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Matayeva Maigul Hafizovna

Scientiae Juridicae Doctor, professor at the of Kazakh Humanitarian Juridical Innovative University, siti Semei, Kazakhstan
e-mail: maigulm@mail.ru

THE EVOLUTION OF THE INSTITUTION OF INTRODUCING AMENDMENTS AND ADDITIONS TO THE CONSTITUTIONS OF KAZAKHSTAN AND THE COUNTRIES OF CENTRAL ASIA IN THE LATE XX - EARLY XXI CENTURIES

Мақалада Қазақстан мен Орталық Азия елдері Конституциясының мәтіндері, атап айтқанда, Конституцияға өзгерістер мен толықтырулар енгізуге қатысты бөлімдер, баптар талданады. Осы нормалардың өзгеруі ХХІ ғасырдың басында мемлекеттердің дамуына қарай қарастырылады, салыстырмалы жоспарда енгізілген түзетулерді мақұлдау рәсімдерін жүргізу тәртібіне қатысты нормалар зерттеледі, Конституцияға енгізілген түзетулердің мазмұнды жағы ашылады.

Түйін сөздер: Конституция, Қазақстан, Орталық Азия, өзгерістер мен толықтырулар енгізуді, Өзбекстан, Түркіменстан, Тәжікстан, Қырғызстан.

В статье анализируются тексты конституций Казахстана и стран Центральной Азии, в частности разделы, статьи, касающиеся внесения изменений и дополнений в конституции. Рассматривается процесс изменения этих норм по мере развития государств в начале ХХІ века, в сравнительном плане исследуются нормы относительно порядка проведения процедур одобрения внесенных поправок, раскрывается содержательная сторона внесенных поправок в конституции.

Ключевые слова: Конституция, Казахстан, Центральная Азия, внесение изменений и дополнений, Узбекистан, Туркменистан, Таджикистан, Кыргызстан

The article analyzes the texts of the constitutions of Kazakhstan and the countries of Central Asia, in particular sections, articles relating to the introduction of amendments and additions to the constitution. The process of changing these norms is considered as the states develop in the early ХХІ century, the rules on the procedure for approving the introduced amendments are examined in comparative terms, the content of the amended constitutional amendments, revealing the content of the amendments to the Constitution.

Keywords: Constitution, Kazakhstan, Central Asia, introduction of amendments and additions, Uzbekistan, Turkmenistan, Tajikistan, Kyrgyzstan.

The constitution as the main law of the state, the core of the country's legal system, the symbol of the constitutional state, the most important institution of democracy, regulates the most significant public relations. In the framework of this article, the interest is presented by such a property of the constitution as a feature of the mechanisms of its change, that is, the stability of the constitution. The institution of the introduction of amendments and additions to the constitution is an essential element of the constitution and constitutionalism. According to S.A. Avakyan stability of the constitution implies «the duration of its operation without introducing significant changes».

If the constitution can be changed as easily as a simple law, then it would lose its place in the legal system. Therefore, without complicated rules for introducing changes and additions, the constitution can be subjected to legislative improvisation or realization of someone's interests. Then, as A. Shayo points out,

« ... beneficial self-restraint would disappear, its ensuring is the task of the constitution, the guarantees contained in the constitution would disappear. And, of course, a direct link with people's sovereignty, so important in the constitution, would disappear. Legitimization of all political power is threatened if the constitution becomes the subject of trading transactions». However, it does not mean that the constitution is something stiff and unchangeable. Even Jefferson claimed that for the democratic strengthening of the constitution it is important to give every generation the opportunity to change it. If the existing constitution comes into conflict with the well-being of the people, the fundamental principle of republican government, according to A. Hamilton, the right to change or reject the constitution appears. Also, he noted, that at the same time « this principle does not follow that every time when contradicting with the existing constitution desire suddenly occurs to the majority of voters. Then their representatives have the right

to violate the constitution... As long as the people do not annul or change the form of government binding it in the way of a solemn fictitious act, until then, the people's obligation on the whole, as well as each citizen individually, remains in force to be obedient it».

