
WSCHODNI ROCZNIK HUMANISTYCZNY
TOM XX (2023), №4
s. 103-112
doi: 10.36121/apitucha.20.2023.4.103

Aneta Bąk-Pitucha
ORCID: 0000-0002-6672-6504
(John Paul II Catholic University of Lublin)

Political parties in Tajikistan – legal regulations and practice

Annotation: The aim of the article is to present and analyse the normative regulations of political parties and their practical application using the example of one of the Central Asian countries, Tajikistan. The analysis of legal principles concerning the pluralism of political regulations and defining the principles of creation and operation indicates a number of violations of national law. Undoubtedly, the most restrictive provisions are found in the law on political parties currently in force in Turkmenistan. Tajik legislation is characterized by a series of normative elements as well as non-normative factors. In this case, tribal conditions and the political system of the country should be pointed out, which in the practical political life does not always correspond to constitutional regulations. The regulations of all Central Asian countries also include provisions prohibiting the creation of political parties with a religious, national, and ethnic character, which constitutes a violation of the international commitments adopted by these states.

Keywords: Central Asia, Tajikistan, political party, constitution, statute.

Parte polityczne w Tadżykistanie: regulacje prawne i praktyka

Streszczenie: Celem artykułu jest przedstawienie i analiza regulacji prawnych partii politycznych oraz ich praktycznego zastosowania na przykładzie jednego z państw Azji Centralnej, Tadżykistanu. Analiza dotyczących regulacji pluralizmu politycznego oraz określających zasady tworzenia i działalności wskazuje na szereg naruszeń prawa krajowego. Niewątpliwie najbardziej restrykcyjne przepisy zawiera ustawa o partiach politycznych, obowiązująca obecnie w Turkmenistanie. Tadżycka legislatura charakteryzuje się szeregiem elementów normatywnych, jak również czynnikami pozanormatywnymi. W tym przypadku należy wskazać na uwarunkowania trybalne oraz system polityczny państwa, który w praktyce życia politycznego nie zawsze odpowiada regulacjom konstytucyjnym. Normatywy wszystkich państw Azji Centralnej zawierają też przepisy zakazujące tworzenia partii politycznych o charakterze religijnym, narodowym i etnicznym, co stanowi naruszenie przyjętych przez te państwa zobowiązań międzynarodowych.

Słowa kluczowe: Azja Centralna, Tadżykistan, partia polityczna, konstytucja.

Introduction

The dissolution of the USSR initiated endeavours to set up alternative political, military, and economic relationships within the geopolitical space of the USSR. Foremost among these initiatives was the establishment of the Commonwealth of Independent States (CIS) in 1991, delineating the territorial scope of integration activities. On December 13, 1991, the Central Asian republics of the USSR, namely Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, declared their accession to the CIS¹. The events associated with the USSR's collapse underscored the tragic repercussions of interrupting the development of religious and national-state processes during the period of Sovietization. In a spirit of revival and institutionalization, a new wave of politicization of religion emerged, eliciting varied responses from religious communities. Concurrently, local state authorities engaged in religious dialogue, viewing it as a tool to counter fundamentalism, extremism, and terrorism². Consequently, Tajikistan joined the Shanghai Cooperation Organization, extending cooperation with other Asian countries, including Russia, China, Kazakhstan, Kyrgyzstan, Uzbekistan, India, and Pakistan, to address security threats related to terrorism, separatism, and Islamic extremism in Central Asia³.

In the introductory remarks, it is imperative to underscore conditions characteristic of Central Asian countries that profoundly influence the formation of their constitutional and political systems. Notably, these nations have a historical lack of independent statehood dating back to the second half of the nineteenth century when their territories were initially conquered by Tsarist Russia and later annexed by the Union of Soviet Socialist Republics (USSR). The seventy-year Soviet period left an indelible mark, characterized by the violation of fundamental human rights and civil rights, a dearth of constitutionalism and civil society, a low level of legal culture, and the personification of power⁴. Despite constitutional guarantees of the freedom to associate in political parties enshrined in the Constitution of the USSR (1936) and subsequently the Constitution of the USSR (1977), a de facto one-party system prevailed during that era⁵.

