodies, in particular maslikhats. I believe that this is a direct violation of the constitutional rights of citizens to be elected.

The transition to a mixed electoral system has become a consequence of large discussions about the use of one or another electoral system in the elections of maslikhat deputies. Now, the elections will be held according to the scheme: 50-50, that is, 50 – according to the majority system, 50 – according to the proportional. We believe this option is the most optimal for today, due to the fact that equal opportunities will be provided to both political parties and self-nominees. And this guarantees pluralism of opinions.

Having analyzed the past elections and world experience, in order to further improve the electoral system, Kazakh legislators have made amendments and additions to the law «On Elections in the Republic of Kazakhstan» that candidates are also nominated by political parties and by self-nomination among the local population at the elections of akims of a city of district significance, village, settlement and rural district. That is, this norm implements the rights of both self-nominees and nominees from political parties. Therefore, in principle, we are now moving in the right direction in terms of holding elections according to a mixed system, when representatives from both the party and self-nominees participate. Then, perhaps, we will have district akims elected according to the same system. Even if one citizen has a different point of view than the majority, pluralism of opinions is already guaranteed.

Referring to the research materials, it should be noted the opinion of one of the respondents who supports the reforms taking place in the field of elections of mayors of a city of district significance, village, settlement and rural district and believes that a mixed system for the election of local executive bodies at the grassroots level is the most acceptable and optimal today. We quote excerpts from his interview: let there be competition between persons who are nominated themselves and between persons who are nominated by public associations and political parties. Then it will be possible to see how mature our political system is.

The President of the Republic of Kazakhstan in his Message to the People of Kazakhstan focused on strengthening party competition. He noted that the nomination of candidates

from parties will strengthen the institutional integrity of the state and will contribute to a more open political process. In this regard, all this determines the importance of political parties in the implementation of the basic constitutional provision on the recognition of ideological and political diversity and on the basis of pluralism of opinions the possibility of building a democratic state with an active civil society. After all, political diversity is the basis for the establishment of a real multi-party system in Kazakhstan, the presence of various political trends, and the representation of various social groups in them. And multiparty means the possibility of establishing various political parties guaranteed by the Constitution of the Republic of Kazakhstan and their real participation in the political life of the country, as evidenced by all the past elections. However, at present, the requirements for the establishment and registration of political parties in Kazakhstan are a little difficult. Thus, in accordance with the Law of the Republic of Kazakhstan «On Political Parties», «for the state registration of a political party, it must have at least five thousand party members representing structural divisions (branches and representative offices) of the party in all regions, cities of republican significance and the capital, numbering at least two hundred party members in each of them» [6]. In our opinion, this norm does not provide opportunities for the full development of multiparty system and democracy in the country. For example, returning to the law «On Political Parties» of the Republic of Poland, you can make sure that «when registering political parties, only 1,000 Polish citizens are enough» [7], in contrast to the legislative norms of our state. Or, as it was established in our legislation earlier, during the formation period, when the number of members was quite acceptable. One of the respondents commented on this: I am a supporter of the fact that the Law of the Republic of Kazakhstan «On Political Parties» gradually became liberal in the process of evolution of the political system of Kazakhstan, so that it was possible to register political parties, regional representativeness in quantitative representation decreased. For example, it would be enough to register a party of a small number of members, and the

threshold of admission (barrier) to the Highest Representative Body - the Mazhilis of the Parliament was reduced to 4 or 3%. Therefore, we consider it necessary to minimize and simplify the requirements established by the legislation on political parties for the creation and registration of parties, based on the experience of other developed countries.

In addition, there are some problems of improving the electoral system of the Republic of Kazakhstan, which have a negative impact on the development and modernization of the electoral system: a low level of legal literacy and legal culture. Analyzing the materials of the study, it was revealed that the majority of respondents out of 10 respondents – ordinary voters have no idea what electoral system they vote on, do not know what a proportional or majority electoral system is. At the same time, citizens do not understand why in presidential elections they vote for a certain candidate on ballots, whereas in elections of deputies of the Mazhilis of the Parliament of the Republic of Kazakhstan, local representative bodies vote for a political party. That is, in this case, it is not possible to choose a certain candidate, the winning party decides which of the candidates to give authority, a deputy mandate, and so on. At the same time, there is a certain tendency of rejection of citizens and society from all electoral processes. Perhaps this is due to the increase in «legal nihilism», when citizens do not believe in the results of the vote, that nothing will change whether they participate in the elections or not. Often we hear: «Oh, everything has already been decided at the top; it is known who will win the elections or which party will represent the interests of the people in Parliament.» And there are a lot of such nuances. In this case, in our opinion, it is necessary to closely contact the people, gain the trust of ordinary citizens, and create an effective mechanism for the development and improvement of the electoral system and process. Relatively speaking, to create a «Dialogue platform» to discuss important and significant issues related to the reform of the institution of elections.