During the Soviet period of the development of the Kazakh SSR and other Central Asian republics, the procedure for introducing amendments and additions to the constitution was not of a fundamental nature, either theoretically or in practice. The stability of the constitutions was ensured by the political dominance of the ruling party of the CPSU instead of legal mechanisms. And since there was no ideological pluralism in the country, there was no ground for developing a theory of constitutional amendments. When there was a need to change the constitutional foundations, the ruling party always had the necessary levers to adopt a new constitution.

Nevertheless, in the first Soviet constitutions, both union and republican, there were procedures for making amendments, although there were no separate chapters in the constitutions. Only in constitutions in 1937 separate chapters on the procedure for changing the constitution appeared, consisting of one article. So, according to art. 125 Constitution of the Kazakh SSR in 1937 the Constitution was amended only by a decision of the Supreme Council of the Kazakh SSR, adopted by a majority of not less than two-thirds of the votes of the Supreme Council.

In the Constitution of Central Asian republics in 1978, as well as in other republican constitutions this simple procedure for amending the Constitution was transferred. Section X «Operation of the Constitution of the Kazakh SSR and the procedure for its modification» of the Constitution of the Kazakh SSR in 1978 consisted of two articles. There were two articles: one of them was about how to modify the Constitution when the another one explained that all laws and other acts of state bodies of Kazakh SSR issued on the basis and in accordance with the Constitution of the Kazakh SSR. Similar articles appeared in the remaining Central Asian constitutions. At the same time, this article was not backed by guarantees and remained only a declaration.

After gaining independence of Kazakhstan and the Central Asian republics in the early 1990s, the new states adopted the Constitution (in the Republic of Kazakhstan on January 28 in 1993, in the Kyrgyz Republic on

May 5 in 1993, in the Republic of Tajikistan on November 6 in 1994, in Turkmenistan on May 18 in 1992, in the Republic of Uzbekistan on December 8 in 1992). The Constitution was adopted by the Supreme Councils of the republics, except for the Republic of Tajikistan, which adopted the Constitution in a nationwide referendum. On August 30 in 1995, in the Republic of Kazakhstan, the second, now existing constitution was adopted in a nationwide referendum as well.

As far as at the end of the XX century, no other state in the world was making the transition from so-called socialism to market relations, the adopted constitutions did contain elements of a transitional period to a fundamentally different form of state structure and a social system. Therefore, as the republics developed, in connection with changes in the social and state systems, from time to time the need arose to introduce changes in the constitution in a new correlation of political forces.

In the theory of constitutional law, by the way of introducing changes and amendments, the constitutions are divided into flexible ones, which can be amended as usual laws, and rigid, requiring a more complicated procedure for changing it. The current constitutions of Kazakhstan and the countries of Central Asia can be attributed to constitutions that vary in order more complex than the order envisaged for the adoption and amendment of ordinary laws.

The rules on the procedure for introducing of amendments and additions to the constitution are characterized their briefness. The active constitutions of Kazakhstan and the countries of Central Asia devote only 1-2 articles for this issue. So, in the Constitution of the Republic of Kazakhstan (CRK) this is article 91 of section IX "Final and transitional regulations", i.e. no special section is allocated. There are separate sections in the constitutions of the Kyrgyz Republic and the Republic of Uzbekistan : Section IX, "Procedure for introduction of amendments of the Constitution," consisting of five paragraphs of article 114 in the Constitution of the Kyrgyz Republic (CKR) and Section VI of the "Procedure for Amending the Constitution," consisting of two articles (127, 128) of the Constitution of Uzbekistan (CRU). A separate chapter X "Procedure for Amending the Constitution," consisting of three articles (98, 99, 100), is outlined the procedure for introduction of amendments and additions to the Basic Law in the Constitution of the Republic of Tajikistan (CRT).

The Constitution of Turkmenistan (CT), just like the CRK, devoted only one article (142) to the issue of introduction of amendments and additions to the Basic Law in Section VIII "Final regulations."

The question of introduction of amendments to a rigid constitution is decided depending on the method of its change envisaged by it. In the theory of constitutional law, proposals for amendments to the constitution can be made by: the head of state; government; a group of MPs; in a federative state a certain number of subjects of the federation.

