

Constitutional and legal responsibility of state bodies and senior officials

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Abstract. Kyrgyzstan, with increased political activity and dynamic changes in the governance system, faces problems with the constitutional and legal responsibility of state bodies and their officials, which require the development of effective forms of governance for sustainable strategic development to address them. Therefore, the study aimed to identify problematic aspects of constitutional and legal responsibility in Kyrgyzstan. Statistical analysis, formal logical and comparative methods, and legal and comparative methods were used in the study. The main problems in the system of constitutional and legal liability in Kyrgyzstan were identified, which include insufficient clarity and application of regulations, incomplete implementation of mechanisms for supervision and control over the activities of state bodies and their officials, and limited access of citizens to judicial protection in cases of violation of their constitutional rights. In addition, the study identified problems in the court practice of considering cases of constitutional and legal liability, including delays in the process of consideration and insufficient effectiveness of the measures taken. Based on these findings, specific recommendations were developed containing proposals for improving the legislation, namely, defining the mechanisms of constitutional and legal liability and eliminating contradictions in regulations, strengthening verification mechanisms and mandatory introduction of a reporting system, expanding the possibility of going to court,

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including reducing barriers to access to legal aid. Thus, the practical significance of this study is that its findings provide a basis for the development of specific measures and reforms aimed at improving the system of constitutional and legal liability in Kyrgyzstan and ensuring the protection of the constitutional rights of citizens

Keywords: legislation; control mechanisms; management functions; judicial protection; political responsibilities; transparency and openness

Introduction

The constitutional and legal responsibility of state bodies and top officials remains relevant due to dynamic political and legal changes, which impose new requirements on the functioning of state institutions. In the context of the constant endeavour to strengthen democratic values and the rule of law, the creation of an effective system of responsibility becomes a necessity to ensure the observance of stability and legal order, on the one hand, and the other hand, the protection of the rights and legitimate interests of citizens. Moreover, in a society where transparency, openness and accountability play a key role in building trust in state institutions, the constitutional and legal accountability system needs to be carefully analysed and improved. It serves as a necessary mechanism to ensure control over the actions of state bodies and their representatives, as well as to guarantee the possibility of protecting the rights of citizens in case of violation. In this regard, in-depth analysis and development of appropriate measures and recommendations to improve the system of constitutional and legal liability become an urgent task to ensure legal order and the development of a democratic society.

In the context of constant changes in the political and legal environment, the problem in this area is the inefficiency of the existing system of constitutional and legal responsibility, which requires increased attention. This is necessary to identify the main shortcomings and problems in its functioning, which may hinder the rule of law, the protection of citizens' rights and the effective functioning of state bodies.

Other authors addressed this issue in their studies as well. For instance, D. Asanbekova *et al.* (2021) investigated the issue of constitutional and legal responsibility of local government employees in sovereign Kyrgyzstan. The authors analysed the main aspects of liability, including legal norms, mechanisms and procedures for applying liability to municipal employees. They also discussed the role of the constitution and legislation in determining the responsibility of local-level employees and its significance for the observance of legal order and legality in the regions.

A. Akmataliyev and D. Nurjan (2021) highlighted different ways to increase the accountability of local governments. The authors analysed possible measures to increase control over the activities of local authorities, including legislative changes, the introduction of effective oversight mechanisms and ensuring transparency in decision-making at the local level. They also addressed the importance of increasing local accountability to ensure good governance and meet the needs of the population.

In their paper A. Bazarbayev and A. Atai (2023) addressed the impact of decisions made by senior officials on the observance and protection of human rights in the context of the criminal legal sphere in Kyrgyzstan. They noted the importance of ensuring constitutional and legal accountability to protect the fundamental rights and freedoms of citizens.

A.D. Urmatova *et al.* (2022) explore the use of cross-sectoral legal terminology in the process of improving legislation and legislative innovations on legal liability in the context of

Kyrgyzstan's sovereignty. The authors analysed the issues of interrelation between different sectors of law and the use of terminology in new legislative initiatives. The study covers both theoretical and practical aspects of the use of cross-sector terminology in legal documents.

In research of R. Anisov *et al.* (2021) addressed a range of democratic institutions in the context of their role and functioning in Kyrgyzstan. The authors analysed how these institutions affect the rule of law and the protection of citizens' rights. Key institutions such as parliament, the judiciary, the presidency and other organs of state administration are examined. Particular emphasis is devoted to how these institutions respect the principles of constitutional and legal accountability and their impact on ensuring justice, equality before the law and the protection of the fundamental rights of citizens.

