

THE CONSTITUTIONAL COMPARISON OF THE PRESIDENTIAL INSTITUTION IN THE TURKIC REPUBLICS

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Introduction

The presidential system of governance is a significant element in shaping the political landscape of many countries, particularly in the Turkic republics of Azerbaijan, Kazakhstan, Kyrgyzstan, Uzbekistan, and Turkmenistan. These countries, while sharing a common cultural and historical heritage, have adopted unique models of presidential systems as articulated in their respective constitutions. The constitutional frameworks of these nations reflect their distinct political structures, governance philosophies, and historical contexts.

This paper aims to provide a comparative analysis of the presidential institution within the Turkic republics. By examining the roles, powers, election mechanisms, and the regulation of presidential terms and responsibilities, we can better understand the similarities and differences among these countries. Special attention is given to the presence or absence of the vice-presidential role, the process for presidential succession, and the ways in which each republic ensures political stability through constitutional means.

The Presidential Institution in Azerbaijan

The Constitution of Azerbaijan has been in force since November 27, 1995. It has continued to remain in effect with the amendments and additions adopted through nationwide referendums held on August 24, 2002, March 18, 2009, and September 26, 2016. Provisions related to the presidency are organized within Articles 99 to 113, which constitute Chapter Six of Section Three of the Constitution, titled "State Power" [1].

In the Republic of Azerbaijan, executive power is vested in the President of the Republic of Azerbaijan. The President may be elected from among citizens who have a higher education, are eligible to vote, have no obligations to foreign states, have permanently resided in the country for more than ten years, have not been convicted of serious crimes, and do not hold dual citizenship. The President of the Republic of Azerbaijan is elected for a sev-

en-year term by direct, general, and equal suffrage, through free, individual, and secret voting [1, 99–101]. The Chairperson of the Supreme Assembly of the Nakhchivan Autonomous Republic is the highest-ranking official of the Nakhchivan Autonomous Republic [1, 136].

The Vice Presidents of the Republic of Azerbaijan are appointed to and dismissed from office by the President. Until a new president is elected, the functions of the President are carried out by the First Vice President. If the First Vice President is unable to fulfill these duties, the powers are transferred to another Vice President who holds First Vice President status; if that is not possible, to the Prime Minister; and if that, too, is not possible, to the Chairperson of the Milli Majlis (National Assembly). The dismissal of the President from office on grounds of committing a serious crime may be initiated by the Constitutional Court and submitted to the Milli Majlis. If a qualified majority of 95 votes among the deputies of the Milli Majlis is secured, the President may be removed from office. While the President enjoys immunity, the Vice President is also granted personal immunity. The President and their family, as well as the First Vice President and their family, are provided for at the state's expense [1, 105–108]. This system is designed to reinforce executive power directly within the presidential administration and further strengthen the role of the President in governance.

The President of the Republic of Azerbaijan holds the authority to appoint and dismiss the Prime Minister. The President also appoints and dismisses members of the Cabinet of Ministers and establishes central and local executive authorities. The President submits nominations to the Milli Majlis (National Assembly) for the appointment of judges to the Supreme Court, Constitutional Court, and appellate courts. Additionally, the President schedules the conduct of parliamentary elections. Alongside appointing and dismissing the Prosecutor General, the President also appoints and dismisses the top command of the Armed Forces and has the authority to declare general or partial mobilization [1, 109].

The Presidential Institution in Kazakhstan

The Constitution of Kazakhstan entered into force on August 30, 1995. It has remained in effect with amendments and additions adopted through nationwide referendums held in 1998, 2007, 2011, 2017, 2019, and 2022. Provisions concerning presidential powers are set forth in Articles 40 to 48 of Section Three of the Constitution [2].