Thus, we see that the electoral legislation is changing and improving every year, and the electorate suffers from misunderstanding, insufficient legal literacy, as well as due to

the growing legal nihilism in society, does not participate in the process of solving state issues regarding the formation of authorities. Therefore, in our opinion, it is necessary to carry out measures to improve the level of legal literacy and legal culture of voters at all stages of electoral training, both in organizations, educational institutions, and in public authorities. In other words, it should be understood that only with the coordinated work of the state and society, it is possible to create the necessary model of the electoral system that meets all the requirements and standards established in developed countries.

Considering a particular electoral system, we cannot talk about the advantage of one over the other, because the choice of the system often depends on specific historical, socio-cultural, external factors operating in a particular country. Thanks to such factors, the advantages of one system in a particular state can be enhanced, and its disadvantages can be muted. Such a system will be the best for this state. However, in order to determine the answer to the question: is a proportional system more effective than a majority or mixed one, let's try to study the world experience and on its basis come to a common consensus.

The Republic of Kazakhstan, despite its so young age, «keeps up with the times», based on the experience of developed, strong states, is trying to build an effective and acceptable electoral system for our state. Being an active member of many reputable international organizations, Kazakhstan adheres to all its obligations to conduct free and competitive elections. The elections of the Head of State, the formation of the Parliament of the Republic of Kazakhstan, as well as local representative bodies «are held in our country in an open and transparent manner, in accordance with national legislation and generally recognized principles of democratic elections laid down in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, European Convention for the Protection of Human Rights and Fundamental Freedoms, Document of the OSCE Copenhagen Meeting» [8].

Undoubtedly, the Republic of Kazakhstan is a relatively young country compared to other world powers, in 2022 – thirty-one . But this

does not detract from the active work done by the state and society for the development and modernization of our state. And international experience plays a primary role in this. After all, only based on the international positive experience of the developed and strongest states, we can consider, study, modify and apply the world experience already in the conditions of the Republic of Kazakhstan.

In this regard, in the course of our research we studied the experience of the Republic of Poland, since now this state is one of the fastest developing countries in Europe. In accordance with the current Constitution of Poland, «a Polish citizen has the right to participate in a referendum, as well as the right to elect the President of the Republic, deputies, senators and representatives to territorial self-government bodies, if he has reached the age of 18 no later than the voting day» [9] (*the presence of active suffrage, as in Kazakhstan*).

In addition, it is possible to vote only in person, and only once, using official voting cards at polling stations open on the territory of Poland, including prisons and hospitals. In parliamentary and presidential elections and elections to the European Parliament, polling stations are also set up abroad and on Polish ships. When, as in Kazakhstan, «Citizens recognized by the court as incompetent, as well as those held in places of deprivation of liberty by a court verdict, do not have the right to elect and be elected, participate in a republican referendum» [1]. That is, there are discrepancies in terms of participation in elections of persons held in places of deprivation of liberty.

The main normative legal acts that regulate the procedure for the preparation and conduct of elections are the Constitution of the Republic of Poland, as well as the Electoral Code of the Republic of Poland of 2011, which regulates elections in the country in detail, including to the European Parliament. The situation was different before the Electoral Code - the law adopted by the Seimas on January 5, 2011, which became a unified and systematized electoral law, replacing many provisions on elections from different periods, often contradicting each other. The entry into force of the Electoral Code was, from a formal point of view, undoubtedly the greatest success

in the field of electoral law. The Electoral Code has introduced a number of changes and new decisions in relation to the previously existing electoral legislation.

Poland is divided into «41 (forty-one) electoral districts. In each of them, depending on its size, from 7 (seven) to 19 (nineteen) deputies are elected. Voting for deputies takes place in multi-member districts on a proportional basis by the so-called preferences. This makes it possible for the voter to indicate in the ballot the desired candidate, who, if the party overcomes the electoral barrier, acquires the primary right to a mandate.» [10, 5]. That is, similar to this, in Kazakhstan, the proportional system has an «open» and «closed» system for nominating party candidates in elections (rules of linked lists and rules of free lists), when a voter determines which candidate from the party, he gives priority to when voting.