A high degree of stability of the constitutional regulations before the legislator in the Republic of Kazakhstan is ensured by the regulation that the right to raise the issue of introduction of amendments and additions to the Constitution belongs to the President, Parliament and the Government of the Republic of Kazakhstan (art. 91 of the CRK). It can be implemented by the President of the Republic by submitting a draft law to a nationwide referendum or to the Parliament.

According to p. 2 of art. 98 of the Constitution of the Kyrgyz Republic, the amendments and additions to the chapters III - VIII CKR can be taken by the Jogorku Kenesh on the proposal of the President, the Jogorku Kenesh or at the initiative of at least 300,000 voters.

Art.99 of the Constitution of the Republic of Tajikistan provides the right to make proposals on amendments and additions to the Constitution by the President of the Republic, or not less than one third of the total number of members of the Majlisi Milli and Majlisi Namoyandagon. Moreover, it is concretized that these proposals should be published in the press three months before the referendum.

The Constitution of Turkmenistan does not specify subjects that have the right to make proposals for introducing amendments and additions to the constitution, which means that art. 83 in CT on the right of legislative initiative belongs to the President of Turkmenistan, the deputies of the Mejlis of Turkmenistan, the Cabinet of Ministers of Turkmenistan and the Supreme Court of Turkmenistan.

The Constitution of the Republic of Uzbekistan also does not specify subjects that have the right to submit proposals on amendments and additions to the Constitution, so it must be assumed that this right is enjoyed by all persons having the right of legislative initiative, as indicated in art. 83 in CRU, and this is a rather

large circle of subjects: the President of the Republic of Uzbekistan, the Republic of Karakalpakstan through its highest representative body of state power, deputies of the Legislative Chamber of the Oliy Majlis of Uzbekistan, the Cabinet of Ministers of the Republic of Uzbekistan, the Constitutional Court, the Supreme Court, the Higher Economic Court, the General Prosecutor of Uzbekistan.

At the same time, the constitutions of Kazakhstan, the Kyrgyz Republic do not specify the number of members of the Parliament or members of the Government who could make a proposal to amend the Constitution. Individual members of the Senate and Majilis, deputies in Kazakhstan, deputies of representative bodies of other Central Asian republics do not have the right to submit proposals for amendments and revision of the regulations of the Constitution. The higher judicial instances, the prosecutor's office of the above-mentioned states and the Republic of Tajikistan are also not subjects of the right to submit proposals for amending the constitution. Members of the Senate, Oliy Majlis of Uzbekistan do not have the right of legislative initiative, and thus the right to introduce amendments to the Constitution.

To change the constitutions, Kazakhstan and the Central Asian Republics use basically the same procedures with slight differences.

Approval of changes by the absolute majority of the members of the legislative body of the government is observed in the Republic of Tajikistan. Thus, according to art. 89 of the CRT, amendments and additions to the Constitution are made only by a referendum. Article 98 of the CRT also assumes the participation of the President of the Republic in the process of amending the Constitution. So, the referendum is appointed by the President or Majlisi Namoyandagon with the agreement of at least two-thirds of the total number of deputies. The referendum is considered valid if 50% of the total number of registered citizens comes to all the polling stations.

Decisions adopted by national referendum have supreme legal force; they are not required in any approval and are considered necessary to apply throughout the territory of Tajikistan. In 1999, additions to the Constitution of the Republic of Tajikistan on the establishment of a bicameral parliament were brought in a nationwide referendum. In 2003, in a nationwide referendum, citizens voted in favor of amendments to the Constitution that would allow the President to increase his term from five to seven years.

On May 22 in 2016 in the referendum of the Republic of Tajikistan, 94% of the eligible population of the republic voted again for introducing amendments and additions to the Basic Law of Tajikistan. According to art. 99 of the CRT proposals for amendments and additions to the Constitution are published in the press three months before the referendum. Therefore, the topic of changing the CRT was first announced in January 2016 in the Tajik parliament, and then the Majlisi Namoyandagon elected May 22 as the date of the referendum. Before, those changes were put on a nationwide referendum, the Constitutional Court of the RT considered and gave its consent to making such changes.

