

THE ESSENCE OF ELECTION CONTROL IN THE REPUBLIC OF KAZAKHSTAN AND ITS LEGAL ISSUES

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An important subject of the electoral process, ensuring the credibility of the electoral process is the observer.

Election observation is a necessary attribute of elections, not only for countries with a well-established democracy, but also for states with developing "power of the people". "Domestic experience, as well as the experience of foreign countries, confirms that the presence of observers at the elections contributes to the formation of an atmosphere of openness and openness, which in turn entails an increase in citizens' confidence in the fair character of the elections and contributes to their more active participation in the electoral process" [1].

Election observation is one of the most transparent and methodical ways of supporting and developing democracy and human rights. Ensuring compliance with these principles is, of course, the task of governments, not observers.

Election observation can potentially increase the credibility of electoral processes by preventing and publicizing violations and fraud cases, as well as by making recommendations for improving the electoral process. It can help increase public confidence, where there is a need, promote greater voter participation and weaken potential factors for the emergence of conflict over elections. It also serves the purpose of raising awareness at the international level by sharing experiences and information on the development of democracy [2].

Election observation has been widely recognized throughout the world and plays an important role in providing an accurate and unbiased assessment of the nature of electoral processes.

Election observation is based on two fundamental principles: first, there are clear commitments that states have assumed to ensure the holding of democratic elections; secondly, it is a simple and indisputable rule that the observer is only an individual with an objective view, who does not interfere in the process. Transparency is key to ensuring that election observation remains objective and that all those interested in this process can be confident that it will continue to be objective. Adding to this great work, dedication, experience and professionalism, we get activities that we can be proud of, efforts that are widely respected and on the basis of which organizations build their election observation activities.

An observer is a citizen who donates his time to a political party, of which he is a member or on whose behalf he acts, or a public organization in order to objectively and impartially perform election observation, being in an election commission of any level or indoors. voting at the relevant polling station on election day from the beginning of voting until the completion of the paperwork on the voting results.

Observers also perform an important selective-technological function: following the counting of votes, they provide a parallel determination of the overall results of the vote or use other methods and methods of control, are the source of information from which estimates and conclusions can be made regarding the authenticity of the official election results.

The main objective of monitoring the electoral process is to monitor the observance of legality in the preparation and conduct of elections, which ultimately should contribute to improving electoral practices and ensuring the integrity of the electoral process.

Observation of the election process is an important protective mechanism for election integrity. It is one of the restraining and balancing forces that protect the viability and integrity of election management, as well as the participation of political parties, candidates and interest groups.

Observation contributes to the compliance of the electoral process with the legal system and prevents questionable actions. Observers reports to the public increase the transparency of the process and the accountability of election administration bodies.

The first known case of international election observation in modern history dates back to 1857, when the European Commission, which included representatives from Austria, Great Britain, France, Prussia, Russia and Turkey, observed general elections in the disputed territories of Moldova and Wallachia.

In 1991, when the Office for Free Elections (BAS) was established, few predicted what the structure would be ten years later, renamed the Office for Democratic Institutions and Human Rights (ODIHR) in 1992. "Today, the ODIHR leads European organizations in election observation and is highly respected as one of the international organizations that provide transition countries in the OSCE region with support for building sustainable democratic systems where human rights and the rule of law are respected," says Ambassador Gerard Stoudmann, 1997, incumbent Director of the ODIHR.

The presence of international observers at the polling station can minimize the likelihood of unintended organizational errors on the part of the electoral administration, as well as prevent falsifications and violation of election procedures. The activity of international observers allows preventing pressure on both the voters and the observers themselves, since there are no mechanisms for administrative pressure.

In carrying out their functions, observers identify and systematize the most frequent violations of electoral procedures in practice, which makes it possible to improve electoral techniques. Publication of reports made on the basis of the work of observers can facilitate political change.

"The missions helped ODIHR and other organizations to develop a more well-thought-out strategy for implementing assistance projects in the field of building democratic institutions and promoting democratic elections. Such projects mainly affected electoral legislation, civic education and training of local observers."

Their estimates form the attitude to the elections of voters and candidates, form the methodological basis. "Positive assessments contribute to their recognition by the majority of citizens and political parties, and negative assessments and criticism of elections can lead to non-recognition of their results by the public and even review in court."

The result of the above is to single out the following eleven observation tasks by election observers:

1. prevention of violation of election procedures;
2. to contribute to increasing the credibility of the institution of elections;
3. increase in political activity of citizens;
4. control the accuracy of the counting of votes;
5. monitoring the electoral process;
6. opening of facts of violation of electoral legislation;
7. public coverage of the voting day events;
8. assistance in improving the electoral practice;
9. promoting greater confidence in the institution of elections;
10. Prevention of violation of election procedures
11. evaluation of elections;
12. encouraging the authorities to search for and take appropriate measures in cases of fixing offenses;
13. assistance in improving election practices;
14. The correlation of national legislation with international norms[3].

Consequently, on the basis of the above, a more capacious category can be expressed, namely, the institution of observers in the electoral law can be understood in three ways:

1. a set of legal norms governing public relations arising, changing and ceasing on the participation in the electoral process of all its stages authorized persons - observers from a registered candidate as a trustee, public association, media or political party;

2. a set of persons - citizens of the Republic of Kazakhstan and foreign citizens who have the status of an observer, exercising the authority to certify the legality of the voting procedures and the counting of votes in elections and voting and determine the results of the people's will

3. A legal instrument to ensure the legality and transparency of the elections in the Republic of Kazakhstan.

Summarizing the above, I would like to note that the practice of monitoring election campaigns in the Republic of Kazakhstan is developing dynamically. This is confirmed by the activity of international organizations that periodically send their representatives to the Kazakhstani elections, as well as by the activities of domestic organizations, government bodies, other state bodies, election commissions, and officials involved in the monitoring process.

The analysis of the legislative base shows that, at the moment, the legislation on elections meets the key principles of international legal standards containing norms on the rights of citizens to elect and be elected, take into account international obligations that Kazakhstan has in this area. However, the practical implementation of fundamental rights and legitimate interests leaves a wide scope for its improvement.

However, a relatively short period of development of such relations did not allow to solve all the problems. In the science of constitutional law, a uniform approach to understanding the place and significance of the institution of observation for the electoral system in general and the sphere of election control in particular has not yet been developed. The questions about the principles of this activity, as well as about the characteristics of the main elements that make up this institution, have not been thoroughly understood. The unsolved theoretical problems gave rise to uncertainty in the legislative regulation of this sphere of public relations, the practice of implementing certain provisions of regulatory legal acts.

Used literature:

1. The Constitutional Law of the Republic of Kazakhstan of September 28, 1995. N 2464 "On Elections in the Republic of Kazakhstan" (with the latest amendments and additions dated June 15, 2017)

2. Sarsenbaev MA Constitutional principles of electoral law in Kazakhstan and their compliance with the country's international obligations // Right and the State. 2014. № 3. P. 18-23.

3. Declarations of Principles for International Observation of Elections of October 27, 2005.

КОРРУПЦИЯ КАК СОЦИАЛЬНО – ПОЛИТИЧЕСКОЕ И ПРАВОВОЕ ЯВЛЕНИЕ

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В настоящее время коррупция приобрела системный характер, все чаще происходят подкупы должностных лиц, что негативно влияет на принятие решений представителями власти. Коррупция с каждым днем все больше поражает аппарат государственного