In the elections to the Seimas, the electoral barrier for parties is set at the national level at 5% (five percent) (in Kazakhstan – 5%), for party blocs - 8% (eight percent). If none of the relevant subjects has received the necessary number of votes to overcome the barrier, then the «threshold» is reduced to 3% (three percent) and 5% (five percent), respectively. The right to run is also recognized for representatives of public organizations representing national minorities [10, 5].

According to the results of the last elections of 2019, six parties out of «10 represented parties passed to the Sejm, of which 1 place was taken by the German minority. The conservative party of J. Kaczynski «Law and Justice» won the elections, receiving 43.59% of the votes, the liberal party «Civic Platform» won 27.4% of the votes, the party of the Social Democratic Union of Democratic Left Forces - 12.56%, the People's Coalition - 8.55% and the Confederation of Freedom and Independence – 6.81% [11]. Such a diversity of political parties in the Sejm indicates the active development of political pluralism of opinions, which affects the positive development of the institution of elections and political parties in Poland. In comparison with Poland, in Kazakhstan, according to the last elections of 2021, the Mazhilis of the Parliament is formed by 3 political parties, one of which is the leading one, and there is also no opposition party. The

opinion of one of the interview respondents is very interesting, who noted that reducing the barrier from 5% to 3% is acceptable, it should really be reduced. Then there will be a multiparty system. Even if 1-2 votes are received, 1-2 candidates will gradually influence the votes in the promotion or denial of any bills, for example, either improving the livelihoods of citizens, or violating the rights and duties of citizens. Therefore, it is necessary to create all conditions for the creation of a multiparty system in our country and the increase of political parties offering an effective and successful program for the development of the state and society. And this is possible only by simplifying the registration procedure and minimizing the requirements for the registration of political parties in the Republic of Kazakhstan.

Results

Having analyzed the periodical literature, regulatory legal acts of the Republic of Kazakhstan and materials (transcripts) collected for writing the article by applying the empirical method of research - interviewing, having studied the electoral systems operating in other states and having studied the world experience in the field of elections, the authors came to certain conclusions and based on them the results were formed. In this regard, the following results are generated:

1. We propose to study and implement the experience of developed countries in terms of creating an acceptable and effective electoral system in Kazakhstan. In order to protect the rights of self-nominees who do not belong to any of the political parties and in order to equalize their constitutional rights to be elected to government bodies, we propose to switch to a mixed electoral system when forming representative authorities. That is, to give the opportunity to form representative authorities to both political parties - 50%, and self-nominees - 50%. Currently, voting takes place according to the 70% to 30% system. In our opinion, 50-50 is the best option for resolving the current situation in Kazakhstan due to recent changes.

2. We consider it possible to carry out legal explanatory measures on an ongoing basis to improve the level of legal literacy and

legal culture of voters at all stages of electoral training, both in organizations, educational institutions and public authorities, as well as to create a «Dialogue platform» to discuss important and significant issues related to the electoral system and the process, taking into account the needs of society and following the wishes and recommendations of voters, public organizations and associations. For example, it would be nice to create a Center for the Electoral system and the Electoral process at a higher educational institution, the purpose of which would be to train and train observers, members of election commissions, candidates for elected positions in state and local government bodies, voters and other participants in the electoral process on a permanent basis. That is, these innovations contribute to improving the level of legal literacy and legal culture of the entire electorate and those involved in the electoral process.

3. In order to protect the constitutional rights of persons with disabilities to be elected, we consider it possible to include 30 (thirty) percent of persons with disabilities in the quota, which grants the right to represent the interests of the people in representative government bodies (*currently, the quota of thirty percent is granted to women and youth in aggregate*). At the same time, based on the study of international experience, to provide blind voters with the opportunity to vote in all elections with the help of the upper cover on the ballot paper prepared in Braille, as well as to carry out active work to improve technical equipment for this category of citizens (installation of ramps and other necessary special means).

4. We believe it is possible to study the experience of other states and introduce the practice of postal voting within the country

and abroad for all voters, due to the inability of a certain category of citizens to personally attend polling stations for good reasons, including persons with disabilities, as well as in order to exclude mass crowds during the current quarantine measures.

