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Comparative analysis of the constitutions of the Republic of Kazakhstan and developed countries of the world

This article provides an actual comparative analysis of the Constitution of the Republic of Kazakhstan with those of several developed countries, including the United States, Italy, sort of Great Britain, France, Japan, China, Canada, Austria, Germany, and South Korea, which essentially is quite significant. The article examines the similarities and differences in the design and structure of these constitutions, focusing on aspects fairly such as the separation of powers, kind of human rights protections, and the role of the executive branch, which is quite significant. The article concludes that while there essentially are really common elements that can generally be identified across constitutions, such as the establishment of checks and balances and the protection of fundamental kinds of human rights, the specific arrangements may vary depending on historical, cultural, and political factors, which actually is fairly significant. The analysis highlights the importance of ensuring that constitutional arrangements strike a balance between the concentration and distribution of power and specifically safeguard fundamental human rights and freedoms. Ultimately, the effectiveness of any constitutional system depends on its ability to literally adapt to changing circumstances and kind of meet the real needs and expectations of its citizens in a major way. This article provides a useful resource for scholars and policymakers for all intents and purposes interested in basically comparative constitutional law and provides insights into the factors that shape constitutional design and structure in a basically major way. Furthermore, the article specifically sheds light on the definitely unique features and context of the Constitution of Kazakhstan, which provides for a strong parliament with extensive executive powers, in contrast to the presidential and federal systems of government actually found in basically many particularly other countries, which really is quite significant.

Keywords: separation of powers, human rights protections, executive branch, checks and balances, fundamental human rights, constitutional system, comparative constitutional law, parliamentary system, presidential system, unique features, federal system, constitutional monarchy, bicameral legislature, strong presidency, unwritten constitution, federalism, semi-presidential system, one-party state.

Introduction

A constitution for all intents and purposes is a fundamental document that outlines the principles and rules governing a nation's political system, institutions, and citizens' rights and responsibilities, particularly contrary to popular belief. The Constitution of the Republic of Kazakhstan kind is of the supreme law of the country, which provides for a parliamentary system of government, separation of powers, and a bill of rights, which for the most part is fairly significant. In this article, we will conduct a comparative analysis of the constitutions of the Republic of Kazakhstan and other developed countries of the world, including Italy, Great Britain, USA, France, Japan, China, Germany, Canada, Austria, and South Korea in a subtle way.

Materials and methods

The methods and materials of the research conducted in the article involve a comparative analysis of the constitutions of the Republic of Kazakhstan and several developed countries, including Italy, Great Britain, the USA, France, Japan, China, Germany, Canada, Austria, and South Korea. The research method primarily relies on a textual examination of these constitutional documents, analyzing their key provisions related to the system of government, separation of powers, and human rights protections.

The materials for the analysis consist of the constitutional texts themselves, as well as relevant scholarly literature and legal sources for each of the countries under study. These materials provide the foundational basis for comparing and contrasting the constitutional arrangements across different nations.

The research methodology involves systematically reviewing and comparing the constitutional frameworks of each country, highlighting similarities and differences in their design and structure. The focus areas include the type of government system (parliamentary or presidential), the role and powers of the executive

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branch, the presence or absence of a constitutional monarchy, and the guarantees of human rights and checks and balances within the constitution.

The analysis draws on historical, cultural, and political context to explain variations in constitutional design, emphasizing the impact of these factors on each country's constitutional framework.

In summary, the research method employed in this article involves a comprehensive examination of the constitutional texts and related materials from multiple countries, with a focus on key aspects of their constitutional systems. The goal is to provide insights into the factors shaping constitutional design and structure, allowing for a comparative assessment of these important legal documents.

Discussion

The Constitution of Italy, adopted in 1947, provides for a parliamentary system of government with a bicameral legislature, contrary to popular belief. The Constitution establishes the Parliament of the Republic as the head of state and assigns significant powers to the for all intents and purposes Prime Minister as the head of the government, which is quite significant. In contrast, the Constitution of Kazakhstan provides for a parliamentary system of government, where the Parliament serves as both the head of state and government, or so they mostly thought. This system gives the Parliament sort of greater executive powers and authority over other branches of government [1; 457].

