

THE CONSTITUTIONAL COUNCIL OF KAZAKHSTAN AS A SPECIALIZED BODY OF CONSTITUTIONAL CONTROL

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Abstract: In the system of legal guarantees of the rights and freedoms of the individual, the special role is given to specific legal institutions, ensuring the protection and realization of constitutional rights and freedoms of citizens. Constitutional control, the effective operation of which allows to provide the mode of the constitutional legality, is one of those institutions characterizing a democratic state.

The specialized model of legal protection of the Constitution is currently undergoing some changes. In the Republic of Kazakhstan, as in many other countries, an increasingly important role in the field of constitutional supervision and control is given to Constitutional Councils – specialized bodies of ambivalent nature by their purpose, confirming the general sequence of development of the specialized bodies for protection of the Constitution, i.e. the transition from the constitutional supervision to the constitutional control. The constitutional Council of the Republic of Kazakhstan has repeatedly been the subject of a special comprehensive study. References and fragmentary information regarding it are typically found in the academic literature on constitutional law of foreign countries. In works on comparative constitutional law, considerable attention is drawn to this institution. However, all these works do not give a complete picture of Kazakhstan specialized body on the protection of the Constitution. Some of them were written when there was not enough practice of its activities. That's why the new studies are still required.

In this article, in the context of the Republic of Kazakhstan, the author substantiates the necessity of preserving in its current form of the model of constitutional supervision with regard to its country-specific circumstances. In the context of the constitutional reform, the evolution of the status and powers of the Constitutional Court (1992-1995), as well as the Constitutional Council of the Republic of Kazakhstan (1996-present), and the international experience of using the legal model of constitutional councils are presented. The mentioned experience of their functioning allows the author to consider the Constitutional Council as the optimum model of constitutional control in the Republic of Kazakhstan in the framework of the existing form of government and at this stage of the political process.

Keywords: Constitutional reform, models of constitutional control (justice), the Constitutional Council of the Republic of Kazakhstan, reception, borrowing, foreign experience.

INTRODUCTION

In the conditions of the dynamically developing and gradually establishing democracy, the constitutional control bodies should be focused at most on the protection of the rights and freedoms of a man and citizen. And, perhaps in the “average degree” – on the evolution of the principle of separation of powers (where,

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most likely, the means of prevention, the maximum selective “positive” influence, in order to avoid crises of power and total consequences for the institute of the constitutional control itself are considered more appropriate) (Malinovsky 2011)

One of the major directions in the sphere of protection of constitutional human rights is the assessment of the constitutionality of law enforcement practices carried out by special authorized bodies – the bodies of constitutional control. In this area, as nowhere else, the functions, powers and activities of agencies of internal affairs, national security, emergency situations, prosecutors, judges, human rights organizations, including the international, are intertwined. The probability of substitution of these bodies should be kept to a minimum. Respectively, there should be applied varieties of constitutional control, the sets of subjects – initiators of constitutional proceedings and respective procedures.

The modern institution for the protection of the Constitution is characterized by such a variety of forms, which is hard to reduce to basic models. An increasingly visible is a trend of appearance of various mixed forms, where certain features inherent to each of the major models are combined in particular combinations. However, this does not reduce the role of the basic models, comparative analysis of which will be performed below.

The methods of study. The theoretical basis of research are the works of Kazakhstan and foreign scientists in the field of constitutional law, public administration, theory of state and law. The methodological basis of research is the application of the universal dialectical method of cognition that allowed on the basis of complex studying of the mechanism of exercising constitutional control to consider its components, the dynamics of development of this institute in the Republic of Kazakhstan, and the experience of its application in foreign countries, in order to improve the efficiency of its functioning.

The achievement of results is ensured by the integrated use of systematic, historical, logical, comparative legal, statistical, specific sociological methods research. The publications of the domestic and foreign scholars on the evolution of the institutions of constitutional control and supervision in Kazakhstan, as well as proposals of reform of the legal regulation of the bodies of the constitutional control, were subject to a special comparative study.

In order to identify the optimal mechanism for the implementation of the constitutional control, in the article was conducted a legal study of the constitutional foundations of the Republic of Kazakhstan, as well as a comparative legal study of the current legislation of foreign countries.