Thus, the results of the study showed that the study of the historical and legal aspects of the formation of the electoral system as a factor in the development of democracy is relevant today and requires fundamental changes in the light of recent events in Kazakhstan.

Conclusions

One of the main features of a democratic state governed by the rule of law is the provision of free democratic elections. In other words, elections play a fundamental role in the development of a democratic state. Therefore, the study of the main issues related to the institution of elections and the electoral system in the Republic of Kazakhstan is a priority at the moment and requires fundamental changes.

Currently, Kazakhstan is striving to follow the path of developed countries with an established electoral system, using different electoral systems in the elections of state authorities. However, at the same time, certain gaps appear that need to be filled by developing all the constituent elements of the electoral system as a whole, including reforming the political system of the state (development of multiparty system, political rights of citizens). The latest constitutional reforms adopted at the republican referendum indicate that, after all, we are actively implementing the concept of a «Hearing State». After all, only by carrying out timely coordinated actions of the state and society, we will come to a real democracy.

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Қазақстан Республикасының сайлау жүйесін дамытудың конституциялық-құқықтық аспектілері

Аңдатпа. Бұл жұмыс зерттеу-сұхбаттасудың эмпирикалық әдісі негізінде құрылған Қазақстандағы алғашқы ғылыми зерттеулердің бірі болып табылады. Мақала авторы 2021 жылдың қыркүйегі мен 2022 жылдың желтоқсаны аралығында барлығы 25 сұхбат жүргізді. Сауалнамаға қатысқан респонденттердің ішінде 10 адам қарапайым сайлаушылар, 15 адам – сайлау құқығы саласындағы сарапшылар (оның ішінде ғалымдар, жоғары оқу орындарының оқытушылары, сайлау комиссияларының мүшелері, судьялар, қоғам қайраткерлері). Мақалада 5 респонденттің сайлау жүйесі саласындағы проблемаларға және оларды шешу жолдарына қатысты пікірлері келтірілген. Зерттеу сайлау процесіне тікелей қатысқан азаматтардың, сондай-ақ сайлаушылардың өз пікірлерін зерттеу мақсатында жүргізілді. Ғылыми әдебиеттер сайлау жүйесін жетілдіру саласындағы зерттеулер осы уақытқа дейін зерттелмегенін көрсетеді (әсіресе эмпирикалық). Сондықтан бұл зерттеудің ғылымға қосқан үлесін арттыратыны сөзсіз. Сонымен қатар, зерттеу барысында мақала авторы Қазақстанның сайлау саласындағы құқықтық актілерін талдады, Польшаның тәжірибесін зерттеді, ҚР сайлау жүйесінің дамуына кедергі келтіретін мәселелерді шешуде тәжірибенің оң жақтарын қабылдау және мүмкіндігінше мемлекетіміздің жағдайында қолдану мақсатында.

Түйін сөздер: сайлау, партиялар, көшпартиялық, плюрализм, демократия, сайлаушылар.

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Конституционно-правовые аспекты развития избирательной системы Республики Казахстан

Аннотация. Данная работа является одним из первых научных исследований в Казахстане, построенных на базе эмпирического метода исследования – интервьюирования. Автором статьи проведено всего 25 интервью в период с сентября 2021 года по декабрь 2022 года. Среди опрошенных респондентов 10 человек являются простыми избирателями, 15 человек – экспертами в области

избирательного права (в том числе ученые, преподаватели высших учебных заведений, члены избирательных комиссий, судьи, общественные деятели). В статье приведены мнения 5 респондентов касательно существующих проблем в сфере избирательной системы и пути их решения. Исследование проведено с целью изучения мнения граждан, непосредственно задействованных в избирательном процессе, а также самих избирателей. Научная литература показывает, что исследование в сфере совершенствования избирательной системы до настоящего времени не изучено (особенно эмпирически). Поэтому это, несомненно, увеличит вклад исследования в науку. Кроме того, в ходе исследования автором статьи проанализированы правовые акты Казахстана в сфере выборов, исследован опыт Польши, в целях перенять положительные моменты практики в решении проблем, препятствующих развитию избирательной системы РК, и, при возможности, применить в условиях нашего государства.

Ключевые слова: выборы, партии, многопартийность, плюрализм, демократия, электорат.

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