S. Gabbay (2024) addressed the current state of Kyrgyzstan in the context of the struggle for democracy and human rights. The author analysed the political, social and legal aspects of this struggle, and considers the challenges faced by the country on its way to establishing a stable democratic system and protecting the rights of citizens. The study also addressed the institution of legal accountability of state bodies in the context of the protection of human rights. The author concluded that the effective functioning of this institution contributes to the protection of fundamental rights and freedoms of citizens in Kyrgyzstan.

The analysis of the conducted studies reveals certain problematic issues not covered by the authors. The studies did not analyse the effectiveness of legislative measures to regulate responsibility in the context of the constitutional-legal system of Kyrgyzstan, as well as issues related to normative regulation and the mechanism of implementation of control and supervision over the activities of senior officials. The analysis also indicates insufficient attention to the application of the institute of constitutional-legal responsibility to various subjects, such as the President, deputies, members of the Cabinet of Ministers and other senior officials.

Therefore, the study aimed to investigate the shortcomings and problems in the field of constitutional and legal liability in Kyrgyzstan. The main objectives of the study were to analyse the existing norms and mechanisms of constitutional and legal responsibility in Kyrgyzstan; identify the main shortcomings in bringing officials to responsibility in practice; study international experience in ensuring constitutional and legal responsibility; based on the identified shortcomings and problems, develop recommendations for their elimination and improvement of the system of governance and ensuring the rights of citizens.

Materials and methods

The formal logical method included a detailed study and analysis of key legal documents that regulate constitutional and legal liability in Kyrgyzstan. The norms of not only the Constitution of the Kyrgyz Republic (2021) were analysed, but also the main normative acts directly related to

the issues of responsibility of state bodies and senior officials for violations of constitutional norms on the protection of the rights and legitimate interests of citizens, namely the norms of the Law of the Kyrgyz Republic No. 152 “On Guarantees of the Activity of the President of the Kyrgyz Republic and the Status of the Ex-President of the Kyrgyz Republic” (2003), Law of the Kyrgyz Republic No. 267 “On the Status of a Deputy of the Jogorku Kenesh of the Kyrgyz Republic” (2008), Constitutional Law of the Kyrgyz Republic No. 122 “On the Cabinet of Ministers of the Kyrgyz Republic” (2021). The analysis addressed not only the main norms defining the procedure and conditions of liability but also analysed where and how these norms are applied. This covered the examination of the competence of various bodies and instances in the process of bringing constitutional and legal liability, as well as the establishment of procedures and mechanisms used in the consideration of cases of violations. Another important aspect was an identification of the obligations and rights of state bodies and officials, as well as determining the measures of liability provided for violations. This method analysed in detail the degree of clarity, precision and applicability of the legislation in constitutional and legal liability, as well as identified some contradictions and gaps in the existing normative framework.

The statistical analysis method was used to systematise, analyse and evaluate the data on the prosecution of senior officials in the Kyrgyz Republic. First, statistical information was collected on cases when senior officials were subjected to constitutional and legal liability for the period from 2021 to 2024 (VII Convocation of Deputies of Jogorku Kenesh). This data was then analysed to identify dynamics and trends in accountability, as well as to identify possible regularities or peculiarities in this process. This was followed by an assessment of the effectiveness of the current system of constitutional and legal liability based on the results of the statistical analysis. This included identifying the condition of frequency and grounds for bringing to account, as well as determining the causes and consequences of such actions.

The comparative method was used to analyse the systems of constitutional and legal responsibility in various countries and their comparison with the system in force in Kyrgyzstan. Namely, normative provisions such as the Constitution of Italy (1947) and the Basic Law for the Federal Republic of Germany (1949) were analysed. This included analysing such aspects as the procedure for prosecution, mechanisms of control over the implementation of laws, sanctions for violations, and accessibility of judicial protection for citizens. This method highlighted the strengths and weaknesses of the existing system of constitutional and legal liability in Kyrgyzstan, as well as recommendations for improving the system of governance and protection based on the practices of other countries.

Thus, this set of methods was used to conduct a comprehensive and in-depth study of the system of constitutional and legal responsibility in Kyrgyzstan, identify its existing problems and shortcomings, and develop the main directions of strategy to improve the management of the system, which is designed to ensure the rights and legitimate interests of citizens.

