


Non-parliamentary Representative Bodies in Post-Soviet Authoritarian States: Cases of Belarus, Kazakhstan, Kyrgyzstan and Turkmenistan. A Comparative Study

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Abstract: The following paper zooms in on the legal frameworks and the roles in the governance processes of non-parliamentary representative bodies in four post-Soviet authoritarian states: Belarus, Kazakhstan, Kyrgyzstan, and Turkmenistan. These bodies – rooted in the principles of authoritarian and populist constitutionalism – serve as instruments to strengthen executive power while presenting a façade of democratic governance. The study highlights the diverse origins, organization, and functions of these institutions, including the All-Belarusian People’s Assembly, the Assembly of the People of Kazakhstan, the People’s Kurultai of Kyrgyzstan, and the Halk Maslahaty of Turkmenistan. Despite differences in structure and legal mandates, these bodies share a common purpose: consolidating state authority to enhance formal societal representation. The paper reveals the instrumental role of these bodies in maintaining autocratic regimes, manipulating democratic norms, and ensuring regime stability through direct control by the executive power (the Presidents).

1. Introduction

The political systems of the former Soviet Union countries have been in the process of reform for quite some time now, and democratization is not where this process is heading in most cases. The latest constitutional cycle

began in 2020 with Russia amending its constitution, followed by constitution amendments in Kyrgyzstan in 2021 and constitutional reforms in Belarus, Kazakhstan, Uzbekistan and Turkmenistan in 2022–2023. The scope of these reforms can be interpreted as improving the state-building process, in which the authoritarian authorities launch additional mechanisms that legally limit the possibility of the democratic alternation of governments. The undemocratic regimes of the former USSR are characterized by a low institutionalization of politics (including the party system), the president's domination in all the branches of power (including law-making competencies) and the creation of a constitutional façade of democracy, where pluralism, competitive elections and responsiveness to social needs are formally asserted though not necessarily practiced.¹

In this context, the foundation of non-parliamentary representative bodies is a captivating research object. Such institutions are supposed to establish a direct link between the people and the president as the head of state and to implement the principle of “the people's rule,” which is known from the Soviet era (Russian: *narodovlastie*). This paper examines the legal aspects of the operation of such institutions in Belarus, Kazakhstan, Kyrgyzstan and Turkmenistan. Not surprisingly, all these countries are governed by rigid and consolidated non-democratic regimes, which frequently violate the principles of the rule of law, democracy and human rights are frequently violated.² Their constitutional model, system of governance, and foreign policy to some extent resemble Russian practices. The paper discusses the origins and the legal position of non-parliamentary representative bodies in these countries and assesses them in the paradigm of authoritarian and populist constitutionalism. The study shows that as the presidents of respective republics orchestrate the activities of such bodies, they can be interpreted as deeply undemocratic practices that undermine the idea of parliamentarism. Despite this similarity, the non-parliamentary representative bodies significantly differ across countries, with their role in the constitutional systems of Belarus and Turkmenistan being far greater than in those of Kazakhstan and Kyrgyzstan.

¹ Michał Bożek, “Konstytucja fasadowa – prolegomena,” *Państwo i Prawo*, no. 1 (2023): 3–28.

² Cf. “Nations in Transit 2023,” Freedom House, accessed October 1, 2024, https://freedom-house.org/sites/default/files/2023-05/NIT_2023_Digital.pdf.

2. Post-Soviet Authoritarian States and the Paradigms of Authoritarian and Populist Constitutionalism

Global constitutionalism is ever less permeated by the American vision of constitutionalism, and research has shown that the Constitution of the United States is no longer a “systemic prototype” for other countries in the modern world.³ Constitutionalism has become a global phenomenon and evolved a range of specific varieties, for example, African, Latin American, Confucian and Socialist.⁴ As non-democratic systems, such as illiberal democracies,⁵ “democracies with adjectives,”⁶ competitive authoritarianism⁷ and others, have been spreading since the early 21st century, the legal doctrine has developed new analytical concepts, including authoritarian constitutionalism and populist constitutionalism. Both capture important features of the political systems of states that formally declare their compliance with the rule of law, pluralism and civil liberties, while the very design of these political systems contradicts democratic axiology and the concept of check and balance of the branches of power.⁸ Admittedly, these concepts have mostly been applied in research on illiberal democracies and non-European authoritarian states, such as Singapore,⁹ Venezuela and Hungary,¹⁰ but this does not preclude their applicability to non-democratic post-Soviet states.