Independence for Central Asian states was realized only after the collapse of the USSR in 1991. The presidential form of government swiftly developed, with the institution of the president established in the late period of the Soviet republics, specifically in 1990. Despite the constitutional principle of the separation of powers, presidents wield dominance over the system of state power organs. Moreover, the first presidents in the

¹ J. Sobczak, *Integracja obszaru postradzieckiego*, [in:] *Polityka, prawo, kultura i bezpieczeństwo na obszarze poradzieckim*, ed. T. Bodio, J. Marszałek-Kawa, Toruń 2018, p. 12-13.

² T. Bodio, *Religia, polityka, elity i bezpieczeństwo*, [in:] *Polityka, prawo, kultura i bezpieczeństwo na obszarze poradzieckim*, ed. T. Bodio, J. Marszałek-Kawa, Toruń 2018, p. 166-167.

³ *Ibid.*, 30-31.

⁴ F.S. Massansalvador, *The Process of Nation Building in Central Asia and its Relationship to Russia's Regional Influence*, Miami 2010, p. 3-12.

⁵ Конституция (Основной закон) Союза Советских Социалистических Республик (утверждена постановлением чрезвычайного VIII Съезда Советов Союза Советских Социалистических Республик от 5 декабря 1936 г.), http://constitution.garant.ru/history/ussr-rsfsr/1936/red_1936/3958676/chapter/edef14e1fc53d2afd57a6ef01bdb0e22/ [accessed: 28.05.2022]; Конституция (Основной закон) Союза Советских Социалистических Республик (принята на внеочередной седьмой сессии Верховного Совета СССР девятого созыва 7 октября 1977 г.), http://constitution.garant.ru/history/ussr-rsfsr/1977/red_1977/1549448/ [accessed: 28.05.2022].

region, excluding Kyrgyzstan, were former secretaries of the communist parties of the former Soviet republics, exemplified by Tajikistan's Kakhhor Mahkamov⁶. The political foundation for these leaders was laid by the former communist parties, and the governance methods of the Soviet era were extensively transposed to the new reality within independent states⁷.

Characteristic features of Tajikistan, as well as other Central Asian countries, are ethnicity and tribalism, persisting despite the Soviet system and accentuated during the period of independent statehood. Family-tribal and clan-territorial communities play a pivotal role in Central Asian countries⁸, determining social advancement, particularly within ruling elites, based on familial, tribal, and clan affiliations. Common phenomena associated with tribalism include clientelism, corruption, nepotism, and the cult of the leader. Tribalism significantly influences the functioning of party systems in Central Asian countries. The study's aim is to present the legal norms and practices of the main political parties in Tajikistan, facilitating systemic conclusions with reference to the compliance of adopted solutions with international standards.

The objectives of this paper encompass also an examination of Russia's methods of exerting influence on Central Asia, particularly focusing on countries where Russian propaganda may pose a potential threat due to minority populations. To address this issue, the paper is structured as follows: the legal system of political parties will be examined in the first part, followed by the definition of key terms used in the paper. The subsequent section of the article addresses the characteristics of the political system in Tajikistan.

1. Normative Regulations

Tajikistan, along with other former post-Soviet republics, embraced various instruments of international law upon accession to the United Nations (UN), the Conference on Security Cooperation in Europe (CSCE), and other international organizations in 1992. Of particular significance are the Universal Declaration of Human Rights (10 December 1948), the International Covenant on Civil and Political Rights (ICCPR) (16 December 1966) and its Optional Protocol, and the Copenhagen Document (29 June 1990) within regional systems⁹. These legal instruments were predominantly adopted by Central Asian countries during the 1990s. It is crucial to note that the Universal Declaration of Human Rights, despite being a non-binding resolution of the UN General Assembly, holds recognition in the constitutional law doctrine of Central Asian states. Conversely, the ICCPR and its Optional Protocol carry legal force, serving as vital doc-

⁶ J. Szukalski, *System konstytucyjny Kirgistanu*, Warszawa 2018, p. 117-121.

⁷ T. Bodio, T. Moldawa, *Konstytucje państw Azji Centralnej: tradycje i współczesność*, Warszawa 2007, p. 15-16; A. Куртов, «Чанский круг»: политическая система в Центральной Азии, <http://www.intelros.ru/pdf/Prognosis/01/Kurtov.pdf> [accessed: 27.08.2021]; Н. Борисов, *Институт президентства в странах Центральной Азии: персонализация vs. институционализация*, «Центральная Азия и Кавказ» 2011, т. 14, вып. 11, p. 65-75.