Results

In the modern world, where transparency, openness and responsibility are becoming more and more important factors, improvement of the system of constitutional and legal

responsibility is a necessity. This is related to the strengthening of democratic institutions, increasing requirements for a state based on the rule of law and ensuring the observance of legality in the activities of state structures. To improve it, first, it is necessary to identify the shortcomings of the existing system of constitutional and legal responsibility of state bodies and top officials. The formal-logical method revealed the main normative provisions regulating the procedure of bringing to responsibility and identified the main categories of violations and types of responsibility provided for by the legislation.

Firstly, it is worth noting the norms of the Constitution of the Kyrgyz Republic (2021). Article 4 of the Constitution reflects the principles of constitutional, legal and other responsibilities of state bodies, local self-government bodies and their officials to the people. This principle is fundamental to the observance of the rule of law and the protection of citizens' rights, ensuring transparency and accountability in the activities of State bodies. Concerning the President of the Kyrgyz Republic, Article 73 of the Constitution of the Kyrgyz Republic (2021) contains the procedure for bringing the President to criminal responsibility and removal from office. An analysis of this provision indicates that the President can be held criminally liable only after removal from office, and the removal itself can occur on several grounds, such as violation of the Constitution and laws; illegal interference in the powers of the Jogorku Kenesh, i.e. the Parliament, and the judiciary. The procedure for removal includes a decision of the Jogorku Kenesh to press charges, confirmed by the conclusions of the General Prosecutor's Office and the Constitutional Court, and requires a majority of at least two-thirds of the Jogorku Kenesh deputies. This norm emphasises the importance of respect for the rule of law and the principles of constitutional order and establishes procedures and requirements for holding the President accountable and removing from office in case of violations of laws and the Constitution (Ponthoreau, 2017). Of such content is Article 3 Law of the Kyrgyz Republic No. 152 (2003).

Despite certain control mechanisms and procedures established to hold the President accountable, these norms also have their shortcomings. First of all, there are problems with the interpretation of concepts, for example, what exactly is considered unlawful interference in the powers of the Jogorku Kenesh and the judiciary. This leaves room for various interpretations and manipulations. Lack of clarity in the formulation of the criteria for removal may lead to politicisation of the process and external interference, which threatens the independence and objectivity of the decisions made. In addition, it is worth noting that the requirement of removal from office to hold the President criminally liable weakens the control and punishment of criminal acts, as criminal liability can only be applied after the President is no longer in office. This may create certain gaps in the system of accountability and raise doubts about its effectiveness and fairness. In addition to these shortcomings, the timing of the process of removing the President from office in case of criminal liability is an important aspect, as the procedure involves several stages, such as bringing charges, obtaining opinions from the General Prosecutor's Office and the Constitutional Court, as well as the adoption of a decision by the Jogorku Kenesh, which will eventually lead to an indefinite delay in the process. A lengthy process of removing the President from office may lead to uncertainty in the administration of the state and disruption of the functioning of state institutions.

It is also necessary to analyse the normative regulation of bringing deputies of the Kyrgyz Republic to responsibility. Article 78 of the Constitution of the Kyrgyz Republic (2021) contains important norms on the constitutional and legal responsibility of deputies of the Jogorku Kenesh. According to this provision, deputies cannot be prosecuted for their statements or voting results in the Jogorku Kenesh related to their parliamentary activities. This guarantee ensures freedom of expression and the independence of deputies in the fulfilment of their duties. However, the Article also establishes an exception, according to which a deputy may be held criminally liable without the consent of most deputies of the Jogorku Kenesh if one is caught in the act of committing an offence. This means that a deputy does not have immunity if criminal act was recorded at the scene. In addition, Article 3 of Law of the Kyrgyz Republic No. 267 (2008) regulates the early termination of the powers of a deputy of the Jogorku Kenesh in case of entry into force of a court conviction against him/her. According to this provision, the powers of a Jogorku Kenesh deputy may be terminated early by a decision of the Central Election Commission of the Kyrgyz Republic, adopted within thirty calendar days from the date on which the grounds for termination arose. This ensures a timely and effective response to violations on the part of the deputy, expressed in a court conviction.