³ Heinz Klug, “Model and Anti-Model: The United States Constitution and the ‘Rise of World Constitutionalism,’” *Wisconsin Law Review* (2000): 605; David S. Law and Mila Versteeg, “The Declining Influence of the United States Constitution,” *New York University Law Review* 87, no. 3 (2012): 762–858.

⁴ Cf. Berihun Adugna Gebeye, *A Theory of African Constitutionalism* (Oxford: Oxford University Press, 2021); Ngoc Son Bui, *Constitutional Change in the Contemporary Socialist World* (Oxford: Oxford University Press, 2020).

⁵ Andras Sajó, Renata Uitz, and Stephen Holmes, eds. *Routledge Handbook of Illiberalism* (New York: Routledge, 2022).

⁶ David Collier and Steven Levitsky, “Democracy with Adjectives: Conceptual Innovation in Comparative Research,” *World Politics* 49, no. 3 (1997): 430–51.

⁷ Steven Levitsky and Lucan A. Way, *Competitive Authoritarianism: Hybrid Regimes after the Cold War* (New York: Cambridge University Press, 2010).

⁸ Zahary Elkins, Tom Ginsburg, and James Melton, “The Content of Authoritarian Constitutions,” in *Constitutions in Authoritarian Regimes*, eds. Tom Ginsburg and Alberto Simpser (New York: Cambridge University Press 2014), 149.

⁹ Mark Tushnet, “Authoritarian Constitutionalism,” *Cornell Law Review* 100, no. 2 (2015): 391–462.

¹⁰ Helena Alviar Garcia and Günter Frankenberg, eds., *Authoritarian Constitutionalism: Comparative Analysis and Critique* (Cheltenham: Edward Elgar, 2019).

Under authoritarian constitutionalism, the institutions of power are controlled by one dominant party (or a non-partisan political force), which makes the main decisions and there are no legal mechanisms to question their legality; the state does not arbitrarily persecute its political opponents although it may obstruct public activity in various ways; a certain level of pluralism and some criticism of the authorities are retained; and those in power react to public moods and change their political agenda accordingly to garner as much support as possible.¹¹

In today's comparative jurisprudence the paradigm of populist constitutionalism is associated with countries in which democracy is eroding and the neoliberal model of government is being undermined, as recently exemplified by Hungary and pre-2023 Poland.¹² Importantly, however, the relation between populism and constitutionalism need not be antithetical. Populist authorities use constitutions and institutions of public power to strengthen their position, relying to this end on the meeting of the public's needs.¹³ The development of populist constitutionalism follows a specific trajectory. Namely, as scholars have noted, populist leaders begin by emphasizing their promise to improve the existing order, all the while obscuring their underlying consolidation of power.¹⁴ Populist constitutionalism tends to masquerade as liberal democracy but does not pose an ideological challenge to it.¹⁵ Authoritarian populist leaders stress their "popular" roots and background and regularly appeal to the plebiscitary rule, the "people's voice" as expressed in referenda, omitting or even disregarding

¹¹ Mark Tushnet, "Authoritarian Constitutionalism: Some Conceptual Issues," in *Constitutions in Authoritarian Regimes*, eds. Tom Ginsburg and Alberto Simpser (New York: Cambridge University Press, 2014), 45–6.

¹² Paul Blokker, Bojan Bugarcic, and Gábor Halmai, "Introduction. Populist Constitutionalism: Varieties, Complexities, and Contradictions," *German Law Journal* 20, no. 3 (2019): 291–5.

¹³ Alexei Trochev and Alisher Juzgenbayev, "Instrumentalization of constitutional law in Central Asia," *Research Handbook on Law and Political Systems*, eds. Robert M. Howard, Kirk A. Randazzo, and Rebecca A. Reid (Cheltenham: Edward Elgar, 2023).

¹⁴ David Landau, "Populist Constitutions," *The University of Chicago Law Review* 85, (2018): 521; Berch Berberoglu, ed., *The Global Rise of Authoritarianism in the 21st Century: Crisis of Neoliberal Globalization and the Nationalist Response* (New York: Routledge, 2021).