⁸ T. Bodio, *Układy klanowe jako mechanizm polityki (na przykładzie państw Azji Centralnej)*, [in:] *Transformacja społeczeństwa i władzy w postradzieckiej Azji Centralnej: studia i rozprawy*, ed. T. Bodio, W. Jakubowski, Pultusk 2008, p. 152-162; A. Wierzbicki, P. Załęski, *Trybalizm a władza w Azji Centralnej*, Pultusk 2008, p. 282-288.

⁹ L. Leszczenko, *Instytucja ombudsmana w państwach poradzieckich: geneza – status prawny – rozwój*, Warszawa 2011, p. 324-325.

uments in the legal framework of Central Asian nations, particularly concerning the protection of human and civil rights and freedoms¹⁰. Furthermore, each constitution of Central Asian states incorporates a provision allowing for the ratification of international agreements, widely acknowledged within the national legal order. This is also exemplified in the Constitution of Tajikistan dated November 6, 1994 (Article 10)¹¹.

In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights as a resolution, contributing significantly to the universal system of human rights protection. This declaration has exerted profound ideological influence on the development of international human rights protection, emphasizing the close connection between the issues of dignity and human rights. According to Article 1 of the Universal Declaration of Human Rights, all individuals are born free and equal in dignity and rights. Conversely, Articles 3, 5, and 6 stipulate that no one should be subjected to torture, cruel, inhumane, or degrading treatment. Every person has the inherent right to life, liberty, and security of their person, as well as the recognition of their legal personality everywhere. Furthermore, the declaration expressly prohibits inhumane, or humiliating treatment or punishment.

Another crucial international act safeguarding human rights is the International Covenant on Economic, Social, and Cultural Rights of 1966¹². The ICCPR, also adopted in 1966¹³, reinforces the right of everyone to recognize their legal personality universally, shielding against arbitrary or unlawful interference in private life, family, home, correspondence, or unlawful attacks on honour and good name. Article 8 of the ICCPR explicitly prohibits forced and compulsory labour, with Article 9 emphasizing the right to freedom and security. Noteworthy is Article 26 of the Covenant, declaring equality before the law and entitlement to equal legal protection without discrimination. While the Covenant mentions trade unions, it also extends to post-lytic parties. Restrictions on the exercise of this right are permissible only if "provided for by law and necessary in a democratic society in the interests of national or public security, public order, or for the protection of public health or morals or the rights and freedoms of others."¹⁴

¹⁰ W. Góralczyk, *Prawo międzynarodowe publiczne w zarysie*, Warszawa 2001, p. 278; О.И. Тиунов, *Всеобщая декларация прав человека в нормах международного и конституционного права*, «Журнал российского права» 2009, № 2, p. 135-144.

¹¹ Конституция Республики Казахстан от 30 августа 1995 года (В редакции Законов Республики Казахстан от 07.10.1998 г. № 284-I, 21.05.2007 г. № 254-III, 02.02.2011 г. № 403-IV, 10.03.2017 г. № 51-VI ЗРК), http://base.spinform.ru/show_doc.fwx?rgn=1162 [accessed: 28.09.2021]; Конституция Республики Узбекистан (принята 8 декабря 1992 года на одиннадцатой сессии Верховного Совета Республики Узбекистан двенадцатого созыва с изменениями в соответствии с Законом РУз от 31.05.2017 г. № 3 РУ-430), <http://lex.uz/acts/35869> [accessed: 28.09.2021]; Конституция Кыргызской Республики принята референдумом (всенародным голосованием) 27 июня 2010 года (В редакции Закона КР от 28 декабря 2016 года № 218), <http://cbd.minjust.gov.kg/act/view/ru-ru/202913?cl=ru-ru> [accessed: 29.09.2021]; Конституция Республики Таджикистан принята всенародным референдумом 6 ноября 1994 года (в редакции закона от 22.06.2003 г.), <http://www.prokuratura.tj/legislation-rus/48-the-constitution-of-the-republic-of-tajikistan.html> [accessed: 28.09.2021]; Конституция Туркменистана от 18 мая 1992 года № 691-XII (в новой редакции от 14 сентября 2016 года), http://www.base.spinform.ru/show_doc.fwx?rgn=2376 [accessed: 28.09.2021].