While these norms recognise important rights and guarantees for deputies of the Jogorku Kenesh, they also have some shortcomings. One such shortcoming is the potential for abuse of the exception, which allows a deputy to be prosecuted without the consent of the majority of Jogorku Kenesh deputies in the event of an offence. This could lead to political manipulation and the use of criminal prosecution as a tool to discredit opposition deputies or those who express unpopular views. Another disadvantage of this prosecution procedure is that it does not involve other bodies such as the Constitutional Court or the Supreme Court. This means that the process of deciding on the liability of a deputy can be carried out solely by the Jogorku Kenesh, which does not always guarantee the objectivity and fairness of

the decision. As a result of this approach, situations may arise where the decision on the responsibility of a deputy is based on political motives or subjective assessments, without due consideration of legal norms and principles.

Regarding the Cabinet of Ministers of the Kyrgyz Republic, Article 92 of the Constitution provides that the President may, on initiative, dismiss an incumbent or a member of the Cabinet of Ministers. However, this norm does not specify the procedures and grounds for liability. This means that there is no clear regulation of what actions or circumstances can serve as grounds for resignation and what procedures should be followed when making such a decision (Ponthoreau, 2017). Analysing Constitutional Law of the Kyrgyz Republic No. 122 (2021), it is worth noting that it contains a norm according to which the President has the right to impose disciplinary sanctions on the Chairman of the Cabinet of Ministers, members of the Cabinet of Ministers and heads of other executive bodies, as well as to apply measures of encouragement to them. However, this norm requires clear and balanced regulation of the procedures for applying disciplinary measures and rewards. It is necessary to establish clear criteria and grounds for imposing disciplinary penalties and applying incentives. Thus, despite the existing norms that provide guarantees of the rights and freedoms of deputies, as well as determine the procedures for bringing to responsibility for the President and members of the Cabinet of Ministers, there are certain shortcomings of these norms. Therefore, the improvement of normative regulation of constitutional and legal liability is an important step to ensure the effective functioning of state bodies, to protect the rights of citizens and to maintain stability in the country.

The results of the statistical analysis revealed problems in the effectiveness of the system of bringing top officials to constitutional and legal responsibility in the Kyrgyz Republic. In the context of using this method, the data on bringing to responsibility deputies for the period from 2021 to 2024, namely the VII convocation of deputies of Jogorku Kenesh (Fig. 1), was analysed.

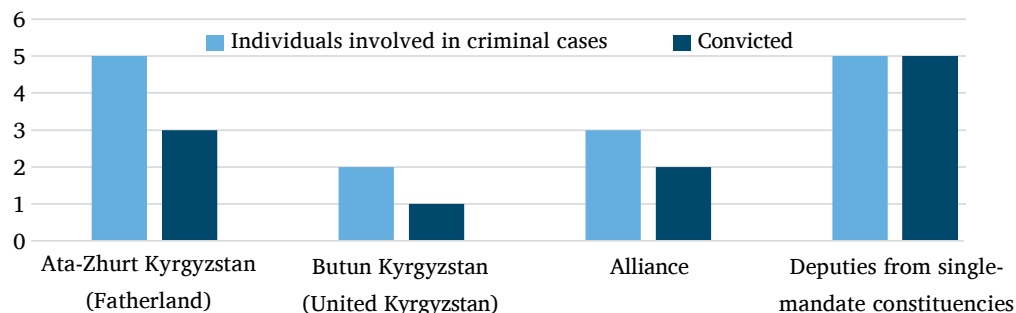


Figure 1. Bringing deputies of the seventh convocation of the Jogorku Kenesh to responsibility

Source: compiled by the authors based on News.com.kg (2024)

Since the beginning of the VII convocation of the Jogorku Kenesh, a total of 15 deputies of the Parliament of the country have been prosecuted, with the most frequent defendants of criminal cases being deputies from the faction “Ata-Zhurt Kyrgyzstan” (5 people), as well as from single-mandate constituencies (5 people). However, it is worth noting that not all the deputies investigated were convicted. In particular, the deputies of “Ata-Zhurt Kyrgyzstan”,

“Alliance” and “Butun Kyrgyzstan”, as most deputies of Jogorku Kenesh did not give their consent to prosecute these officials. This demonstrates the need to change the system of holding senior officials accountable to provide a more effective mechanism for preventing corruption and other criminal acts in the Kyrgyz authorities. Such data emphasise the importance of tightening control and oversight over the activities of deputies from various political

factions, thus ensuring honesty, transparency and legality in the functioning of Parliament and other state bodies.