¹⁵ Kim L. Sheppelle, "Autocratic Legalism," *The University of Chicago Law Review* 85, (2018): 545.

the parliaments.¹⁶ Sensitiveness to citizens' voice on public policy issues pushes some scholars to claim such states "consultative authoritarianism."¹⁷

In both paradigms, non-democratic states imitate the institutions of a democratic state with its rule of law, although they give these institutions an ulterior meaning.¹⁸ There is a fake constitutionalism, since it does not aim to protect human and civil rights and liberties but seeks to ensure the stability, and continuity of the non-democratic regime, forestalling its loss of power. Under such conditions, a constitution misses its rule-of-law protection element capable of binding the ruling elite and preventing abuses of power. As a result, it is degraded into an organizational statute.¹⁹

3. The Origins and Goals of Non-parliamentary Representative Bodies in Belarus, Kazakhstan, Kyrgyzstan, and Turkmenistan

Contemporary non-parliamentary representative organs have operated in four post-Soviet nations: Belarus, Kazakhstan, Kyrgyzstan, and Turkmenistan. Though sharing the aims of the structuralization of society and establishing direct communication channels with the presidents, the institutions have different competencies and relationships with other state agencies.

The history of the All-Belarusian People's Assembly (ABPA) goes back to the beginning of Alexander Lukashenko's presidency (his first tenure started in 1994). When in 1996 he put forward a constitutional amendment bill, the parliament and the Constitutional Court opposed it because it significantly strengthened the president's competencies at the expense of the other branches of power. In an attempt to defeat the Parliamentary opposition, Lukashenko called the first sitting of the ABPA as a platform for direct communication and consultation with the people of Belarus in October 1996. The ABPA unanimously supported Lukashenko's proposed amendment to the constitution and accepted the presidential programme of socio-economic development for 1996–2000. The ABPA's activities had

¹⁶ Rafał Czachor, "Instytucje demokracji bezpośredniej w systemie samorządu lokalnego w Republice Białoruś," *Przegląd Prawa Konstytucyjnego* 35, no. 1 (2017): 155–72.

¹⁷ Colin Knox and Dina Sharipova, "Consultative Authoritarianism in Central Asia," *Europe-Asia Studies* 76, no. 7 (2024): 1120–44.

¹⁸ Rafał Czachor, "Konstytucjonalizmy niezachodnie jako wyzwanie dla komparatystyki prawa," *Studia prawnicze. Rozprawy i materiały* 31, no. 2 (2022): 15–42.

¹⁹ Bożek, "Konstytucja fasadowa – prolegomena," 4.

no legal basis. Subsequent ABPA congresses were held in 2001, 2006, 2010, 2016 and 2021 as acts of support for Lukashenko's policy before the subsequent presidential elections.²⁰ The origins of the constitutionalization of the ABPA date back to 2019, when Lukashenko said that the state system needed modifying. In 2020, after the rigged presidential elections, Belarus was swept over by the largest wave of social protests in its history. As a response, Lukashenko announced that the constitution would be amended, the president's powers would be limited, and the democratic governance mechanisms would be improved.²¹

The latest amendment to the Constitution of Belarus of February 27, 2022²² incorporated the ABPA into the system of state institutions. The role of the ABPA was significantly changed by part IV ("President, ABPA, Parliament, Government, Court"), Chapter 3¹ ("The ABPA"), articles 89¹-89⁶ of the Constitution, which made this body an important element of the constitutional design of Belarus. It defined the ABPA as "a higher representative body of the people's power of the Republic of Belarus, which defines the strategic directions of the development of society and the state, ensures the inviolability of the constitutional system, the continuity of generations and civic accord" (Article 89¹ of the Constitution of Belarus). A further legislation, the Law on the ABPA, was adopted on February 7, 2023.²³

The Assembly of the Peoples of Kazakhstan (APK) was established by the decree of the President of Kazakhstan on March 1, 1995 as a "consultative and advisory body under the head of state."²⁴ Its goal was to consolidate society and promote harmony between the various ethnic groups

²⁰ Rafał Czachor, *Transformacja systemu politycznego Białorusi w latach 1988–2001* (Polkowice: Wydawnictwo Uczelni Jana Wyżykowskiego, 2016).

²¹ Лукашенко рассказал об идеях по перераспределению полномочий президента [Lukašenko rasskazal ob idejakh po pereraspredeleniû polnomočij prezidenta], accessed October 1, 2024, <https://ria.ru/20201012/belorusiya-1579373159.html?ysclid=lx1setl06z370440129>.

²² Конституция Республики Беларусь [Konstituciâ Respubliki Belarus'], accessed October 1, 2024, <https://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/>.

²³ Закон Республики Беларусь от 7 февраля 2023 г. 'О Всебелорусском народном собрании,' [Zakon Respubliki Belarus' ot 7 fevralâ 2023 g. 'O Vsebelorusskom narodnom sobranii'], accessed October 1, 2024, <https://pravo.by/document/?guid=3871&p0=H12300248>.