¹² *Ustawa z dnia z 16 grudnia 1966 r., Międzynarodowy Pakt Praw Gospodarczych, Społecznych i Kulturalnych*, Dz. U. 1977 nr 38, poz. 169.

¹³ *Ustawa z dnia z 16 grudnia 1966 r., Międzynarodowy Pakt Praw Obywatelskich i Politycznych*, Dz. U. 1977 nr 38, poz. 167, art. 16 i 17.

¹⁴ *The International Covenant on Civil and Political Rights opened for signature in New York on 19 De-*

The Optional Protocol to the ICCPR has established the Geneva-based Human Rights Committee, tasked with monitoring and ensuring compliance with the provisions of the Covenant and its Optional Protocols. Citizens of Central Asian countries can thus submit individual complaints to the Human Rights Committee in case of violations of the guaranteed provisions. The Copenhagen Document, in its Part II, mandates States Parties to “respect the right of individuals and groups to form their own political parties or other political organizations in full freedom” and to provide the necessary legal guarantees for these parties and organizations to compete equally before the law and receive equal treatment by public authorities¹⁵.

An institution established on behalf of the Organization for Security and Cooperation in Europe (OSCE) to ensure compliance with the provisions of the Copenhagen Document, especially in elections, is the Office for Democratic Institutions and Human Rights (OSCE/ODIHR). It was established in November 1990 with its headquarters in Warsaw. Notably, the OSCE/ODIHR provides valuable analytical material in its final reports on elections in Central Asian countries, addressing normative regulations concerning the formation and functioning of political parties in these nations and their participation in elections and referendums¹⁶.

Europe possesses an extensive regional system for the protection of human rights, founded on the activities of three institutions: the Council of Europe, the European Union, and the Organization for Security and Cooperation in Europe (OSCE). During the 1990s, the European Commission successively published a Green and then a White Paper, elucidating the directions of the European Community’s social policy¹⁷.

2. Constitutional and Statutory Basis for the Activities of Political Parties

The constitutions of Turkmenistan and Tajikistan encompass provisions ensuring freedom of association, political pluralism, and delineating the legal framework for the formation and functioning of political parties. The Constitution of Tajikistan, in Chapter I, “Foundations of the Constitutional System,” under Article 8, ensures the preservation of political and ideological pluralism in social life. Simultaneously, it prohibits the creation and operation of political parties and social organizations that would promote racial, national, and religious hatred or advocate a forcible change in the constitutional system of the state. Article 28 of the Constitution regulates the freedom to organize political parties, obliging their structure and activities to align with democratic norms

ember 1966, Dz.U. 1977, nr 38, poz. 167, <http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19770380167> [accessed: 29.09.2021]; *Optional Protocol to the International Covenant on Civil and Political Rights, adopted by the General Assembly of the United Nations on 16 December 1966 in New York*, Dz. U. 1994, nr 23, poz. 80, <http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19940230080> [accessed: 29.09.2021].

¹⁵ *Document of the Copenhagen Conference on the Human Dimension of the CSCE of 29 June 1990*, <https://bisnetus.wordpress.com/2016/07/31/dokument-spotkania-kopenhaskiego-konferencji-w-sprawie-ludzkiego-wymiaru-kbwe/> [accessed: 29.09.2021]; R. Kuźniar, *Prawa człowieka: prawo, instytucje, stosunki międzynarodowe*, Warszawa 2004, p. 241-243.

¹⁶ See: J. Szukalski, *Rola Biura Instytucji Demokratycznych i Praw Człowieka OBWE w internacjonalizacji standardów demokratycznych w państwach Europy Środkowej i Wschodniej*, [in:] *Nowe wyzwania i rozwiązania w europejskim systemie ochrony praw człowieka*, vol. 3, ed. J. Jaskiernia, K. Spryszak, Toruń 2018, p. 458-466.

¹⁷ J. Auleytner, *Zielona i Biała Księga europejskiej polityki socjalnej*, „Social Policy” 1996, no 7, p. 23.

while explicitly prohibiting the formation of parties of a religious and national nature¹⁸. Notably, until the constitutional amendment in 2016, Tajikistan was the sole state in Central Asia allowing the formation and functioning of political parties of religious nature, despite its initial constitution designating the state as secular in 1994¹⁹.

