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Research Article

Legal-Constitutional Foundations of Organization And Activity of Representative Bodie

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Abstract:

This article analyzes the issues of citizens' right to representation in state bodies. The right to representation in state bodies is one of the constitutional rights of citizens who can participate in it from the age established by law. As it is known, the Republic of Tajikistan, as a part of the international community, both in the recent past and in modern times, throughout its development, guarantees the system of representation in state bodies. The process of representation in state bodies shows that the conduct of elections at this level is evidence of the political will of the state to ensure people's power in all territories of the country.

Keywords: Regulation, law, citizens, election, Constitution, state, organization, representation, issue, activity, authorities.

Introduction

The organization of elections of representative bodies in the Republic of Tajikistan is regulated by the Constitution of the Republic of Tajikistan, constitutional laws, laws and other normative-legal documents. As the founder of national peace and unity, the leader of the nation, respected Emomali Rahmon, expressed, "Tajikistan relies on the expansion of the principles of democracy in its policy, and considers the strengthening of peace and stability and the stability of the political situation as an important factor in building a democratic state." Actually, the democratization of society is not a seasonal process and it is impossible to introduce and create democracy in a certain short period. At the same time, at the stage of transition from one structure to another, many problems and shortcomings are inevitable. Tajikistan is now at the beginning of the path of democratic development. Therefore, society cannot be artificially forced to fully implement the mechanisms of democracy. The society of Tajikistan should now realistically assess the possibilities of today and gradually move forward on the basis of national consensus and unity, peace and security. Because every nation relies on national culture and traditions and develops in its own way.^[10] Under the concept of elections, this political-legal stage is understood in which citizens directly express their will for the exercise of their political rights and participate in the elections of the President, Parliament, Assembly of Local Deputies and Assembly of People's Deputies based on the Constitution and laws it is possible to understand. In the Republic of Tajikistan, the organization of elections of representative bodies can be divided into three levels: The first election of the Supreme Assembly of the Republic of Tajikistan. The legislation of the Republic of Tajikistan on the elections of the Supreme Assembly of the Republic of Tajikistan is based on the Constitution of the Republic of Tajikistan (Chapter 3), the Constitutional Law of the Republic of Tajikistan "On the Elections of the Supreme Assembly of the Republic of Tajikistan", No. 12 of 1999.

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The election of representatives of the Majlisi namoyandagon is carried out on the basis of general, equal and direct principles with a secret ballot and a mixed election system. Citizens of the Republic of Tajikistan, who have reached the age of 18 by the election day, have the right to vote, regardless of their nationality, race, gender, language, religious belief, political position, social status, education and property. Deputies of the Majlisi Namoyandagon are directly elected by the citizens of the Republic of Tajikistan. Members of the National Assembly are elected by representatives of local representative bodies of state power. The second election of deputies to local assemblies of people's deputies. The main source of legal regulation of the election of deputies to local assemblies of people's deputies is the Constitution of the Republic of Tajikistan (Chapter 6), the Constitutional Law of the Republic of Tajikistan "On Elections of deputies to local assemblies of people's deputies" from 1999, No. 858. Elections to the Assembly of People's Deputies of Badakhshan Mountainous Autonomous Province, region, Dushanbe city, city and district in single-mandate territorial constituencies are held based on general, equal and direct suffrage by secret ballot for a period of five years. This law does not specify the age of representatives to the local Majlis of People's Deputies. In order to improve the legislature, I propose that law determine the age of representatives to local assemblies of people's deputies. The third election of Jamaat deputies. The regulation of this field is based on the Constitution of the Republic of Tajikistan (Chapter 6, Article 78), and the Law of the Republic of Tajikistan "On self-governing bodies of towns and villages" of 2009, No. 549 (Chapter 4). Article 28 of this Law specifies that the election of representatives to the Jamaat is general. Citizens of the Republic of Tajikistan regardless of nationality, race, gender, language, religious belief, political position, social status, education and property have the right to vote from the age of 18 and to be elected to the Jamaat from the age of 20. Voters participate in the election on an equal basis and each of them has one vote. The representatives of the Jamaat are directly elected by the citizens. Voting in the election of Jamaat deputies is free and secret. In this context, the Russian researcher D.A. Kireev rightly noted that the will of the people is expressed and implemented as the basis of the activity of the state power in legal and fair elections held according to a certain electoral system. The electoral system acts as the main tool for the implementation of democracy, because it is through this phenomenon that a strong connection is established between the will of the people and the parliament^[9]. Therefore, the beginning of the history of Majlisi Oli - the parliament of the Republic of Tajikistan, in the new bicameral composition, dates back to the spring of 2000^[8,5]. As N.I. Zavrabyan on the establishment of a bicameral structure of the parliament in Tajikistan notes that "one of the main factors that determined the interest in the bicameral parliament is the introduction of amendments and additions to the Constitution of the Republic of Tajikistan on the issue of the introduction of a