²⁴ Указ Президента Республики Казахстан от 1 марта 1995 г. № 2066 'Об образовании Ассамблеи народов Казахстана,' [Ukaz Prezidenta Respubliki Kazahstan ot 1 marta

of Kazakhstan.²⁵ In 2008, the status of the APK was regulated by law, and the plural word “Peoples” in its name was replaced with the singular “People.”²⁶ Such a change should reflect the progress in unifying, multi-ethnic, civic nation of Kazakhstan. The 2008 law was last amended on November 18, 2022. The preamble to the Act of October 20, 2008 stated that the aim of the APK was to “conduct the state policy, ensuring social harmony and national unity and to improve the effectiveness of cooperation between state bodies, organisations and institutions of civil society in the field of interethnic relations.” The APK was proclaimed to be founded on “Kazakh patriotism, the civic and spiritual-cultural community of the ethnic groups of Kazakhstan with the consolidating role of the Kazakh nation” (Article 3 of the Act of October 20, 2008). The nature of its activities is determined by the fact that it has no legal personality (Article 1, Sec. 1 of the Act of October 20, 2008). The basic tasks of the APK are: to ensure effective collaboration between state bodies and civil society in the field of interethnic relations; to promote harmony and national unity; to strengthen the unity of the people of Kazakhstan; to cooperate with the state authorities in counteracting extremism and radicalism; to participate in the shaping of the political and legal culture of citizens; and to preserve and develop Kazakh traditions, languages and culture (Article 4 of the Act of October 20, 2008).

Kurultai is a form of people’s assembly with a centuries-long tradition among the Kyrgyz and other Mongolian and Turan peoples. In the modern history of Kyrgyzstan, it was first convened as the Kyrgyz Kurultai of the World in 1992 to consolidate the Kyrgyz nation and determine its development goals. In 1994, the First Kurultai of the Peoples of Kyrgyzstan was held under the slogan “Kyrgyzstan – our common home” to discuss the new state’s development directions based on interethnic harmony. The idea of

1995 g. № 2066 ‘Ob obrazovanii Assamblei narodov Kazahstana’], accessed October 1, 2024, https://online.zakon.kz/Document/?doc_id=1003481.

²⁵ Tadeusz Bodio and Tadeusz Mołdawa, *Konstytucje państw Azji Centralnej. Tradycje i współczesność* (Warsaw: Elipsa, 2007), 76.

²⁶ Закон Республики Казахстан от 20 октября 2008 года № 70-IV ‘Об Ассамблее народа Казахстана’, [Zakon Respubliki Kazakhstan ot 20 oktyabrâ 2008 goda № 70-IV ‘Ob Assamblee naroda Kazahstana’], accessed October 1, 2024, https://online.zakon.kz/Document/?doc_id=30352401.

Kurultai gatherings as an exercise in “real democracy” was revived in 2022. Importantly, Kyrgyzstan experienced serious political crises in 2005, 2010 and 2020. Called revolutions, these upheavals resembled the turmoil of “color revolutions” in Ukraine and Georgia, and their turbulent events, marked by ethnic, clan and sociopolitical divisions, resulted in changes to Kyrgyzstan’s constitution. After the revolution of 2020, there was a return to authoritarian governance practices, despite the new president Sadyr Japarov’s prior assurances to the contrary.²⁷ The 2021 amendment to the constitution, introduced the People’s Kurultai as one of the new institutions of public power.²⁸ The current constitution stipulates that “The People’s Kurultai is a consultative assembly that gives recommendations in the field of social development,” and its status is determined by constitutional law (Article 7, sections 1–2 of the Constitution of Kyrgyzstan). The relevant constitutional act was adopted on July 24, 2023.²⁹

The Halk Maslahaty, a non-parliamentary representative body in Turkmenistan, boasts the most complex history. Turkmenistan has experienced the least political transformation since the dissolution of the USSR and consolidated an isolationist and extremely authoritarian sultanistic regime with the cult of the consecutive presidents – Saparmurad Niyazov and Gurbanguly Berdimukhamedov.³⁰ Established in 1992, shortly after Turkmenistan declared independence, the Halk Maslahaty lacked full legal underpinnings. In 2002, despite having no power in this regard, Halk Maslahaty extended Niyazov’s presidency for life, without holding any elections in the future. According to the amended constitution of 2003, the Halk Maslahaty, became the “supreme representative body” and the “supreme state authority” (Article 45 of the Constitution of Turkmenistan

²⁷ Rafał Czachor, “Reforma ustrojowa w Kirgistanie w 2021 roku na tle konstytucjonalizmu autorytarnego,” *Studia nad Autorytaryzmem i Totalitaryzmem* 44, no. 2 (2022): 45–63.