The prohibition on creating political parties of religious, national, and ethnic nature, present in the constitutions of all Central Asian states, contradicts the international obligations assumed by these states. A nuanced approach to this ban would be warranted, distinguishing parties of religious fundamentalism, especially given the complex national and ethnic mosaic prevalent in the region, stemming from the policies of tsarist Russia and the Soviet Union. Various international organizations advocating for individual rights and freedoms have consistently highlighted the necessity of amending constitutional regulations in this domain²⁰.

Detailed provisions pertaining to the formation and operation of political parties are found in statutory regulations. Before the adoption of Tajikistan's Domestic Law on Political Parties, the Law of 17 October 1990 on Social Organizations, in force for many years, extended to political parties. According to this law, a political party could be established by a minimum of 10 citizens at the founding congress, where the party's statute was adopted, and its governing body was appointed. Following this, a notification, including the party's name, location, and the chairman's details, along with the party's statute and a list of at least 10 supporting citizens, had to be submitted to the Minister of Justice. A positive decision resulted in the party's registration with the Ministry of Justice, granting it legal personality, while a negative decision allowed for appeal before the courts²¹.

In Tajikistan, a dedicated law on political parties was enacted on 13 November 1998, requiring the support of at least 1,000 citizens, the formulation of the party's statute, and the establishment of its governing body for registration. The Ministry of Justice is the competent authority for this process, and within three months of registration, a political party must establish structures in most regions and cities of the republic. Membership is restricted to citizens of Tajikistan aged at least 18, with exceptions for certain professions. However, absent from the law is a provision preventing the President of Tajikistan from joining a political party during their term in office.

The law endows political parties with extensive powers, enabling them to nominate candidates for various offices, participate in referendums and elections, fill representative organs, create voting blocs, disseminate information, establish publications, and use state mass media. State authorities are obligated to treat political parties equal-

¹⁸ Конституция Республики Таджикистан..., ст. 8, 28.

¹⁹ А. Юлдашев, Конституция Таджикистана больше не будет называться „Основным законом“, <https://news.tj/ru/node/220715> [accessed: 29.05.2022].

²⁰ Е.В. Мицкая, Проблемы реализации права граждан республики Казахстан на объединение в политические партии, «Вестник Томского государственного университета» 2007, № 302, р. 136-140; OSCE/ODIHR, *Comments on the draft Turkmen of Constitution based on an unofficial English translation of the Draft Constitution provided by the OSCE Centre in Ashgabat*, Warsaw 2016, p. 53-54, <https://www.osce.org/ru/odihhr/262481> [accessed: 30.09.2022].

²¹ J. Szukalski, *System konstytucyjny Uzbekistanu*, Warszawa 2014, p. 45; А. Мамадазимов, А. Курбатова, *Регулирование деятельности политических партий и участие женщин в политической жизни в Таджикистане*, Душанбе 2011, р. 17, <https://www.osce.org/ru/odihhr/87109> [accessed: 30.09.2022].

ly, ensuring their access to mass media and providing equal opportunities during election campaigns²².

Political parties in Tajikistan can possess assets, including real estate and cash generated from membership fees and donations. However, the law prohibits subsidies from state-owned enterprises, religious organizations, religious associations, foreign entities, and domestic anonymous entities. Transparent funding practices, annual financial reports, and fulfilment of tax obligations are mandated. Noteworthy is the absence of state subsidies for political parties in Tajikistan, presenting a departure from the common standards of party subsidies in modern democracies and posing a challenge for Tajik political parties, particularly those in opposition.

The dissolution of a political party occurs through a resolution of its authorized statutory body or a decision of the Supreme Court of Tajikistan. Reasons for judicial liquidation include constitutional and legislative violations and acceptance of financial assistance from foreign entities. Court proceedings can be initiated upon request by the Prosecutor General or the Ministry of Justice of Tajikistan²³.

3. Practice

The civil war in Tajikistan commenced with democratic-Islamic opposition rallies in 1992, evolving into armed conflict in May of that year. The conflict lasted for five years, claimed approximately 100,000 lives and revealed deep-seated clan and religious divisions²⁴. The post-communist government forces, supported by Russia and Uzbekistan, clashed with each other. Emomali Rahmon, who emerged in 1992, initially as the interim head of state and later as the president from 1994 onwards, is still being elected for seven-year terms²⁵.