40 amendments were made in the Constitution of the Republic of Tajikistan. The changes consisted mainly of changing words and phrases. Thus, the word «Basic Law» has been replaced by the word «Constitution», the word «legal» has been replaced by the word «right», «citizens» to «people», «established» to «declared» and «walks» to «tourism». The President has got the opportunity to remain in power without any restrictions; age of the candidates for president of the Republic of Tajikistan has been reduced from 35 to 30 years. Also, the age of candidates for members of the Parliament and the Constitutional Court is reduced to 30 years, and a ban on the formation of parties of a religious nature is established.

The norms of the approval of changes by the qualified majority of the members of the legislative body of the government are found in the Constitution of the Republic of Uzbekistan (art. 127, 128 of the Constitution of RU), to change which it requires that amendments must be approved by two-thirds of the deputies of the Legislative Chamber and members of the Senate of Oliy Majlis of the Republic of Uzbekistan, or a referendum in RU. The rejected amendments can be re-submitted after a year. Amendments to the Constitution of the Republic of Uzbekistan were introduced in 2003, 2007, 2008, 2011, 2014.

In 2003, a nationwide referendum approved the creation of a bicameral parliament consisting of the Legislative Chamber and the Senate. In 2004, 120 deputies from among representatives of five parties as well as candidates from initiative groups for the first time were elected to the Lower Chamber. The Senate is a chamber of territorial representation and consists of 100 people, 16 of them are appointed by the president of the prominent figures of the country. Both chambers work on a professional basis.

The Law of the Republic of Uzbekistan of 12 December 2011 amended the second part of article 90 of the Constitution of the Republic of Uzbekistan. Amendments and additions to the Constitution of the Republic of Uzbekistan were introduced with a view to further democratizing the system of state power and administration, ensuring a more balanced distribution of powers among three subjects of state power: the President, legislative and executive power, as well as strengthening the role and influence of the Parliament, political parties in the implementation of socio-economic, socio-political reforms, renovation and modernization of the country.

The Law of the Republic of Uzbekistan of April 16 in 2014 amended and supplemented articles 32, 78, 93, 98, 103 and 117 of the Constitution of the Republic of Uzbekistan. Particular attention was paid to the parliamentary control; the Central Election Commission (CEC) acquired a constitutional status. Further democratization of the system of state power was carried out, namely, constitutional mechanisms for implementing the most important principles of public administration were improved, independence and equality of the legislative, executive and judicial branches of power were ensured, the balance of their powers, the effective functioning of the system of checks and balances between them.

A qualified majority of members of the legislative body of state power of Turkmenistan (two-thirds of the members of the Mejlis) or by referendum amendments can be introduced to the Constitution of Turkmenistan (article 142 in the CT edition in 2016). In 1992, adopted the Constitution of Turkmenistan was amended on 18 May in 1995 on the fifth session of the Mejlis of the first convocation; on December 27, 1999 at the meetings of the Khalk Maslakhaty (People's Council) - especially the Turkmen Institute, standing above all the public authorities and the authorities in fact the authorities of Turkmenistan. The People's Council consisted of: the President, the deputies of the Mejlis, people's representatives (halk vekillery), elected by the people from each etrap, the chairman of the Supreme Court, the chairman of the Supreme Economic Court, the General Prosecutor, members of the Cabinet of Ministers, heads of the administration of velayats, archyns (mayors of municipal councils) of cities, and also the settlements being the administrative centers of etraps (art. 48 in the CT). According to art. 113 of Section VIII "Final Regulations" The law on

amending the Constitution was considered adopted if not less than two thirds of the established number of members of the Khalk Maslakhaty voted for it.

In accordance with the constitutional law of Turkmenistan «On Introducing Amendments and Additions to the Constitution of Turkmenistan» dated September 26, 2008, the Khalk Maslakhaty of Turkmenistan finished its activities.

In 2016 in Turkmenistan a new constitution was adopted, which extended the presidential term from 5 to 7 years. Mejlis (parliament) of Turkmenistan at a meeting of the Council of Elders adopted a law approving a new edition of the constitution of Turkmenistan. At the meeting the President of Turkmenistan Gurbanguly Berdimuhamedov signed it into law, after that it entered into force. One of the main differences between the new Basic Law and the old one is the increase in the presidential term from five to seven years, as well as the removal of the upper age limit for the election to the presidency. The former constitution established this limit at 70 years. Last time the citizens of Turkmenistan elected the president of the country in February 2012. According to the constitution of September 2008, the next presidential election in Turkmenistan was scheduled in February 2017.