²⁸ Конституция Кыргызской Республики [Konstituciâ Kyrgyzskoj Respubliki], accessed October 1, 2024, [/www.gov.kg/ru/p/constitution](http://www.gov.kg/ru/p/constitution).

²⁹ Конституционный закон Кыргызской Республики от 24 июля 2023 года № 146 ‘О Народном Курултае’; [Konstitucionnyj zakon Kyrgyzskoj Respubliki ot 24 iulâ 2023 goda № 146 ‘O Narodnom Kurultae’], accessed October 1, 2024, <https://cbd.minjust.gov.kg/112626/edition/1275854/ru?ysclid=lx1ut92cj3981199838>.

³⁰ Sebastien Peyrouse, “Turkmenistan: Authoritarianism, Nation Building, and Cult of Personality,” *Research Handbook on Authoritarianism*, eds. Natasha Lindstaedt and Jeroen J.J. van den Bosch (Cheltenham: Edward Elgar, 2024), 356–69.

of 2003), operating separately from the Majlis, Turkmenistan's unicameral parliament. Moreover, the constitution stated that "state power in Turkmenistan is divided into the Halk Maslahaty, the legislative, the executive and the judiciary, which act independently and balance each other" (Article 4 of the Constitution of Turkmenistan of 2003). This placed the Halk Maslahaty beyond the classical model of the separation of state powers. Its 2,507 members were elected and appointed by the president.³¹

However, the 2008 amendment to the Constitution of Turkmenistan abolished the Halk Maslahaty and strengthened the position of the unicameral Majlis. Subsequently, the constitutional reform of 2020 introduced a bicameral parliament called Milli Geňeş, which consisted of the Majlis as the lower chamber and the Halk Malsahaty as the upper chamber. This change came into force at the beginning of 2021, but soon, in January 2023, Berdymukhammedov, who had resigned as President and handed power over to his son Serdar, proclaimed that the unicameral parliament should be reinstated. In March 2023, after the parliamentary elections, the Majlis began to work as a unicameral parliament again, and the Halk Maslachaty has since continued to exist as a non-parliamentary assembly of the people. Its legal position is currently regulated by the Constitution of Turkmenistan, amended in January 2023,³² and the Constitutional Law of January 21, 2023.³³

Turkmenistan's constitution says that the Halk Maslahaty is "the highest representative body representing the interests of the people of Turkmenistan" (Article 6¹ of the Constitution of Turkmenistan of 2023). For its part, the Constitutional Law states the Halk Maslahaty is established to "expand nationwide participation in the promotion of Turkmenistan's successes in the years of Independence, taking the country to an even higher level of development" (Article 1, paragraph 1 of the Law of January 21, 2023). As its main goal and task, the Halk Maslahaty is supposed to "engage

³¹ Jan Šír, "Halk Maslahaty in the Context of the Constitutional Evolution of post-Soviet Turkmenistan," *Perspectives on European Politics and Society* 6, no. 2 (2005): 321–30.

³² Конституция Туркменистана [Konstituciâ Turkmenistana], accessed October 1, 2024, https://online.zakon.kz/Document/?doc_id=31337929&pos=6;-106#pos=6;-106.

³³ Конституционный Закон Туркменистана 'О Халк Маслахаты Туркменистана', [Konstitucionnyj Zakon Turkmenistana 'O Halk Maslahaty Turkmenistana'], accessed October 1, 2024, <https://maslahat.gov.tm/api/v1/uploads/laws/1680526625575315806.pdf>.

the people in deciding on issues of state importance, socio-economic transformations and programmes, developing proposals, consulting and cooperating to strengthen the unity, peace and flourishing of the nation” (Article 1.2 of the Law of January 21, 2023). Hence, the Halk Maslahaty not only holds a unique legal position, one superior to Turkmenistan’s parliament, but also enjoys a deep ideological justification.

4. The Composition and Organization of Non-parliamentary Representative Bodies in Belarus, Kazakhstan, Kyrgyzstan, and Turkmenistan

The ABPA has 1,200 delegates. Under the Constitution of Belarus, its *ex officio* members include: the President of Belarus, the former President of Belarus and representatives of all the branches of state power, local government bodies and civil society. The law of February 7, 2023 specified that the ABPA consisted of the members of both houses of parliament (the National Assembly), the head of the government, ministers, the heads of local executive committees and the judges of the Constitutional Court and the Supreme Court. Local councils of deputies elect their representatives to the ABPA. The procedure for electing civil society representatives is to be regulated by the Electoral Code of Belarus. The mandate of a deputy is non-professional.