RESULTS

Historically, two types of specialized bodies engaged in the protection of the Constitution were distinguished: constitutional courts (Germany, Spain, Russian

Federation, Mongolia, Romania, etc.) and constitutional councils (France, Kazakhstan, Algeria, Lebanon, Morocco, Mozambique, Senegal, etc.) (Sapronova, 2003). From the point of view of N.V. Danilova, constitutional courts are specialized judicial bodies of the constitutional control exercising the constitutional justice. Constitutional councils are specialized bodies of transitional type, i.e. with elements of control and supervision (Ostapovich 2015).

In addition, the function of judicial constitutional control in several countries is performed by general courts, where the Supreme Court is the last instance (USA, Denmark, Australia, Brazil, Norway, Canada, Argentina, India, etc.), but they are not specialized, because along with the general cases they consider issues of constitutional control. Constitutional courts, unlike common, have special jurisdiction – constitutional, performed through independent constitutional jurisdiction; therefore, in this article we will focus on the specialized bodies (Ostapovich, 2015).

There are also countries where the verification of compliance with the constitutional order was or is carried out by other specialized bodies of constitutional supervision (for example, the Supreme Court of the USSR in 1924-1933, formerly the Committee of Constitutional Supervision of the USSR, the Council of Constitutional Inquiry in Ethiopia, etc.).

Some researchers have mentioned that the constitutional texts adopted in the 1960s by young post-colonial states “were copied from European models” (Danilova 2012). It is hard not to notice that a considerable part of the existing constitutions of countries of the African continent in matters relating to constitutional control and constitutional and legal mechanisms of the system of separation of powers is oriented on French law, often almost literally reproducing the mechanisms established by the French Constitution of 1958. This applies to the former Portuguese colony Mozambique. However, the French model of the constitutional justice was perceived also in Lebanon, Cambodia and Kazakhstan. And if Cambodia, as a country, being long under the protectorate of France, or Lebanon, which received a full independence from France only in 1943, quite expectedly turned to the French model of constitutional and legal mechanisms, the choice of the French model of the constitutional justice by Kazakhstan rises much more questions. Moreover, the number of features of organization and functioning of the Constitutional Council of Kazakhstan suggests that the result of the constitutional reform of 1995 in this country was not only the establishment of a body of constitutional justice on the French model, but the implementation of the French model with the use of all possible “flexibility” of a quasi-judicial body of constitutional justice, which is inherent in this model as in its initial “Gaullist” interpretation (Danilova 2012).

Let us consider, first of all, the main characterizing aspects of the French Constitutional Council.

The weakening of the judiciary and the creation of “dualistic quasi-judicial structures in the form of Constitutional and State Councils” (Klishas 2007) were the result of the development of legal doctrines and ideas, a long time present in the French political and legal discourse, starting with the ideas of J.-J. Rousseau, which resulted in dominating in the French law for a long time of the idea of “infallibility” of the law as the expression of the popular will, and ending with the concept of “rationalized parliamentarism”, which became a response to the political instability of the IVth Republic. A significant role in the development of the model of the Constitutional Council was played by those fears which since the French revolution have been traditionally experienced by the French society in the face of excessive growth of the influence of the judiciary (Renoux 1984) and the Gaullist ideology of “strong France” (Kucherenko 2011).

In the system of separation of powers in France, the Constitutional Council as a body of constitutional supervision occupies a prominent place. The study of the history and evolution of the Council and the status of its members points to the significant changes in its activities and the gradually increasing role in the system of state power and political processes (Antonov 2015).

Established in 1958, the Constitutional Council of France experienced radical changes in its more than half-century history. Established as a “political body with jurisdictional functions”, the main objective of which was the control of the Parliament, its repression within its legislative framework, over time it turned to a body of control of power in general. The reforms affecting the Constitutional Council led to a change in its role: from the arbitrator between the public authorities, the Council became a real defender of the rights and freedoms (Antonov 2015).

The reform of the Council occurred in three stages; as a result of them its status changed considerably in a relatively short period of time. As the first step, we should allocate the decision of the Council itself dated July 16, 1971 No. 71-45 DC, which, applied to the field of constitutional law, is sometimes compared to a “Copernican revolution”. In this decision, the Constitutional Council, in assessing the constitutionality of the law, first applied not only the provisions of the Constitution of 1958, but also its preamble, which refers to the Declaration of the Rights of Man and the Citizen dated August 26, 1789 and the preamble of the Constitution dated October 27, 1946. According to A.V. Antonova, this decision gave birth to the “block of constitutionality” and introduced constitutional guaranteed rights and freedoms in the constitutional-legal field (Antonov 2015).