As a result of a comparative analysis of constitutional and legal liability systems in various countries and their comparison with the system in force in Kyrgyzstan, it was noted that the procedure for bringing responsibility in different countries has significant differences. For example, the rule stipulated in Article 68 (2) of the Constitution of Italy (1947) that no member of parliament may be criminally prosecuted without the permission of the chamber to which belonging and that the member may not be subjected to a personal or house search, arrested or otherwise deprived of liberty, is important for ensuring the independence of parliamentarians and protecting their rights. This norm is aimed at preventing the possible abuse of deputies by law enforcement agencies, which contributes to the strengthening of democratic principles and the balance of power. However, despite this, such guarantees raise debates about the privileged position of deputies before the law and need to be balanced between protecting the rights of parliamentarians and ensuring the rule of law and justice in society. Similarly, the rule described in Article 46 (2) and (3) of the Basic Law for the Federal Republic of Germany (1949), which sets out important principles and limitations on the prosecution of MPs and the restriction of their freedom, is also relevant. Under this provision, a deputy may only be prosecuted or arrested with the consent of the Bundestag, which is an important mechanism for protecting the independence and authority of parliamentarians. This strikes a balance between the need to prosecute criminal offences and the protection of MPs' rights and freedoms.

The procedures for lifting such immunity from deputies vary from country to country. For example, in Germany, the mechanism for lifting the immunity of deputies is done through the Attorney General, while in Poland it is done at the request of another deputy (Cieplý, 2019). Other countries, such as Denmark and Sweden, have stricter conditions for lifting the immunity of deputies. However, a particularly important aspect is the principle of absolute majority for decisions on lifting immunity, which is applied in many countries. This differs from the practice in Kyrgyzstan, where more flexible mechanisms are in place (Manafova, 2022). Analysing the norms of other countries, it is possible to note that in all democratic countries, legal norms are ensuring the immunity of deputies of the highest legislative and representative bodies of power. At the same time, these countries also have procedures to remove this status from parliamentarians if necessary (Peters, 2021). Thus, more stringent conditions for lifting immunity may ensure greater accountability of deputies to the law and society, but it may also make it more difficult for them to work in the interests of citizens. Thus, analysing the results of the conducted research it is necessary to highlight the main problems in the system of constitutional and legal responsibility of the highest officials of the Kyrgyz Republic, as well as to develop the main recommendations for their elimination.

Insufficient clarity and application of normative acts, as well as incomplete implementation of mechanisms of supervision and control over the activities of state bodies and officials in the system of constitutional and legal responsibility of Kyrgyzstan, are serious problems that significantly affect the effectiveness and fairness of the legal process. There are several gaps in the control mechanisms and procedures for

holding the President accountable in Kyrgyzstan. Ambiguity and vagueness of concepts such as “unlawful interference with powers” create room for different interpretations and manipulations, which threatens the objectivity and independence of decisions. The lack of clarity on the criteria for removal from office in cases of criminal liability of the President leads to the risk of politicisation of the process and external interference, which undermines confidence in the justice system. There are also problems in the procedure of bringing deputies of the Jogorku Kenesh to criminal liability. The first problem is related to the possibility of abuse of the exception, which allows a deputy to be responsible without the necessary consent of most deputies. This opens the door for political manipulation and the use of criminal prosecution to achieve political goals. The second problem is the limited involvement of other bodies, such as the Constitutional Court or the Supreme Court, in deciding on the liability of a deputy. This can lead to unfair and biased decisions based on political motives, without due regard for legal norms and principles (Artemenko & Yerosova, 2024).

Recommendations to address these problems include, first and foremost, a comprehensive analysis and revision of normative acts, including the Constitution and laws, to clearly define the concepts, criteria and procedures for holding the President accountable. This includes clarifying the definitions of “unlawful interference with authority”, “insufficient fulfilment of duties” and other key terms to eliminate ambiguity and possible interpretative differences. To strengthen control and oversight of the process of holding the President to account, mechanisms of external independent monitoring should be introduced. This could include the establishment of specialised commissions or bodies comprised of independent experts and representatives of public organisations to oversee the procedure and ensure its fairness and transparency. To reduce the timeframe of the procedure for the removal of the President from office in cases of criminal liability, the process should be streamlined, and cases should be expedited. Time limits for each stage of the procedure should be defined, and a mechanism for expediting cases in case of urgent need, for example, in case of a threat to public or national security, should be envisaged.