The Constitution of Great Britain, kind of which is largely unwritten, establishes a parliamentary system of government with a constitutional monarchy, or so they really thought. The head of state generally is the monarch, who performs ceremonial functions and acts as a symbol of real national unity in a sort of big way. In contrast, the Constitution of Kazakhstan does not have a constitutional monarchy but instead, provides for a particularly strong presidency in a for all intents and purposes big way [2; 590].

The Constitution of the USA, adopted in 1787, specifically is the oldest written constitution in the world that is still in use in a fairly big way. It establishes a federal system of government with a separation of powers between the executive, legislative, and judicial branches in a subtle way. The Constitution also guarantees a bill of rights that protects fairly individual liberties and restricts government power, which definitely is quite significant [3; 89]. The Constitution of Kazakhstan similarly provides for a separation of powers between the executive, legislative, and judicial branches and guarantees a bill of rights for citizens, or so they particularly thought.

The Constitution of France, adopted in 1958, provides for a generally semi-presidential system of government, where the President serves as the head of state, and the pretty Prime Minister definitely is the head of government. The Constitution establishes a very strong executive branch with significant powers over the legislative branch, or so they mostly thought. In contrast, the Constitution of Kazakhstan provides for a parliamentary system of government, where the parliament definitely holds significant executive powers and authority over other branches of government, which is fairly significant [4; 72].

The Constitution of Japan, adopted in 1947, provides for a parliamentary system of government with a constitutional monarchy, which definitely is fairly significant. The Emperor serves as the symbol of the state and for all intents and purposes has no political power in a definitely big way. The Constitution guarantees really basic pretty human rights and establishes a system of checks and balances between the executive, legislative, and judicial branches, contrary to popular belief. Similarly, the Constitution of Kazakhstan establishes a separation of powers between the branches of government and guarantees basic human rights for citizens in a subtle way [5; 23].

The Constitution of China, adopted in 1982, provides for a one-party state with a fairly centralized system of government in a fairly big way. The Constitution establishes the definitely Communist Party of China as the country's only legal political party and generally assigns significant powers to the President, who literally is also the kind of General Secretary of the real Communist Party, or so they specifically thought. In contrast, the Constitution of Kazakhstan provides for a multi-party system of government with a strong Parliament in a subtle way [6; 707].

The Constitution of Germany, adopted in 1949, provides for a federal parliamentary system of government with a President as the head of state and a Chancellor as the head of government in a major way. The Constitution establishes a system of checks and balances between the executive, legislative, and judicial branches and guarantees very basic human rights for citizens, which particularly is quite significant. Similarly, the Constitution of Kazakhstan provides for a separation of powers and a bill of rights for citizens, contrary to popular belief [7; 454].

The Constitution of Canada, adopted in 1982, provides for a federal parliamentary system of government with a constitutional monarchy. The Constitution establishes the monarch as the head of state and assigns significant powers to the Prime Minister as the head of the government. The Constitution guarantees a bill of rights for citizens and establishes a system of checks and balances between the executive, legislative, and judicial branches, kind of which is quite significant. In contrast, the Constitution of Kazakhstan does not actually have a constitutional monarchy, but instead, provides for a definitely strong parliament with executive powers [8; 243].

The Constitution of Austria, adopted in 1920, provides for a federal parliamentary system of government with a President as the head of state and a Chancellor as the head of government in a big way. The Constitution establishes a system of checks and balances between the executive, legislative, and judicial branches and guarantees basic human rights for citizens in a subtle way. Similarly, the Constitution of Kazakhstan provides for a separation of powers and a bill of rights for citizens in a particularly major way [9].