The work of the ABPA is managed by the praesidium. It has 15 members and operates continuously. The law of February 7, 2023 expanded the constitutional powers of this body, making it the central organ of the ABPA. In addition to the competencies defined in the constitution, the law empowered the praesidium of the ABPA to promote judges of the Constitutional and Supreme Courts, to determine the number of their deputy chairmen, to appoint members of their praesidia and to authorize the initiation of criminal proceedings against their judges. The ABPA convenes at least once a year. Extraordinary meetings may be called at the request of the President of Belarus, the Praesidium of the ABPA, a joint resolution of both houses of parliament and upon the initiative of at least 150,000 citizens (Article 89⁴ of the Constitution of Belarus).

The structure of the APK comprises several bodies. The Session of the APK, that is, a meeting of its 583 members, is held at least once a year and is the supreme body of the APK. In addition to the central nationwide

APK, there are also local APKs at the level of regions and what are called cities of republican importance. The APK is chaired by the President of Kazakhstan, who determines its agenda and appoints five members of the Senate of Kazakhstan at the request of the APK Council. Local APKs in regions and cities of republican importance are chaired by their respective akims (heads of local executive bodies, Article 14, Sec. 2 of the Act of October 20, 2008). Also, members of ethnocultural social organizations and of public authorities can be delegated to sit on the APK (Article 15, Sec. 1–2 of the Act). The register of such organizations is kept by the government. The President of Kazakhstan or the APK can by a resolution dismiss a member of the APK (Article 17, Sec. 1–2 of the Act). Following the 2018 and 2022 amendments to the Act of October 20, 2008, the sole right of the Session is to develop the directions of the APK's activities and submit them to the President of Kazakhstan for approval (Article 4 of the Act). Under the previous legal status, the APK Session elected 9 members of the Mazhilis, the lower house of the Kazakh parliament, and considered citizens' claims on issues of social order and interethnic relations. Between the APK Sessions, its current work is managed by the APK Council, whose members are appointed by the President of Kazakhstan from among the state authorities and the members of the ethnocultural organizations represented in the APK (Article 10, Sec. 2 of the Act).

The Kyrgyzstan People's Kurultai works during its annual meetings, to which 700 delegates are elected each time, with the eligibility criteria set by the decree of the President of Kyrgyzstan, taking into account ethnic, religious and age factors. For example, people under 21 years of age, public officials and members of parliament and local councils cannot serve as delegates (Article 3, Sec. 1–3 of the Act of July 24, 2023). The 17-member National Council of People's Kurultai is elected from among the delegates of the People's Kurultai. It draws up the agenda of the meetings, coordinates the work of this organ and submits to the President a request to convene a following meeting of the People's Kurultai, suggesting its date and venue (Article 11, Sec. 1–2 of the Act).

The People's Kurultai assembles to consider matters related to the activities of the public authorities and local governments, in particular: the organization of national referendums, recommendations regarding bills and programs of the development of society and the state, the preservation of

traditions and the national heritage and the settlement of interethnic disputes (Article 5 of the Act of July 24, 2023).

Turkmenistan's Constitutional Law of January 21, 2023 stipulates that "a great personality of modern times, the Hero of Turkmenistan, the Honorary Leader of Turkmenistan, the Arkadag of the nation, Honourable Gurbanguly Berdimukhamedov, whose high status of the National Leader is confirmed by law" is a permanent member of the Halk Maslahaty (Article 2, Sec. 1 of the Law of January 21, 2023). Its other members include the chairman of the Halk Maslahaty, the President of Turkmenistan, the chairman and deputies of the Majilis, members of the government, the chairman of the Supreme Court, the secretary of the State Security Council of Turkmenistan, the Prosecutor General, the Plenipotentiary for Human Rights, the hakims of *velayats*, *etrap*s and cities (heads of the executive bodies in Turkmenistan's administrative divisions), the chairmen of the local Halk Maslahatys in *velayats*, *etrap*s and cities, the *arhkins* (chief executives) of municipalities and the leaders of political parties, trade unions and other social organizations (Article 2, Sec. 2 of the Constitutional Law of January 21, 2023). The chairman of the Halk Maslahaty has the authority to invite any person to be its member in recognition of their significant contribution to the consolidation of the state, the unity of the nation, the protection of human rights and other merits (Article 2, Sec. 4 of the Constitutional Law of January 21, 2023).