To address the problems in the procedure of bringing deputies of the Jogorku Kenesh to criminal liability, the introduction of mandatory examination and confirmation of the facts preceding the bringing of deputies to criminal liability is recommended, for example, by establishing an independent commission or body that will verify and evaluate the evidence and grounds for the decision to bring them to liability. In addition, the participation of the Constitutional Court or the Supreme Court in the decision-making process on the liability of deputies should be expanded by giving them the right to conduct a mandatory expert review of the legal validity and fairness of the charges, as well as the right to make a final judgement on the matter. It is also recommended to establish a specialised independent body or commission to monitor and supervise the process of holding deputies accountable, which would ensure compliance with procedural norms, prevent political influence on judicial decisions and ensure the objectivity and fairness of the entire process.

The implementation of these measures will eliminate deficiencies in the system of constitutional and legal liability, increase its effectiveness and fairness, and ensure the stability and reliability of state institutions.

Discussion

Analysing the results of this study, it is worth noting that in the system of constitutional and legal responsibility in Kyrgyzstan, there are problems both at the normative level of regulation and insufficient attention to the mechanisms of control and supervision over the process of bringing to responsibility, which creates an opportunity for political manipulation and subjective decisions. Thus, this system of bringing top officials to responsibility needs to be reformed.

Other authors also studied the problems in the liability system both in their own countries and analysed the world experience. For instance, A. Kržalić and F. Purišević (2023) addressed the forms of legal liability of politicians and officials of executive and administrative power in Bosnia and Herzegovina. They discussed the existing norms of liability and proposed changes in the legislation. The authors concluded that the liability system needs improvements and clearer criteria, especially concerning the liability of high-ranking officials. They proposed to tighten the norms and expand liability to better control the actions of political and administrative figures. It is worth noting that the current system of accountability may not be sufficiently effective and needs to be improved, especially at the legislative level, to ensure stricter compliance with the law and prevent abuse. However, it is also necessary to consider that the tightening of liability norms should be accompanied by a guarantee of respect for the rights of officials and enable them to fulfil their duties effectively without disproportionate pressure or restrictions (Yara, 2024).

J. Xu (2024) addressed the problems of oversight and enforcement of constitutional normativity in a legal regulation-oriented legal system. The author studied issues related to the effectiveness of constitutional normative oversight and enforcement in a legal system. The study highlighted key aspects of oversight and safeguards aimed at supporting constitutional normativity and analysed ways to improve this system. Indeed, ensuring constitutional normativity are crucial aspect of the legal system. It is necessary to guarantee compliance with basic constitutional principles and to ensure their realisation in practice. However, there are several reasons to disagree with some of the methods and mechanisms proposed by the author to improve the oversight and guarantee of constitutional normativity. For instance, the author suggests simplifying the procedures for guaranteeing constitutional normativity by reducing procedural formalities. However, the simplification of procedures may lead to a decrease in the level of protection of the rights and interests of citizens, and the reduction of the time limits for consideration of complaints or appeals may negatively affect the accessibility and effectiveness of legal protection.

A. Kuratashvili (2014) addressed the theory of balancing the rights and responsibilities of officials as an essential scientific basis for the protection of human rights. The author considered the importance of maintaining a balance between the rights and responsibilities of officials for the effective protection of citizens. He emphasised that violation of this balance can lead to infringement of citizens' rights and create conditions for arbitrariness and corruption in state bodies. The conclusions of the researcher are that the balance of rights and duties of officials is a key aspect of human rights protection and normal functioning of the state are valid. The author also rightly emphasises that this balance ensures fair and legitimate governance, prevents abuse of power and reduces corruption.

V. Mikić (2024) explored the issues of criminal liability of the US president in the context of contemporary challenges and requirements to the legal system. The author analyses historical precedents and court decisions related to the criminal liability of presidents and discusses the influence of the political context on the legal aspects of such prosecution. The author discovered that the president has certain privileges and protections related to the performance of official duties, which complicates the process of bringing him to criminal responsibility. The author concludes that the privileged status of the president may lead to situations where presidential actions or decisions that may be subject to criminal assessment turn out to be difficult to prosecute due to political protection or specific constitutional norms being valid. But at the same time, it is worth noting that in some situations the president (or an official with similar powers) may face political attacks and unfounded accusations, and special status helps him to defend himself against undue attempts to restrict or discredit powers (Spytska, 2023).