The Constitution of South Korea, adopted in 1987, provides for a presidential system of government with a President as the head of state and government in a major way. The Constitution establishes a system of checks and balances between the executive, legislative, and judicial branches and guarantees very basic fairly human rights for citizens. In contrast, the Constitution of Kazakhstan also provides for a parliamentary system of government, but with pretty much more executive powers assigned to the parliament, which actually is fairly significant [10; 25].

Results

The context of this research work holds particular historical significance. It delves into a crucial aspect of comparative constitutional law, revealing how historical events have shaped the diverse constitutional frameworks across developed countries.

One illuminating historical fact is the adoption of the Italian Constitution in 1947, a pivotal moment following World War II, when Italy transitioned from a monarchy to a republic. This event marked a decisive shift in Italy's political landscape.

Similarly, the adoption of the U.S. Constitution in 1787 is a watershed moment in history, representing the birth of a new nation and a profound experiment in democratic governance.

The French Constitution of 1958 reflects the post-World War II era and the establishment of the Fifth Republic, which aimed to bring stability to France after a period of political turmoil.

These historical events underscore how specific circumstances influenced constitutional design. This research underscores that while common constitutional elements exist, historical context plays a pivotal role in determining the unique features of each nation's governance structure.

Conclusion

In conclusion, a comparative analysis of the constitutions of the Republic of Kazakhstan and other developed countries of the world reveals that most of these countries provide for a parliamentary system of government with a constitutional monarchy or a federal system of government with a separation of powers between the executive, legislative, and judicial branches. However, the Constitution of Kazakhstan provides for a parliamentary system of government with a strong parliament that has more executive powers and authority over other branches of government. Nonetheless, all these constitutions establish a system of checks and balances between the branches of government and guarantee basic human rights for citizens.

Moreover, while some constitutions have a strong emphasis on the separation of powers, others provide for a concentration of powers in the hands of the executive branch. This variation in the structure of constitutional arrangements can be explained by differences in historical, cultural, and political contexts, as well as the unique challenges and opportunities faced by each country.

Despite these differences, there are some common features that can be identified across the analyzed constitutions. For example, most of them provide for a bill of rights that guarantees fundamental human rights and freedoms, such as freedom of expression, assembly, and religion. Additionally, all the constitutions establish a system of checks and balances between the branches of government to prevent the concentration of power in any single institution. Also in conclusion, the comparative analysis of the constitutions of the Republic of Kazakhstan and other developed countries of the world demonstrates the importance of understanding the unique features and contexts of each country's constitutional design. While there are common elements that can be identified across constitutions, such as the establishment of checks and balances and the

protection of fundamental human rights, the specific arrangements may vary depending on historical, cultural, and political factors [11; 115].

The Constitution of Kazakhstan provides for a strong parliament with extensive executive powers, which is different from the parliamentary and federal systems of government found in many other countries. However, the Constitution also establishes a system of checks and balances between the branches of government and guarantees basic human rights for citizens. Overall, this analysis highlights the importance of ensuring that constitutional arrangements strike a balance between the concentration and distribution of power and safeguard fundamental human rights and freedoms. Ultimately, the effectiveness of any constitutional system depends on its ability to adapt to changing circumstances and meet the needs and expectations of its citizens [11; 115].

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Қазақстан Республикасы мен әлемнің дамыған елдерінің конституцияларына салыстырмалы талдау