The constitutional reform of 1999 facilitated the construction of an authoritarian political order in Tajikistan, marked by President E. Rahmon's authoritarian tendencies and subsequent persecution of political opponents. The autumn of 2015 witnessed a significant wave of arrests following the ban on the Islamic Renaissance Party of Tajikistan²⁶. Tribalism and ethnic and religious divisions in the country further contribute to the construction of an authoritarian system, prevalent throughout Central Asia²⁷.

Contemporary political parties in Tajikistan include the People's Democratic Party, the Communist Party, the Democratic Party, the Social Democratic Party, the Socialist Party, the Economic Reform Party, the Justice Party, and the Agrarian Party. While the normative dimension reflects a formally adopted democratic legal order, the authoritarian regime has, in practice, persisted, albeit with some weaken-

²² A. Мамадазимов, А. Куватова, *Регулирование деятельности политических...*, p. 5-15.

²³ *Ibidem*, p. 15-20.

²⁴ T. Szyszlak, *Siły zbrojne i policja w tadżyckim procesie pokojowym*, [in:] *Wyzwania dla bezpieczeństwa międzynarodowego*, ed. M. Kaszuba, R. Puzikow, J. Zieliński, Siedlce 2018.

²⁵ P. Adamczewski, *Świadomość historyczno-narodowa w środowisku studentów w Duszanbe*, „Przegląd Orientalistyczny” 2014, no 3-4, p. 171-172.

²⁶ T. Bodio, T. Moldawa, *Konstytucje państw Azji Centralnej. Tradycje i współczesność*, Warszawa 2007, p. 304.

²⁷ J. Szukalski, *Ewolucja pozycji ustrojowej parlamentu Tadżykistanu w świetle reform konstytucyjnych w latach 1990-2016*, „Białostockie Studia Prawnicze” 2019, vol. 24 no 4, p. 245.

ing. Legislation generally aligns with international obligations, including human rights protection systems by the UN and the OSCE²⁸.

The parliamentary elections of 2000 marked the reservation of seats for several political parties for the first time, with subsequent elections in 2005 witnessing the victory of various new parties. Notably, the Tajik political scene shows limited inclination to integrate with other tribal communities for state organism creation. Various parties advocate for distinct models – from political reforms and democratic rule of law to the restoration of the socialist system and the dominant role of Islam²⁹.

In 2020, parliamentary elections were held, as a result of which the following parties obtained seats in the parliament: the ruling People's Democratic Party – 50.4% (12 seats), the Economic Reform Party – 16.6% (4 seats), the Agrarian Party – 16.5% (4 seats), the Socialist Party – 5.15% (1 seat), the Democratic Party – 5.1% (1 seat). On the other hand, such political parties as the Social Democratic and Communist Party of Tajikistan did not cross the electoral threshold³⁰. It should be noted that these were the first elections since the Islamic Renaissance Party of Tajikistan was banned in 2015, which was considered the most objective opposition force. According to numerous expert opinions, the political parties that were allowed to participate in the parliamentary elections bore the hallmarks of puppet parties, refraining from any criticism of the government during the election campaign.

Conclusions

When summing up the analysis of legal frameworks governing political parties in a Central Asian nation like Tajikistan, it is evident that not all adopted legal provisions align with democratic standards and the country's international obligations. A notable instance is the constitutional prohibition on establishing political parties of religious, national, and ethnic nature, thereby challenging the fundamental tenet of political pluralism. Examining statutory solutions in Tajikistan reveals several shortcomings concerning the establishment and operation of political parties. Notably, the absence of provisions within the laws on political parties that restrict the president from joining a political party while in office deviates from democratic norms upheld by other nations. This regulatory gap is particularly characteristic of states with an authoritarian system.

Moreover, Tajikistan's law on political parties introduces nuances regarding the subsidization of political parties, as the legislator omitted any provision for subsidies. This deficiency in legal solutions poses a significant challenge to the effective functioning of political parties in the country, demonstrating incongruence with democratic norms prevalent in contemporary states.

²⁸ According to the Economist Intelligence Unit's 2015 Democracy Index survey of 167 countries, Kazakhstan ranked 140th, Tajikistan and Uzbekistan 158th and Turkmenistan 160th. See: Economist Intelligence Unit, *Democracy Index 2015. Democracy in an age of anxiety*, s. 9, <https://www.yabiladi.com/img/content/EIU-Democracy-Index-2015.pdf> [accessed: 28.08.2022].