In accordance with the Constitution, the Council has special functions such as jurisdictional properties, among which there are the preliminary control of the constitutionality of laws and international treaties, the subsequent control of laws using the procedure “priority issue of constitutionality”, the authority of a “judge on electoral disputes”, and political-consulting and organizational powers. These

include an advisory function for pre-voting in the election. Thus, it is noted that at the control of elections and referendums, the Constitutional Council has three types of powers depending on the stage of the process. At the pre-vote stage, it has advisory functions, in the course of the voting procedure – controlling, and after election it realizes the role of a “judge of electoral disputes” (Antonov 2015).

According to Article 61 of the French Constitution of 1958, the organic laws prior to their promulgation and the regulations of the houses of the Parliament, before they are applied, should be transferred to the Constitutional Council which shall give an opinion on their conformity with the Constitution (The French Republic. The Constitution and Legislative Acts, 1989). Article 62 specifies that the provisions, declared unconstitutional, cannot be applied or be promulgated, and the decisions of the Constitutional Council are not appealable and are binding on all public authorities, all administrative and judicial bodies. These constitutional provisions are reproduced in the Law on the Constitutional Council (The French Republic. The Constitution and Legislative Acts, 1989). In addition, according to Article 20 of this Law, decisions of the Constitutional Council must be reasoned and published in the Official Journal.

Thus, from the constitutional and legislative provisions it follows that the Constitutional Council is empowered to establish the compliance with the Constitution of regulatory acts of the Parliament and international treaties, prior to their validity.

The activity of the judiciary in the abolition of the regulatory requirements is possible provided the entry of the latest in legal force.

Along with this, by performing the functions of constitutional control, the Constitutional Council of France often decides the issues in terms of legal uncertainty, that is, if there are gaps in the Constitution, too abstract meanings of certain provisions or the conflicts between them. And since the provisions of Article 20 of the Law on the Constitutional Council requires the motivation of judicial decisions, in the presence of abstract provisions and gaps in the Constitution, the Constitutional Council is obliged to create provisions that can gain normative value. The confirmation is a legislative recognition of their commitment to all public authorities, all administrative and judicial authorities (Article 61 of the Constitution), as well as their mandatory publication in the Official Journal (Article 20 of the Law on the Constitutional Council).

Certain regulatory functions inherent to the Constitutional Court are applied to the activity of the Constitutional Council and to the exercise by it of other powers, in particular, in the consideration and resolution of competency disputes. So, the French Constitutional Council is entrusted, in accordance with Article 37 of the Constitution, with the authority to determine the regulatory acts of the Parliament as legislative or regulatory in nature. If such an act is recognized regulatory, the

Government, on its own initiative and subject to certain conditions, may decree to make amendments and additions. If this regulatory act refers to legislative, its change by the Governmental decree is prohibited. That's why the Constitutional Council, having established in one case that the statutory act of the Parliament is a regulatory, thus confirms the authority of the Government to introduce amendments on these issues in the act of the parliament in the future. And when the following similar dispute between the Parliament and the Government arise, the Constitutional Council's decision on this issue is binding (Oskina & Lupu 2013).

In addition, the similar rule-making decisions can be made by the Constitutional Council in accordance with Article 41 of the Constitution and Chapter IV, "Complaints on the unacceptability" of the Law on the Constitutional Council. So, if the Government in the legislative process finds that changes in the legislation, proposed by the Parliament are not included in its legislative powers or contravene the authority delegated by the Government, it may appeal to the Constitutional Council in order to resolve this dispute. The decision by the results of its consideration, as in the previous case, will be binding on the Parliament and Government in the following similar disputes (Hourquebie 2010).

The model of constitutional justice, appeared together with the creation of the Vth Republic, have proven to be extremely flexible and extensible. It let a specialized body of the constitutional control despite the deprivation of its actual trial status, despite its initially weakened role in the system of state authorities, to occupy the most important place in the political and legal sphere, which today occupies the French Constitutional Council. Over the years of its existence, the Constitutional Council of France, initially very far from a body of judicial constitutional control by the status and principles of a judicial procedure in its Kelsen's understanding, became the key mechanism for ensuring the supremacy of the Constitution of France and the stability of the French legal system as a whole. Currently, the Constitutional Council is considered by the French legal doctrine as one of the most important institutions for the protection of constitutional rights and freedoms (Sy 2007).