The President of the Republic of Kazakhstan is the head of state. The President of Kazakhstan must be at least 40 years old, have lived in Kazakhstan for the last 15 years, be fluent in the state language, and hold a higher education degree. No individual may be elected as President of the Republic more than once. According to the Constitution, the President of Kazakhstan is directly elected by the citizens of the republic through secret voting, in accordance with the principles of universal and equal suffrage, for a seven-year term. The President of Kazakhstan is prohibited from holding other paid positions, being a member of a representative body, or engaging in entrepreneurial activities. While in office, the President of Kazakhstan must not belong to a political party. Close relatives of the President are not allowed to hold positions in the quasi-state sector, political state service, or similar roles [2, 40–43]. This reflects an effort to preserve the President's political independence and neutrality, as well as a commitment to the principle of transparency in governance.

The President of the Republic of Kazakhstan is only held accountable for treason while in office, and may be removed from office by Parliament for this reason. In the event of the removal or death of the President of the Republic, the powers of the President are transferred to the Chairman of the Senate of Parliament. If the Chairman of the Senate is unable to assume the presidential duties, responsibility is transferred to the Chairman of the Majlis of Parliament, and if the Chairman of the Majlis is unable to assume the duties, the Prime Minister of the Republic will perform the functions of the President. In addition to immunity, the President of Kazakhstan and their family are provided for and protected at the state's expense [2, 46–48]. The immunity and state provision for the President and their family are intended to ensure the safety and continuity of high-ranking political figures within the system.

The President of the Republic of Kazakhstan appoints and dismisses the Prime Minister of the

Republic. With the consent of the Senate of Parliament, the President appoints the Chairman of the Supreme Court, the Chairman of the Constitutional Court, the Chairman of the National Bank, the Prosecutor General, and the Chairman of the National Security Committee of the Republic of Kazakhstan, and can also dismiss them from office. As the Supreme Commander-in-Chief of the Armed Forces, the President appoints and dismisses the high command of the Armed Forces [2, 44].

The Presidential Institution in Kyrgyzstan

The Constitution of Kyrgyzstan came into force on May 5, 1993. It has continued to be in effect through amendments and additions adopted via nationwide referendums held in 1996, 1998, 2002, 2003, 2007, 2010, and 2021. Matters related to the presidency are covered in Articles 60 to 69 of Section Three of the Constitution [5].

The President of the Republic of Kyrgyzstan is the head of state. A citizen of Kyrgyzstan who is at least 35 years old but not older than 70, has lived in the republic continuously for fifteen years, and effectively uses the state language may be elected as President. The President is elected by the citizens of Kyrgyzstan for a six-year term. No individual may be elected as President more than twice. While exercising presidential powers, the President is required to suspend membership in any political party [5, 60–63]. The President of Kyrgyzstan may only be removed from office based on a criminal charge confirmed by the Prosecutor General's opinion, which suggests criminal intent. Until a new president is elected, the functions of the President are carried out by the Jogorku Kenesh (Parliament). If it is not possible for the Jogorku Kenesh to carry out the President's duties, the Prime Minister or the acting Prime Minister assumes the presidential functions [5, 67–68]. This mechanism is designed to ensure the continuity of state administration in the event of the President's removal from office or other causes that lead to a vacancy in presidential powers.

The President of the Republic of Kyrgyzstan, with the consent of the Jogorku Kenesh (Parliament), appoints and dismisses the Prosecutor General. The President also appoints and dismisses members of the government, heads of state bodies dealing with national security issues, their deputies, and other officials. As the Supreme Commander-in-Chief of the

Armed Forces of Kyrgyzstan, the President appoints and dismisses the high command of the Kyrgyz Republic's Armed Forces to establish the military leadership [5, 64].

The Presidential Institution in Uzbekistan

The Constitution of Uzbekistan came into force on December 8, 1992. It has remained in effect through amendments and additions adopted via nationwide referendums held in 1993, 2003, 2007, 2011, 2014, 2017, and 2023. Provisions concerning the President of Uzbekistan are set out in Chapter Nineteen of Section Five of the Constitution, titled "Organization of State Power" [3].