Appointed and dismissed by the President of Turkmenistan, the chairman of the Halk Maslahaty manages the work of the body and heads its Praesidium (Article 3, Sec. 1–3 of the Constitutional Law of January 21, 2023). He is in charge of the activities of the body, signs the resolutions adopted by Halk Maslahaty and supervises their implementation (Article 11 of the Constitutional Law of January 21, 2023). The chairman can also issue decrees and instruct members of the Halk Maslahaty and other state bodies to investigate issues of state importance and develop relevant legal acts (Article 12, Sec. 1–3 of the Constitutional Law of January 21, 2023).

5. The Competences of Non-parliamentary Representative Bodies

The different origins and purposes of the non-parliamentary representative bodies in the post-Soviet countries determine their different competences and mechanisms of cooperation with other state organs, especially

the legislature and the executive. Given the important role of the ABPA and the Halk Maslahaty in Belarus and Turkmenistan, respectively, the two can be expected to be provided with competences that interfere with the democratic model of governance and the check and balance mechanism.

The ABPA has the right of legislative initiative, can propose changes or amendments to the Constitution of Belarus and also has the right to declare the state of emergency in the event of the inaction of the President of Belarus in this respect. The ABPA approves the main directions and the concept of the domestic and foreign policy of Belarus, the military doctrine and programs of the socio-economic development of the country. In addition, it holds hearings of the Prime Minister's reports on the implementation of these programs. At the request of the President, the ABPA appoints and dismisses judges of the Constitutional Court and the Supreme Court (Article 89³ of the Constitution of Belarus). The ABPA may request the President to hold a national referendum, and the President is obligated to announce it (Article 74 of the Constitution of Belarus). It also appoints and dismisses the chairman and members of the Central Electoral Commission and confirms the validity of the presidential and parliamentary elections (Article 71 of the Constitution of Belarus). The ABPA's declaration of the election as invalid repeals the resolution of the Central Electoral Commission and results in a repeat vote.

The ABPA is the main body in the impeachment of the President of Belarus. The impeachment procedure can be initiated in the event of a serious or systematic violation of the Constitution, state treason and other grave crimes. The relevant motion is submitted by at least 1/3 of the total membership of the House of Representatives, the lower chamber of the Belarusian Parliament, or by a group of at least 150,000 citizens possessed of voting rights. The ABPA investigates the case. For accusations concerning a violation of the constitutional norms, the Constitutional Court must rule whether such a breach has indeed been committed. The resolution to impeach the President is adopted by a majority vote of the ABPA members. Failure to adopt an appropriate resolution within two months from the accusation terminates the procedure (Article 88 of the Constitution of Belarus).

The ABPA conducts its activity through resolutions. Resolutions are legally binding and may revoke legal acts and other acts of state bodies

that are against the “national security interest,” except the final rulings of courts (Article 89⁵ of the Constitution of Belarus). Resolutions are adopted by open ballot (Article 30 of the Law of February 7, 2023) and are implemented by the Government of Belarus (Article 107 of the Constitution of Belarus).

The APK has no significant responsibilities in Kazakhstan’s system of governance. Its basic areas of activity include support for other public authorities through assisting the development and implementation of the state policy for national harmony and unity; collaboration on the development of Kazakh patriotism; development of the state language and other languages of Kazakhstan; and support for the Kazakh diaspora outside Kazakhstan (Article 6 of the Law of February 7, 2023). The most important competences of the APK include proposing five candidates to the Senate of Kazakhstan, who are appointed by the President of Kazakhstan, considering candidacies for the APK members and submitting proposals for agendas of the subsequent APK Sessions to the President of Kazakhstan (Article 10 Section 4 of the Law of February 7, 2023). The APK resolutions are adopted by a majority of the members and are not binding normative acts.

The Kyrgyz People’s Kurultai is an organ that recommends social development guidelines to the executive bodies and has a certain competence of the executive and the judiciary. Specifically, it can initiate the dismissal of government members and the heads of executive bodies; it also has the right to appoint 1/3 of the members of the Judiciary Council. The People’s Kurultai can initiate the legislative process, listens to the President’s annual address and reports of the speaker of the Parliament, the prime minister and members of the government and other state bodies at the request of the President, the speaker of the Parliament and the government, and discusses issues of importance to society and the state (Article 6 of the Act of July 24, 2023). The legal form of activity of the People’s Kurultai is resolutions. The Kurultai’s resolutions are adopted by a majority vote of the total number of deputies, but they have no binding force and are only recommendations. The adoption of a resolution is directly communicated to the president, the speaker of parliament, the prime minister and other public authorities (Article 12 of the Act).