In the project of the new constitution, a section appeared that specified the scope of economic and financial-credit regulations on the territory of Turkmenistan. It establishes that national currency of Turkmenistan is manat and foreign currency circulation in the country is regulated by law. The new constitution reflects such important principles of the foreign policy of Turkmenistan, as non-interference in the internal affairs of other States, non-adherence to military blocs and alliances, to promote the development of peaceful, friendly and mutually beneficial relations with the countries in the region and the planet, as well as regulations on the priority of the generally accepted norms of international law. The new constitution includes 28 new articles (including 24 new articles, and 4 articles where existing rules were set out in a new edition), 107 articles, which have been introduced with amendments and additions.

The fundamentals of Turkmenistan's constitutional system are presidentialism, secularism, neutrality, separation of powers, a number of human rights, the sovereignty of the people, and the status of Ashgabat as the capital. According to art. 91 of section IV The president is

also the head of the government of Turkmenistan. The current CT devotes only one article 142 of Section VIII «Final Regulations» to the question of introducing amendments and additions to the Constitution, which now reads: «A constitutional law on the adoption and amendment of the Constitution is considered adopted if not less than two thirds of the total number of deputies of the Mejlis of Turkmenistan or in a nationwide referendum - more than half of the citizens of Turkmenistan who participated in it».

Approval of amendments to the Constitution at the nationwide election (referendum). A more complicated procedure for introducing amendments and additions presents in the Kyrgyz Republic. Thus, the Constitution of the Kyrgyz Republic was revised five times in favor of strengthening the powers of the President as well as the amendments were introduced in other rules in 1994, 1996, 1998, 2001 and 2003, established by the constituent authority – «the Constitutional Meeting».

Thus, by the Decree of the President of the Kyrgyz Republic on September 21, 1994, a referendum was held in the country (October 22, 1994) on two amendments to the Constitution of the Kyrgyz Republic. This shows that amendments and additions to the Constitution of the Kyrgyz Republic, laws of the Kyrgyz Republic and other important issues of national importance can be submitted to a referendum. In addition, the Legislative Power in the Kyrgyz Republic, according to the amendments, carries out a bicameral Jogorku Kenesh: consisting of 35 deputies, acting on a permanent basis of the Legislative Assembly and elected on the basis of the government of the entire population of the country; and the Assembly of People's Representatives composed of 70 deputies, elected on the basis of representation of territorial interests, working in session.

On February 10 in 1996, at the referendum on amendments to the Constitution of the KR, amendments and additions were introduced that divided the powers of the bicameral parliament and clarified the relationship between the President, Parliament and the Government. Powers of the President have been strengthened; the Parliament could not have a significant impact on the head of the state, which led to a breach of the system of "checks and balances". In connection with the adoption of a new coup d'état the Kyrgyz Republic's new president K. Bakiev initiated a new Constitution. In November and December 2006, a group of

opposition-minded deputies prepared and adopted two variants of the Constitution. And on September 14 in 2016 those two revisions of the Constitution of the KR were abolished by the Constitutional Court of the Kyrgyz Republic and the Constitution dated February 18, 2003 was activated.

On October 23, 2007, the President of the Kyrgyz Republic signed a new version of the Constitution, adopted in a nationwide referendum of October 21 in 2007. According to p.1 of art. 98 of the new version of the Constitution of the KR, the law on introducing amendments and additions to the Constitution is adopted by the Jogorku Kenesh on the proposal of the President, the majority of the total number of deputies of the Jogorku Kenesh, or on the initiative of at least 300,000 voters. According to p. 2 of the same article, the Law on introduction of amendments and additions to the Constitution is adopted by referendum appointed by the President with the consent of at least 60% of the total number of deputies of the Zhogorku Kenesh. The project of law on introduction of amendments and additions to the Constitution is considered by the Jogorku Kenesh, taking into account the conclusion of the Constitutional Court, no later than six months from the date of receipt of proposals to the Jogorku Kenesh (p. 3, art. 98 of the CKR). The text of the project of the Law on introduction of amendments and additions to the Constitution could not be changed during its discussion in Zhogorku Kenesh (p. 4, art. 98).