Á. Ósze (2023) analysed the responsibility of the President of the Republic in the Hungarian constitutional system. The author examines various aspects of this responsibility, including the powers of the president, the mechanisms of control over actions, and interaction with other authorities. The researcher concluded that the mechanisms of control over the actions of the president can in themselves guarantee the real responsibility of this subject to society. However, it is necessary to disagree with this statement of the author, as the influence of political factors or interests of certain groups can weaken the effectiveness of control and lead to subjective or biased decisions. In addition, there may be problems in the implementation of control mechanisms in practice due to insufficient legal protection or institutional weakness of some bodies responsible for this control.

A. Baidhowah (2022) presented an analysis of decentralisation in Indonesia considering the decisions of parliament, political networks and constitutional amendments. The analysis shows that the decisions made by members of parliament have a direct impact on the decentralisation process in the country. This confirms the importance of members of parliament's constitutional responsibility in ensuring the effectiveness of decentralisation and upholding the rule of law in decisions related to the local government level. Responsible behaviour of members of parliament in making decisions on the division of powers and resource allocation at the local level contributes to more effective and equitable decentralisation, which in turn contributes to the development of local communities and the improvement of the quality of life of the population (Nakonechnyi, 2023). Thus, the author's conclusions about the need to create an effective system of constitutional and legal responsibility to ensure the protection of citizens' rights, as well as in general the development of a democratic state, fully coincide with the conclusions of the conducted research.

K. Inobemhe *et al.* (2023) analysed principles and approaches to understanding and reporting on parliamentary work. The authors discussed the importance of properly understanding the work of parliament and correctly informing the public about its activities. The authors argue that a lack of transparency and inaccurate reporting can create situations where parliament is held accountable for ineffective use of its powers or failure to comply with constitutional norms. Thus, the study emphasises the importance of transparency

and accountability in parliamentary activities. In this aspect, it may be disagreed that transparency and information about the work of parliament automatically guarantees its constitutional accountability. Even with a high degree of openness and awareness of parliamentary activities, there may be cases where its decisions or actions are not in line with constitutional norms or principles. In addition, even when the public is properly informed, there may be mechanisms that allow parliament to avoid real accountability to the public, for example, for ineffective use of powers or insufficient respect for constitutional principles (Bekpayeva & Nikiforova, 2023).

S.G. Barbu and C.M. Florescu (2024) examined the procedures for accepting government responsibility for a draft law. The authors analyse this process in the context of social sciences and law, providing an overview of the main aspects and mechanisms used in decision-making on this issue. The study notes that the procedures and mechanisms that ensure transparency and validity of decisions on accepting the government's responsibility for a draft law are key to respecting constitutional and legal accountability, which can be fully agreed upon. For example, the confidence-building procedure in Parliament may be a good example. If a president or other public body fails to obtain the support of a majority of parliament on its bills or decisions, this may lead to its resignation or to charges of failing to fulfil its responsibilities to the law (Parkhomenko, 2023). Thus, effective procedures in parliament help to ensure the constitutional and legal accountability of senior officials.

A. Giu (2022) addressed the immunity of members of parliament in the Republics of Albania and Bulgaria. The author analysed the normative acts and practice of immunity in these countries and identified the main features and problems of this system. The researcher concluded that the immunity of members of parliament, as an important aspect of the system of constitutional and legal liability, serves as a defence against arbitrary persecution and ensures the independence of the legislature. However, it is worth noting that questions arise about the fair and effective application of immunity. Immunity must not become a barrier to punishment for serious offences or abuses of power. Therefore, mechanisms for lifting immunity should be clearly defined and available when there is sufficient evidence of violations.

T. Botchway and M. Asante (2021) addressed the issue of parliamentary immunity and analysed its importance in protecting deputies from potential political manipulation and harassment that could interfere with their functioning and independence. Unlike the previous analysed work, in this article, the authors do not only point out the positive aspects of immunity but also discuss potential abuses of this status, which may lead to the avoidance of responsibility for wrongdoing. Therefore, the conclusion of the researchers, calls for a more careful and balanced approach to the issue of parliamentary immunity, which would ensure the protection of deputies' rights but would also prevent them from evading legitimate responsibility and control by society and legal institutions.