²⁹ T. Bodio, T. Moldawa, *Konstytucje państw...*, p. 311-312.

³⁰ *Parliamentary elections in Tajikistan – Central and Eastern European Studies at the University of Warsaw*, <https://studium.uw.edu.pl/wybory-parlamentarne-w-Tadzykistanie-Studium-Europy>, [accessed: 21.04.2022].

Tajikistan, as one of the six nations within the Collective Security Treaty Organization (CSTO), alongside Armenia, Belarus, Kazakhstan, Kyrgyzstan, and Russia, is a part of a military alliance initiated by Russia in the post-communist era. The geopolitical rivalry between Russia and NATO, originating with the dissolution of the USSR, has led to Russia strengthening its influence, particularly in Central Asia. The anti-NATO stance is evident in joint military exercises by the CSTO near the borders of Lithuania and Latvia in 2016, as well as manoeuvres preceding the onset of the conflict in Ukraine. Irrespective of future political party elections and the nation's reliance on Russia, Tajikistan appears poised to maintain a stance distant from the democratic world, where independence is held as a paramount value.

REFERENCES

Sources:

Document of the Copenhagen Conference on the Human Dimension of the CSCE of 29 June 1990, <https://bisnetus.wordpress.com/2016/07/31/dokument-spotkania-kopenhaskiego-konferencji-w-sprawie-ludzkiego-wymiaru-kbwe/> [accessed: 29.09.2021].

Economist Intelligence Unit, *Democracy Index 2015. Democracy in an age of anxiety*, <https://www.yabiladi.com/img/content/EIU-Democracy-Index-2015.pdf> [accessed: 28.08.2022].

Konstitutsiya (Osnovnoy zakon) Soyuz Sovetskikh Sotsialisticheskikh Respublik (utverzhdena postanovleniyem Chrezvychaynogo VIII S'yezda Sovetov Soyuz Sovetskikh Sotsialisticheskikh Respublik ot 5 dekabrya 1936 g.), http://constitution.garant.ru/history/ussr-rsfsr/1936/red_1936/3958676/chapter/edef14e1fc53d2afd57a6ef01bdb0e22/ [accessed: 28.05.2022].

Konstitutsiya (Osnovnoy zakon) Soyuz Sovetskikh Sotsialisticheskikh Respublik (prinyata na vnocherednoy sed'moy sessii Verkhovnogo Soveta SSSR devyatogo sozryva 7 oktyabrya 1977 g.), http://constitution.garant.ru/history/ussr-rsfsr/1977/red_1977/1549448/ [accessed: 28.05.2022].

Optional Protocol to the International Covenant on Civil and Political Rights, adopted by the General Assembly of the United Nations on 16 December 1966 in New York, Dz. U. 1994, nr 23, poz. 80, <http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19940230080> [accessed: 29.09.2021].

OSCE/ODIHR, *Comments on the draft Turkmen of Constitution based on an unofficial English translation of the Draft Constitution provided by the OSCE Centre in Ashgabat*, Warsaw 2016, <https://www.osce.org/ru/odihr/262481> [accessed: 30.09.2022].

The International Covenant on Civil and Political Rights opened for signature in New York on 19 December 1966, Dz.U. 1977, nr 38, poz. 167, <http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19770380167> [accessed: 29.09.2021].

Ustawa z dnia 16 grudnia 1966 r. Międzynarodowy Pakt Praw Gospodarczych, Społecznych i Kulturalnych, Dz. U. 1977 nr 38, poz. 169.

Studies:

Adamczewski P., Świadomość historyczno-narodowa w środowisku studentów w Duszanbe, „Przegląd Orientalistyczny” 2014, no 3-4.

Auleytner J., *Zielona i Biła Księga europejskiej polityki socjalnej*, „Social Policy” 1996, no 7.

Bodio T., Mołdawa T., *Konstytucje państw Azji Centralnej: tradycje i współczesność*, Warszawa 2007.

Bodio T., *Religie, polityka, elity i bezpieczeństwo*, in: *Polityka, prawo, kultura i bezpieczeństwo na obszarze poradzieckim*, ed. T. Bodio, J. Marszałek-Kawa, Toruń 2018.