In connection with the unconstitutional change of power of the Provisional Government, a referendum was held on the adoption of the new Constitution. The Constitution limited the power of the President of the Republic, changing the form of government from presidential to parliamentary. The president is elected for one six-year term and cannot be re-elected. At the same time, the head of state had the right of veto and could appoint heads of state bodies. The number of deputies was increased from 90 to 120, and one party could not occupy more than 65 seats. The establishment of political parties on ethnic and religious basis was prohibited. Employees in law enforcement agencies, judges and the armed forces did not have the right to be part of a political party. According to art. 97, the Constitutional Court was empowered, and the functions of constitutional control were assigned to the Constitutional Chamber of the Supreme Court. Art. 16 prohibited discrimination; art. 20 abolished the death penalty and torture.

In the Constitution of the Kyrgyz Republic in 2010 there were more articles; the chapters began to be called sections. Section IX "Procedure for Amending this Constitution" consisted of one 114 article and five paragraphs. If earlier the Law on introduction of amendments and additions to the Constitution was adopted by the Jogorku Kenesh on the proposal of the President, now the Law on introduction of amendments and additions to the Constitution could be adopted by referendum appointed by Zhogorku Kenesh (p. 1, art.114).

Believing that in the adopted Constitution the powers of the Parliament, the Government and the President in relation to foreign policy are not divided enough, the country started the movement to return the first Constitution of the KR (May 5, 1993). On July 29, 2016, a project of law «On Introducing Amendments and Additions to the Constitution of the Kyrgyz Republic» was submitted for public discussion. The initiators of the bill were 6 deputies of the Jogorku Kenesh of the Kyrgyz Republic, which was a contradiction to p. 2 of art. 114 of the CKR.

According to p. 2 of art. 114 of the CKR in September 2016, Zhogorku Kenesh approved in the first reading of the next amendments to the referendum. 10 votes to one, the Constitutional Chamber of the Supreme Court was of the opinion that the bill does not violate the law of the Kyrgyz Republic. On December 11, 2016 amendments to the Constitution were approved on a referendum. Amendments to the Constitution of the Kyrgyz Republic were aimed at: strengthening the independence of the sovereignty of the Kyrgyz Republic; strengthening parliamentarism, clarifying the principles of interaction between the legislative and executive branches of government; improvement of the constitutional basis for the continuation of fate.

The procedure for the adoption of amendments and additions to the Constitution of the Republic of Kazakhstan is defined in Chapter 4 « Adoption of amendments and additions to the Constitution of the Republic» of the Rules of Procedure of the Parliament of the Republic of Kazakhstan.

Having received a proposal from the President to submit the project of amendments or additions to the Constitution, the Chairman of the Majilis convenes a joint session of the Houses of Parliament to consider these proposals in its first reading. In p. 29 of the Rules of the Parliament of the Republic of Kazakhstan, the President of the Republic determines the procedure for

considering the proposals of the President in Parliament. And on the issues of introducing amendments and additions to the Constitution (p.3), it is mandatory to hold at least two readings.

During the first reading, the first word is given to the initiator of the introduction of the project of amendments and additions to the Constitution or to his representative, and then, in the order of the established order, to the deputies. After the first discussion, the Parliament adopts a resolution approving the project of amendments and additions to the Constitution and preparing them for the second reading or their rejection. Voting is carried out by a majority of at least three-fourths of the total number of deputies of each of the Chambers (p. 31).

At the final reading, the Parliament adopts amendments and additions to the Constitution by a majority of at least three-fourths of the total number of deputies of each of the Chambers. If the specified number of votes is not received at the election, then the President's proposals for introducing amendments and additions to the Constitution are considered rejected (p.32).

Amendments and additions to the Constitution of the Republic of Kazakhstan in 1995 were made four times:

1. By the Law of the Republic of Kazakhstan dated October 7, 1998 «On Amendments and Additions to the Constitution of the Republic of Kazakhstan» a number of amendments amended the electoral system with the parliamentary representation of political parties. Paragraph 3 of article 50 of the Basic Law regarding the composition of the Majilis of the Parliament was supplemented by the regulation that «ten deputies are elected on the basis of party lists through the system of proportional representation and on the territory of a single national constituency», as well as other changes and additions.