bicameral parliament through a national referendum. Considering that the main reason for such constitutional reforms was the desire of all sections of the country's population to stabilize the political situation in post-Soviet Tajikistan, through the representation of regions in the upper house, increasing the efficiency of the work of the parliament, the system of governance, as well as the development of democracy, this issue is of particular importance»^[6]. According to the opinion of the native scientist Z. Alizadeh made changes and additions to the Constitution, as well as a number of principles and norms of parliamentarism, which also strengthened the fact that the parliament is bicameral. Including:

- 1) it was noted for the first time at the level of the Constitution that Majlisi Oli is the Parliament of the Republic of Tajikistan;
- 2) the organization of chambers is organized on the basis of different principles - the lower chamber is based on general elections, and the upper chamber is established by separate regions according to the law, and another part is appointed by the President;
- 3) a mixed election system was introduced - majoritarian and proportional;
- 4) the first session of the upper and lower chambers is called by the President of the country;
- 5) joint and separate powers of chambers were strengthened^[4].

Article 28 of the Constitutional Law of the Republic of Tajikistan "On Elections of the Supreme Majlisi of the Republic of Tajikistan" stipulates that the election of representatives of the Majlisi Namoyandagon is elected for a period of 5 years. A representative of the Majlisi namoyandagon can be elected a person who has citizenship of the Republic of Tajikistan, is not less than 30 years old, has a higher education and knows the state language. The House of Representatives consists of 63 deputies: - 65 percent of the deputies of the House of Representatives (41 people) are elected from single-mandate constituencies; - 35% of the deputies of the Majlisi Namoyandagon (22 people) are elected from the single all-republican constituency in proportion to the number of votes given to the list of candidates presented by the political parties^[1]. Article 7 of the Constitutional Law of the Republic of Tajikistan "On Elections of Representatives to Local Assemblies of People's Deputies" stipulates that the following number of territorial constituencies will be organized for the election of representatives^[2]. In this regard, Article 30 of the Law of the Republic of Tajikistan "On Self-Governing Bodies of Towns and Villages" states that the election of the representatives of the Jamaat shall be held by the decision of the Jamaat no later than 40 days after the end of the term of office of the deputies of the Jamaat^[3]. The constitutional reforms passed in the country on May 22, 2016 introduced the following amendments to Article 49:

1. Only people who have the citizenship of the Republic of Tajikistan are elected as representatives of the Majlisi namoyandagon.

2. The age of a representative of the Majlisi namoyandagon should not be less than 30^[11].

Therefore, it is important to note that the right to choose and be chosen by citizens is exercised at the stages of the election process. The election process is one of the important elements of constitutional rights and democratic manifestations. It is formed in each country according to the laws, continuous experience of organizing and holding elections, the interests and will of the voters and the political regime of the country. Each election campaign of the national parliament helps to practically test the methods and rules of the procedure for organizing and conducting elections, to determine whether the standards of democratic elections are followed or ignored^[5]. A.I.Imomov expressed the opinion that the norms of the right to vote are set to establish and strengthen the following relations;

a) determining the range of persons who have the right to elect (the right to active election) and the right to be elected (the right to passive election) to the President and the representative of the Assembly of Representatives of the Supreme Assembly and the local Assembly;

b) establishment of election methods;

c) procedure for organizing and summarizing elections;

d) determining the relationship between voters and representatives^[7].

Election campaigning is kept to a minimum. In the regulatory documents, purely official aspects of the placement of billboards and posters can be established, the printing of election materials during the election campaign can be limited to a percentage of the newspaper printing area. Radio and TV performance time can be adjusted. In some countries, radio and television time is allocated in proportion to the number of parliamentary seats won in previous elections (this is seen in Austria and Germany).

Thus, the principle of people's sovereignty, which is the basis of the constitutional structure, is implemented in practice in the form of representative democracy. In turn, these forms of democracy find their essence in specific constitutional-legal institutions such as referendums, free elections, recall of representatives, elected person, people's representation. Taking this criterion into account, it is necessary to recognize that the institution of people's representation is currently a form of exercise of people's sovereignty and a form of implementation of representative democracy.

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