The President of the Republic of Uzbekistan is the head of state. The President of Uzbekistan must be at least thirty-five years old, have lived in Uzbekistan for at least ten years prior to the elections, and be fluent in the state language. No individual may serve as the President of Uzbekistan for more than two consecutive terms. The President of Uzbekistan is elected for a seven-year term through secret voting, in accordance with the principles of direct, universal, and equal suffrage. While in office, the President of Uzbekistan may not be a member of a representative body, hold another paid position, or engage in entrepreneurial activities. The President's personal immunity is protected by law [3, 105–107]. This provision serves to protect the President's powers from extraordinary political interventions and ensure the political stability of the country.

If the President of the Republic of Uzbekistan is unable to perform their duties, their powers are temporarily transferred for a period of three months to the Chairman of the Senate of the Republic of Uzbekistan, in full accordance with the law on Presidential elections. After the expiration of the President's term, even if they resign, they continue to hold a lifetime membership in the Senate of the Supreme Assembly of the Republic of Uzbekistan [3, 112–113]. The former President's lifetime membership in the Senate aims to continually benefit from their political experience and maintain stability in the political system.

The President of the Republic of Uzbekistan presents decrees regarding the establishment and dissolution of ministries and executive bodies to the approval of the Senate of the Supreme Assembly of Uzbekistan. The President of Uzbekistan appoints

and dismisses the members of the Cabinet of Ministers, the Prime Minister, the Prosecutor General, and the judges of the regions and the city of Tashkent, subject to the approval of the legislative chamber of the Supreme Assembly of the Republic of Uzbekistan. As the Supreme Commander-in-Chief of the Armed Forces, the President also appoints and dismisses the high command of the Armed Forces and confers the highest military ranks [3, 109].

The Presidential Institution in Turkmenistan

The Constitution of Turkmenistan came into force on May 18, 1992. It has remained in effect through amendments and additions adopted via nationwide referendums held in 1995, 1999, 2003, 2006, 2008, 2016, 2017, 2020, and 2023. Section Three of the Constitution, titled "The System of State Bodies in Turkmenistan," includes provisions related to the presidency within its second chapter [4].

The President of Turkmenistan is the highest-ranking official of the country and the head of state and executive power. A citizen of Turkmenistan, who was born in Turkmenistan, is at least forty years old, has lived and worked continuously in Turkmenistan for the previous fifteen years, and speaks the state language, may be elected President of Turkmenistan. The President of Turkmenistan is directly elected by the people of Turkmenistan for a seven-year term [4, 68–70]. The President of Turkmenistan is not allowed to be a member of the Turkmenistan Parliament [4, 73]. A person who is currently serving as President of Turkmenistan cannot run for re-election. If the President of Turkmenistan is unable to perform their duties, the powers of the President are temporarily exercised by the Chairman of the Halk Maslahaty (People's Council) until a new President is elected. The President of Turkmenistan's immunity is legally protected [4, 76]. The President and their family are provided with security and support at the state's expense [4, 74]. The President's immunity and state-provided support are important legal mechanisms for ensuring political stability.

The President of Turkmenistan, with the consent of the Halk Maslahaty (People's Council), appoints and dismisses the Chairman of the Supreme Court of Turkmenistan, the Minister of Internal Affairs, the Prosecutor General, and the Minister of Justice of Turkmenistan. As the Supreme Commander-in-Chief of the Armed Forces of Turkmeni-

stan, the President issues decrees regarding general or partial mobilization and the deployment of the Armed Forces [4, 71].

Conclusion

In conclusion, the presidential systems of the Turkic republics, Azerbaijan, Kazakhstan, Kyrgyzstan, Uzbekistan, and Turkmenistan, demonstrate a mix of common features and unique characteristics, as reflected in their respective constitutions. While these countries share cultural and historical ties, their constitutional frameworks reveal distinct approaches to presidential authority, governance structures, and political practices.

The characteristics of the presidency in Turkic republics are outlined in their constitutions. Except for Azerbaijan, the constitutions of other countries specify the minimum age required for presidential candidates. In Kazakhstan, Kyrgyzstan, and Uzbekistan, an individual cannot be elected president for more than one consecutive term, while no such provision is found in the constitutions of Azerbaijan and Turkmenistan. The President of Kyrgyzstan is elected for a six-year term, while presidents in other countries are elected for a seven-year term. Contrary to the requirement in Kazakhstan and Kyrgyzstan that their presidents suspend membership in political parties during their term of office, there is no such provision in the constitutions of Azerbaijan, Uzbekistan, and Turkmenistan.