2 By the Law of the Republic of Kazakhstan dated May 21, 2007 «On introduction of amendments and additions to the Constitution of the Republic of Kazakhstan», the amendments related to the status of the Parliament. The powers of the legislative body as a whole and each of its chambers - the Senate and the Majilis were expanded. In addition, the Assembly of the People of Kazakhstan gained constitutional status and became a constitutional body with a quoted representation in the Majilis. In fact, Kazakhstan moved to the presidential-parliamentary form of state structure, significantly changing the electoral system in the highest representative body.

3 By the Law of the Republic of Kazakhstan dated February 2, 2011 «On introduction of additions to the Constitution of the Republic of Kazakhstan», only one article 41 of the Basic Law was amended: "Extraordinary presidential elections are appointed by decision of the President of the Republic and conducted in accordance with the procedure established by the constitutional law».

4 If during 2016 the Constitution of Tajikistan and Turkmenistan had taken the amendments strengthening the power of the president, in Kazakhstan, on the contrary, the process of strengthening the Parliament took place. So, presented in January 2017 by the head of state the law considered 26 amendments to 19 articles of the Constitution of the Republic of Kazakhstan, aimed at the redistribution of powers between branches of government. In particular, a number of the President's powers were divided between the Parliament and the Government. Adopted by Parliament and submitted for signature to the Head of State, the law «On introduction of amendments and additions to the Constitution of the Republic of Kazakhstan» was sent to the Constitutional Council on March 6, 2017 and was approved.

In the Republic of Kazakhstan, the Head of State plays an essential role in the process of amending the Constitution. In particular, article 53 of the Constitution of the Republic of Kazakhstan stipulates that the Parliament at joint session of Chambers at the proposal of the President of the Republic of Kazakhstan is making amendments to the Constitution and amendments regulated by article 91 of the Constitution: «Amendments to the Constitution of the Republic of Kazakhstan may be adopted by national referendum held by the President of the Republic decision, taken on his own initiative, at the recommendation of Parliament or the Government».

The project of amendments and additions to the Constitution are not submitted to the republican referendum, if the president decides to transfer it to the Parliament. In this case the decision made by the Parliament is taken in the manner prescribed by the Constitution. If the President of the Republic rejects the proposal of the Parliament to submit amendments and additions to the Constitution for the republican referendum, the Parliament has the right to pass a law on introducing these amendments and additions to the Constitution by a majority of at least four-fifths of the total number of deputies of each of the Chambers of Parliament. In this case,

the President of the Republic signs this law or takes it to a republican referendum, which is considered valid if more than half of the citizens of the Republic who have the right to participate in the republican referendum participated in the voting.

Amendments and additions to the Constitution submitted to the republican referendum are considered adopted if more than half of the citizens who took part in the voting voted for them in at least two thirds of the regions, cities of republican importance and the capital. In p. 2 of article 18 of the Constitutional Law of the Republic of Kazakhstan on December 26, 1995 "On the President of the Republic of Kazakhstan" it is stipulated that the President of the Republic makes a decision on the need to adopt amendments and additions to the Constitution on the initiative of the Parliament or citizens of the Republic, on the conduct of the referendum.

In addition to the usual rigidity in some countries so-called unchangeable norms intensify. The Constitutions of Kazakhstan and the countries of Central Asia contain articles on the invariability of certain articles of the Constitution. Thus, p. 2 article 91 of the Constitution prohibits changing the independence, unitarity and territorial integrity of the state, the form of government of the Republic established by the Constitution of the Republic of Kazakhstan.

Article 100 of the Constitution of the Republic of Tajikistan says: The Republican form of government, territorial integrity, democratic, legal, secular and social essence of the state are unchanged.

Article 141 of the Constitution of Turkmenistan establishes that the regulations of the Constitution on state governance in the form of a presidential republic cannot be changed.

The Constitution of the Kyrgyz Republic has no article about some of its regulations immutability. However, in p.2 of article 114, where it is said that the changes in the regulations of the third, fifth, sixth, seventh and eighth chapters of this Constitution may be adopted by the Jogorku Kenesh on the proposal of the majority of the total number of deputies Zhogarku Kenesh or on initiative at least 300 000 voters, one can judge the immutability of others - first, second and ninth chapters of the Constitution of KR.