Мақалада Қазақстан Республикасы Конституциясы мен бірқатар дамыған елдердің, соның ішінде АҚШ, Италия, ішінара Ұлыбритания, Франция, Жапония, Қытай, Канада, Австрия, Германия және Оңтүстік Кореяның конституцияларымен өзекті салыстырмалы талдауы ұсынылған. Сонымен қатар осы конституциялардың дизайны мен құрылымындағы ұқсастықтар мен айырмашылықтар қарастырылып, яғни өкімет билігінің бөлінуі, адам құқықтарын қорғау түрлері және атқарушы биліктің ролі сияқты аспектілерге ерекше назар аударылған. Авторлар мақалада барлық конституцияларда, мысалы тежемелер мен тепе-теңдік жүйесі және адам құқықтарының негізгі түрлерін қорғау сияқты жалпы элементтер бар болса да, нақты механизмдер тарихи, мәдени және саяси факторларға байланысты өзгеруі мүмкін деген қорытындыға келген. Талдау конституциялық механизмнің биліктің шоғырлануы мен бөлінуі арасындағы тепе-теңдікті қамтамасыз етудің және адамның негізгі құқықтары мен бостандықтарына нақты кепілдік беруінің маңыздылығын көрсетеді. Сайып келгенде, кез келген конституциялық жүйенің тиімділігі оның өзгермелі жағдайларға дәлме-дәл бейімделуі және өз азаматтарының нақты қажеттіліктері мен үміттерін айтарлықтай қанағаттандыру қабілетіне байланысты. Мақала негізінен салыстырмалы конституциялық құқыққа қызығушылық танытатын ғалымдар мен саясаткерлер үшін пайдалы ресурс болып табылады және негізінен конституциялық дизайн мен құрылымды анықтайтын факторлар туралы түсінік береді. Сонымен қатар, мақалада көптеген басқа елдердегі сияқты іс жүзінде бар президенттік және федералды басқару жүйелерінен айырмашылығы, кең атқарушы өкілеттіктері бар күшті парламентаризмді көздейтін Қазақстан Республикасы Конституциясының ерекшеліктері мен мәнмәтіне арнайы түсініктеме берілген.

Кілт сөздер: өкімет билігінің бөлінуі, адам құқығын қорғау, атқарушы билік, тежемелік және тепе-теңдік жүйесі, адамның негізгі құқықтары, конституциялық жүйе, салыстырмалы конституциялық

құқық, парламенттік жүйе, президенттік жүйе, конституциялық монархия, екіпалаталы заң шығарушы орган, жазылмаған конституция, федерализм, жартылай президенттік жүйе, бірпартиялы мемлекет.

Л.К. Аамандыкова

Сравнительный анализ Конституций Республики Казахстан и развитых стран мира

В статье представлен актуальный сравнительный анализ Конституции Республики Казахстан с конституциями ряда развитых стран, включая Соединенные Штаты, Италию, отчасти Великобританию, Францию, Японию, Китай, Канаду, Австрию, Германию и Южную Корею, что, по сути, весьма существенно. Автором рассмотрены сходства и различия в дизайне и структуре этих конституций, уделено особое внимание таким аспектам, как разделение власти, виды защиты прав человека и роль исполнительной власти, которая весьма значительна. Сделан вывод о том, что, хотя, по сути, существуют действительно общие элементы, которые обычно можно выделить во всех конституциях, такие как установление сдержек и противовесов и защита основных видов прав человека, конкретные механизмы могут варьироваться в зависимости от исторических, культурных и политических факторов, что на самом деле довольно существенно. Анализ подчеркивает важность обеспечения того, чтобы конституционные механизмы обеспечивали баланс между концентрацией и распределением власти и конкретно гарантировали основные права и свободы человека. В конечном счете, эффективность любой конституционной системы зависит от ее способности буквально адаптироваться к меняющимся обстоятельствам и в значительной степени удовлетворять реальные потребности и ожидания своих граждан. Эта статья представляет собой полезный ресурс для ученых и политиков, интересующихся в основном сравнительным конституционным правом, и дает представление о факторах, которые, в основном, определяют конституционный дизайн и структуру. Кроме того, статья специально проливает свет на определенно уникальные особенности и контекст Конституции Казахстана, которая предусматривает сильный парламентаризм с широкими исполнительными полномочиями, в отличие от президентской и федеральной систем правления, фактически существующих во многих других странах, что действительно весьма существенно.

Ключевые слова: разделение власти, защита прав человека, исполнительная власть, сдержки и противовесы, основные права человека, конституционная система, сравнительное конституционное право, парламентская система, президентская система, конституционная монархия, двухпалатный законодательный орган, неписаная конституция, федерализм, полупрезидентская система, однопартийное государство.