- Bodio T., *Układy klanowe jako mechanizm polityki (na przykładzie państw Azji Centralnej)*, [in:] *Transformacja społeczeństwa i władzy w postradzieckiej Azji Centralnej: studia i rozprawy*, ed. T. Bodio, W. Jakubowski, Pułtusk 2008.
- Borisov H., *Institut prezidentstva v stranakh Tsentral'noy Azii: personalizatsiya vs. institutsionalizatsiya*, «Tsentral'naya Aziya i Kavkaz» 2011, t. 14, vyp. 11.
- Góralczyk W., *Prawo międzynarodowe publiczne w zarysie*, Warszawa 2001.
- Iskakov I.Zh., *Cpetsifika politicheskikh institutov i protsessov v Tsentral'noy Azii*, «Nauchnyye vedomosti Belgopodskogo gosudarstvennogo universiteta» 2011, № 13, vyp. 19, <https://cyberleninka.ru/article/n/spetsifika-politicheskikh-institutov-i-protsessov-v-tsentralnoy-azii> [accessed: 29.05.2022].
- Kurtov A., «Chanskiy krug»: *politicheskaya sistema v Tsentral'noy Azii*, <http://www.intelros.ru/pdf/Prognoz/01/Kurtov.pdf> [accessed: 27.08.2022].
- Kuźniar R., *Prawa człowieka: prawo, instytucje, stosunki międzynarodowe*, Warszawa 2004.
- Leszczenko L., *Instytucja ombudsmána w państwach poradzieckich: geneza – status prawny – rozwój*, Warszawa 2011.
- Lukovtseva T.A., Stepanov A.I., Utkin A.I., *Kommunisticheskaya partiya Sovetskogo Soyuzha*, https://bigenc.ru/domestic_history/text/2085938 [accessed: 26.09.2022].
- Massansalvador F.S., *The Process of Nation Building in Central Asia and its Relationship to Russia's Regional Influence*, Miami 2010.
- Mitskaya E.B., *Problemy realizatsii prava grazhdan respubliki Kazakhstan na ob'yedineniye v politicheskoye partii*, «Vestnik Tomskogo gosudarstvennogo universiteta» 2007, № 302.
- Parliamentary elections in Tajikistan – Study of Eastern Europe UW*, <https://studium.uw.edu.pl/wybory-parlamentarne-w-Tadzykistanie-Studium-Europy>, [accessed: 21.04.2022].
- Sobczak J., *Integracja obszaru postradzieckiego*, [in:] *Polityka, prawo, kultura i bezpieczeństwo na obszarze poradzieckim*, ed. T. Bodio, J. Marszałek-Kawa, Toruń 2018.
- Szukalski J., *Ewolucja pozycji ustrojowej parlamentu Tadżykistanu w świetle reform konstytucyjnych w latach 1990-2016*, „Białostockie Studia Prawnicze” 2019, vol. 24 no 4.
- Szukalski J., *Rola Biura Instytucji Demokratycznych i Praw Człowieka OBWE w internacjonalizacji standardów demokratycznych w państwach Europy Środkowej i Wschodniej*, [in:] *Nowe wyzwania i rozwiązania w europejskim systemie ochrony praw człowieka*, vol. 3, ed. J. Jaskiernia, K. Spryszak, Toruń 2018.
- Szukalski J., *System konstytucyjny Kirgistanu*, Warszawa 2018.
- Szukalski J., *System konstytucyjny Uzbekistanu*, Warszawa 2014.
- Szyszlak T., *Sily zbrojne i policja w tadżyckim procesie pokojowym*, [in:] *Wyzwania dla bezpieczeństwa międzynarodowego*, ed. M. Kaszuba, R. Puzikow, J. Zieliński, Siedlce 2018.
- Tiunov O.I., *Vseobshchaya deklaratsiya prav cheloveka v normakh mezhdunarodnogo i konstitutsionnogo prava*, «Zhurnal rossiyskogo prava» 2009, № 2.
- Yuldashev A., *Konstitutsiya Tadjhikistana bol'she ne budet nazyvat'sya „Osnovnym zakonom”*, <https://news.tj/ru/node/220715> [accessed: 29.05.2022].
- Załęski P., *Trybalizm a władza w Azji Centralnej*, Pułtusk 2008.
- Zięba R., *Bezpieczeństwo międzynarodowe w XXI wieku*, Warszawa 2018.