In Azerbaijan, unlike other republics, the office of the Vice President exists. Until a new president is elected, the First Vice President assumes the presidential duties. If the First Vice President is unable to perform these duties, the responsibility falls to the Prime Minister, and if this is not possible, to the Speaker of the National Assembly. In Kazakhstan, the president's powers are transferred to the Chairman of the Senate of Parliament. If the Senate Chairman is unable to assume the presidential powers, they are passed to the Speaker of the lower house of Parliament, and if this is not possible, to the Prime Minister. In Kyrgyzstan, until a new president is elected, the powers of the president are exercised by the Jogorku Kenesh (National Assembly). If the Jogorku Kenesh is unable to perform this duty, the powers are assumed by the Prime Minister. In Uzbekistan, the president's powers are delegated to the Chairman of the Senate of the Supreme As-

sembly. In Turkmenistan, until a new president is elected, the powers are transferred to the Chairman of the Halk Maslahaty (People's Council). A Cabinet of Ministers is created to ensure the execution of executive powers. While all countries except Turkmenistan have a position of Prime Minister, in Turkmenistan, the President of Turkmenistan also serves as the Chairman of the Cabinet of Ministers.

Ultimately, this study underscores the importance of constitutional design in shaping political systems and governance practices. As these countries continue to evolve, the constitutional frameworks will play a critical role in maintaining political stability, fostering regional cooperation, and ensuring the effective functioning of their presidential systems.

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SUMMARY

The presidential systems in the Turkic republics, including Azerbaijan, Kazakhstan, Kyrgyzstan, Uzbekistan, and Turkmenistan, exhibit common features and distinct regulations based on their respective constitutions. This paper provides a comparative analysis of the presidential roles, powers, and election mechanisms in these countries, emphasizing the similarities and differences in the regulation of presidential terms, responsibilities, and the vice-presidential office. The analysis reveals key

constitutional nuances that reflect the political structure of each country.

Keywords: *Presidential system, Turkic republics, constitutional law, Azerbaijan, Kazakhstan, Kyrgyzstan, Uzbekistan, Turkmenistan.*

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XÜLASƏ

Türk respublikalarında, o cümlədən Azərbaycan, Qazaxıstan, Qırğızıstan, Özbəkistan və Türkmənistanı prezidentlik sistemləri, hər birinin müvafiq konstitusiyalarına əsaslanaraq ümumi xüsusiyyətlər və fərqli tənzimləmələr nümayiş etdirir. Bu məqalə, bu ölkələrdə prezidentlik rollarını, səlahiyyətlərini və seçki mexanizmlərini müqayisəli təhlil edir, prezidentlik müddətlərinin, məsuliyyətlərinin və vitse-prezidentlik vəzifələrinin tənzimlənməsindəki oxşarlıqları və fərqləri vurğulayır. Təhlil hər bir ölkənin siyasi strukturunu əks etdirən əsas konstitusiyə nüanslarını üzə çıxarır.

Açar sözlər: *Prezidentlik sistemi, Türk respublikaları, konstitusiyalı hüquq, Azərbaycan, Qazaxıstan, Qırğızıstan, Özbəkistan, Türkmənistan.*

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РЕЗЮМЕ

Президиальные системы в тюркских республиках, включая Азербайджан, Казахстан, Кыргызстан, Узбекистан и Туркменистан, демонстрируют общие особенности и различные регулирования, основанные на их соответствующих конституциях. В данной статье проводится сравнительный анализ президентских ролей, полномочий и избирательных механизмов в этих

странах, подчеркивая сходства и различия в регулировании президентских сроков, обязанностей и институтов вице-президента. Анализ выявляет ключевые конституционные нюансы, отражающие политическую структуру каждой страны.

Ключевые слова: *Президентская система, Туркменские республики, конституционное право, Азербайджан, Казахстан, Кыргызстан, Узбекистан, Туркменистан.*