Conclusions

The results of the conducted research aimed to identify problematic aspects of the system of constitutional and legal

responsibility of the highest officials of Kyrgyzstan and confirmed that the effectiveness of this system directly depends on the clarity and balance of normative acts, procedures (order) and control mechanisms. As a result of the application of the legal method of research, certain shortcomings in the existing normative regulation of constitutional-legal liability concerning deputies, the President and members of the Cabinet of Ministers have been identified. These shortcomings imply imperfections in the procedures of bringing to responsibility and ensuring the rights and freedoms of participants of the political system. Therefore, to ensure the effective functioning of state bodies, to protect the rights of citizens and to maintain stability in the country, it is necessary to improve the normative regulation of bringing these subjects to responsibility.

The results of the statistical analysis indicated problems with the effectiveness of the system of bringing top officials to constitutional and legal responsibility in the Kyrgyz Republic. This indicates the need to improve the system of control and oversight over the activities of deputies to effectively combat corruption and other offences in the Kyrgyz authorities. The comparative method was also applied to analyse the systems of constitutional and legal liability in various countries and compare them with the system of Kyrgyzstan. As a result, significant differences were revealed in the mechanisms of protection of deputies from unlawful actions of law enforcement agencies and procedures for lifting immunity. Countries such as Italy and Germany apply strict measures to protect the rights of parliamentarians, including requiring the consent of the authorities, while Kyrgyzstan has more flexible procedures.

Thus, these methods were used to identify the main problems of the system of constitutional and legal liability of Kyrgyzstan, such as insufficient clarity and application of normative acts, incomplete implementation of control and oversight mechanisms, as well as blurred concepts affecting the effectiveness and fairness of the legal process. To address these shortcomings, recommendations have been developed that include conducting a comprehensive analysis of regulatory acts to clearly define concepts and procedures, strengthening control and oversight through independent mechanisms, optimising the timing of procedures, introducing mandatory expertise and increasing judicial participation in decision-making. The implementation of these measures will make it possible to improve the effectiveness of the liability system, ensure its fairness and reliability, and strengthen the stability of State institutions.

One of the main directions for further research in the field of constitutional and legal responsibility of state bodies and officials can be the analysis of modern mechanisms of control and supervision over the fulfilment of constitutional duties, considering the level of their effectiveness and compliance with modern challenges and requirements of legal society.

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Conflict of interest

None.

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Конституційно-правова відповідальність державних органів і вищих посадових осіб

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Анотація. У Киргизстані, за підвищеної політичної активності та динамічних змін у системі управління, виникають проблеми з конституційно-правовою відповідальністю державних органів та їхніх посадовців, які потребують розроблення ефективних форм управління для сталого стратегічного розвитку задля їхнього розв'язання. Тому метою цього дослідження було виявлення проблемних аспектів конституційно-правової відповідальності в Киргизстані. Для досягнення поставленої мети було застосовано методи статистичного аналізу, формально-логічний і компаративний методи, юридичний метод, а також порівняльний метод. У результаті проведеного дослідження було виявлено основні проблеми в системі конституційно-правової відповідальності в Киргизстані, які включають у себе недостатню чіткість і застосування нормативних актів, неповне здійснення механізмів нагляду та контролю за діяльністю державних органів та їхніх посадових осіб, а також обмежений доступ громадян до судового захисту у випадках порушення їхніх конституційних прав. Крім того, було виявлено проблеми судової практики з розгляду справ щодо конституційно-правової відповідальності, включно із затримками в процесі розгляду та недостатньою ефективністю вжитих заходів. На основі цих результатів було розроблено конкретні рекомендації щодо поліпшення законодавства, а саме визначення механізмів конституційно-правової відповідальності та усунення суперечностей у нормативних актах, посилення механізмів перевірки та обов'язкове запровадження системи звітування, розширення можливості для звернення до суду, зокрема зниження бар'єрів для доступу до правничої допомоги. Таким чином, практичне значення цього дослідження полягає в тому, що його результати надають підґрунтя для розроблення конкретних заходів і реформ, спрямованих на поліпшення системи конституційно-правової відповідальності в Киргизстані та забезпечення захисту конституційних прав громадян

Ключові слова: законодавство; механізми контролю; управлінські функції; судовий захист; політичні обов'язки; прозорість і відкритість