The competences of the Halk Maslahaty include: the consideration and adoption of amendments to the Constitution of Turkmenistan and constitutional laws, the right of legislative initiative, the consideration and adoption of documents determining the main directions of the domestic and foreign policy; to the hearing of the President's annual address; considering issues of peace and security (Article 10 of the Constitutional Law of January 21, 2023). The decisions of the Halk Maslahaty have full binding force; they are adopted by a majority vote of its total membership and can only be changed by another resolution of the Halk Maslahaty. The provisions are subject to mandatory implementation by the President, the Majlis, the government and other state agencies of Turkmenistan (Article 9 of the Constitutional Law of January 21, 2023). This makes the Halk Maslahaty a very powerful organ that in fact surpasses the other state institutions.

6. Conclusions

The analysis of the legal position of non-parliamentary representative bodies in authoritarian post-Soviet states in terms of authoritarian and populist constitutionalism yields several conclusions. Firstly, autocracies are committed to the institutions that create a democratic façade. They develop a system of state organs that formally ensure democratic governance, establish a bond between the government and citizens and fulfil the public's needs and demands. In this way, authoritarian regimes actively maintain their direct connections with "ordinary people" and mobilize them to express their support. In the light of populist constitutionalism, non-parliamentary representative bodies of post-Soviet states may replace parliaments as the main institution articulating the voice of the Sovereign – the Nation – while the 'will of the nation' expressed by them may be subject to manipulation.

Secondly, the non-parliamentary representative bodies in Belarus, Kazakhstan, Kyrgyzstan and Turkmenistan have different origins, goals and organization. Due to the complex ethnic composition of Kazakhstan and Kyrgyzstan, the ANK and the People's Kurultai function as political tools for facilitating the processes of state-building and nation-building. Designed to ensure support for the incumbents, they are a platform for achieving ethnic unity and have no major competencies vis-à-vis the authorities. With a strong and direct link to the President of each country,

they strive to maintain social harmony and to prevent ethnic clashes. In Belarus and Turkmenistan, the ABPA and the Halk Maslahaty play a greater role in their respective constitutional systems. While their foundation was not prompted by ethnic factors, they considerably differ in their legal position and organization. In Turkmenistan, the Halk Maslahaty is controlled by the former president, who controls his son's activities at the President's office.

The ABPA was introduced into the Belarusian constitution as part of the gradual democratization and limitation of the president's competences announced by Lukashenko in 2020. It boasts the most exhaustive and complete legal provisions of the four non-parliamentary representative bodies discussed in this paper. In legal terms, the election, procedures and powers of the ABPA resemble those of a parliament. Thus, given that Lukashenko holds a dominant position in the political system of Belarus and was involvement in the establishment of the ABPA, the ABPA can be expected to marginalize or even replace the Parliament. In the event of the transfer of the presidential power to another person (with one of Lukashenko's sons projected to be his successor), Lukashenko will retain the control of the incumbent through the ABPA.

The Halk Maslahaty in its current form was established in 2023, after Gurbanguly Berdymukhamedov ceded his presidential powers to his son. The recent constitutional reform has reinstated the Halk Maslahaty as the core element of the system of governance by conferring the supreme state power upon it. Currently chaired by Berdymukhamedov senior, the Halk Maslahaty can be regarded as a body that informally stands above the President and guarantees his protection and operational security. The Halk Maslahaty may issue legal acts that are mandatory for all the other state bodies, and its chairman personally supervises the implementation of the Halk Maslahaty's normative acts. Since Gurbanguly Berdymukhamedov enjoys great respect among the Turkmen elites as a guarantor of the balance of their interests and his cult is ubiquitous in the public sphere, there is every reason to believe that the restoration of the Halk Maslahaty instituted a system of dual power between the current president and the former one. The chairman's capacity to freely determine the membership of the Halk Maslahaty and to set its agenda transforms this institution into a supervisory board that oversees the activities of all the other state organs.

To conclude, the post-Soviet non-parliamentary representative bodies that exist in Belarus, Kazakhstan, Kyrgyzstan and Turkmenistan can be interpreted as alternatives to standard parliamentary democracy, in which the executive, headed by the prime minister, is politically accountable to parliament. In particular, the cases of Belarus and Turkmenistan confirm the ruling elites' desire to fully control the constitutional bodies of power through the mechanism of "the people's rule" and the implementation of the public's demand for strong government. The Belarusian incumbent and Turkmenistan's former President control, respectively, the ABPA and the Halk Maslahaty and in this way hold powerful tools to perpetuate their autocratic model of governance.

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