The Constitution of the Republic of Uzbekistan also contains articles about some of its regulations immutability.

At the same time, the constitutions of the Central Asian countries limit the sovereignty of the people to some extent, proclaiming the absolute invariance of the republican form of government of the territorial integrity, constitutional order, democratic, legal, secular and social essence of the state. Despite the fact, that these institutions of modern democracy, such an attitude is an encroachment primarily on the human right to solve these issues. Therefore, the above regulations of the constitutions (p.2 art.91 of the CRK, art.100 of the CRT, art.115 of the CT, art.3 CRU and CKR) are insufficiently flexible in our opinion.

Constitutions sometimes set a certain period of time, while it is prohibited to amend them. Or the date of entry into force of certain articles is established. Thus, according to p.2 art.114 of the KR in the 2010 edition, the amendments to the 2010 Constitution of the Kyrgyz Republic can be adopted by the Zhogarku Kenesh on the proposal of the majority of the total number of deputies of the Zhogarku Kenesh or on the initiative of at least 300,000 voters. It was also stipulated here that this paragraph of article 114 comes into force on September 1 in 2020. However, this provision has been violated in 2016.

It is often forbidden to change the constitution during a state of emergency. Thus, according to p.4 art.114 of the CKR, it is prohibited to amend the Constitution of the Kyrgyz Republic during an emergency and martial law.

It is forbidden (p.2 art.48 of the CRK) to initiate amendments and additions to the Constitution of Kazakhstan to a person who has accepted the powers of the President of the Republic of Kazakhstan on the grounds and in the manner provided for p.1 art.48, that is in the case of early dismissal of the President of the Republic of Kazakhstan, and also in the event of his death.

Such provisions, in our view, are aimed at ensuring, for some time, the stabilization of the newly established constitutional order.

Analysis of the procedures for amending the Constitution of Kazakhstan and Central Asian countries, led to the conclusion that all the constitutions of these countries have a special chapter, section, or article providing for introduction of amendments and additions of the existing Constitution. Constitutions are among the strictest and establish primarily such ways of changing the constitution as approval by the legislative body of state power or approval of changes in the constitution in a nationwide referendum. The changes made to the

constitutions of Kazakhstan and the countries of Central Asia in the late XX and early XXI centuries were mainly concerned with strengthening the powers of the President, redistributing powers among the branches of power. Minor discrepancies in the texts of the

constitutions testify, in our opinion, about the possibility of closer legal integration of the countries of Central Asia by deepening cooperation in the future.

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Матаева Майгүл Хафизовна

Лауазымы: заң ғылымдарының докторы, құқықтық мәселелер және сыбайлас жемқорлыққа қарсы саясат жөніндегі проректор, Қазақ инновациялық гуманитарлық-заң университеті

Мекен-жайы: 071400, Қазақстан Республикасы, Семей қаласы, Ленин көшесі, 11

Ұялы.тел: +7 777 151 70 10

XX ғасырдың соңы мен XXI ғасырдың басындағы Қазақстан мен Орталық Азия елдерінің Конституциясына өзгерістер мен толықтырулар енгізу институтының эволюциясы.

Матаева Майгүл Хафизовна

Должность: доктор юридических наук, проректор по правовым вопросам и антикоррупционной политике, Казахский гуманитарно-юридический инновационный университет, г. Семей

Почтовый адрес: 071400, Республика Казахстан, г.Семей, ул.Ленина, 11

Сот.тел: +7 777 151 70 10

Эволюция института внесения изменений и дополнений в Конституции Казахстана и стран Центральной Азии в конце XX - начале XXI вв.

Matayeva Maigul Hafizovna

Position: doctor of law, Vice-rector for legal Affairs and anti-corruption policy, Kazakh humanitarian and legal innovation University

Postal address: 071400, Republic Of Kazakhstan, Semey, Lenin street, 11

Cell phone: +7 777 151 70 10

The evolution of the institution of introducing amendments and additions to the Constitutions of Kazakhstan and the countries of Central Asia in the late XX - early XXI centuries