DISCUSSION

At the same time, despite a certain degree of perception of the model, the Republic of Kazakhstan, perhaps, as none of CIS countries, has its own experience of searching for the optimal sample of the institute of constitutional control.

In May 1990, i.e. almost immediately after the establishment of the post of the President of the Kazakh SSR, a bill was developed providing the establishment of a Constitutional Supervision Committee with very limited powers on the model of the Committee of Constitutional Supervision of the USSR. But this law was never adopted (Malinovsky 2011).

The starting point for the birth of the constitutional control in Kazakhstan should be considered the constitutional law of the RK (the Republic of Kazakhstan) dated December 16, 1991 “On State Independence of the Republic of Kazakhstan”. Article 10 of this historic act establishes the following: “The highest body of judicial protection of the Constitution is the Constitutional Court of the Republic of Kazakhstan”.

The rules on the Constitutional Court were later included in the first Constitution adopted on January 28, 1993. At the development of the constitutionalism in Kazakhstan, the adoption of two laws on June 5, 1992 was significant: “On the Constitutional Court of the Republic of Kazakhstan” and “On the Constitutional Proceedings in the Republic of Kazakhstan”, which later become invalid (The Law of the Republic of Kazakhstan No. 1378-XII “On the Constitutional Court of the Republic of Kazakhstan”, 1992).

By the law of the RK dated June 5, 1992 “On the Constitutional Court of the Republic of Kazakhstan”, a new body of constitutional legality and primacy of the Constitution was first institutionalized.

The most important criterion of the possibilities of constitutional control to have a real impact on the constitutional process was its competence. Article 2 of the Law states that the Constitutional Court primarily resolves the disputes on compliance with the Constitution: of acts of public authorities; of actions of its highest officials; of practice of application of the constitutional law of the Republic of Kazakhstan. The Constitutional Court was competent to consider cases on compliance with the Constitution of almost all normative legal acts, including normative acts adopted by the Prosecutor General; guiding explanations of the plenums of the Supreme Court and the Supreme Arbitration Court of Kazakhstan (Malinovsky 2011).

On August 30, 1995 on the national referendum there was adopted the Constitution of the Republic of Kazakhstan with amendments and additions introduced by Laws dated October 7, 1998, May 21, 2007 and February 2, 2011. It continues to operate successfully, providing stable progressive development of the society and the overall effective functioning of the state in the conditions of democratic modernization (The Constitution of the Republic of Kazakhstan, 1995).

The Constitutional Council was established on the basis of the Constitution of 1995. It operates since February 1996 to the present time. The experience of the Constitutional Court and the pursuit to “optimal” constitutional control are reflected in its status, organization and activities (The Constitutional Law of the Republic of Kazakhstan No. 2737 (with changes and additions as of July 4, 2014) “On the Constitutional Council of the Republic of Kazakhstan”, 1995).

The status of the Constitutional Council of the RK is designed in a way allowing:

1. to prevent willfulness of anybody in the manipulation of the institute of the constitutional control, including through changes in the competence of the Constitutional Council;
2. being outside of the classic trinity of power (and not being originally associated with the judicial branch), to create preconditions for the development of the doctrine of unity of the state power and separation of powers, in particular the constitutional autonomous or control branch;
3. to combine to the maximum the benefits of pre- and post-, abstract and concrete types of constitutional control;
4. to consider and establish the specific features of activities for the observance of the Constitution of the RK in ensuring the rights and freedoms of a man and citizen, as well as the organization of the state power, the functioning of the supreme state bodies and other spheres;
5. to maximize the resource of constitutional control (prior and subsequent, abstract and concrete) on the rights and freedoms of the man and of the citizen;
6. to rationally use the universal enforceability of the final decisions with the possibility to determine the mechanism of their implementation;
7. to structurally integrate the activities of the Constitutional Council and the courts, to use the institute of the constitutional control on the strengthening of the judiciary and vice versa;
8. to minimize the factor of politicization of the members of the Constitutional Council and of exceeding its powers;
9. to gradually increase, as the development of the civil society and the state occurs, the capacity of the Constitutional Council by extending its powers and access to the institute of the constitutional control.

The latter conclusion was confirmed by the adoption of the Law dated May 21, 2007 “On Amendments to the Constitution of the Republic of Kazakhstan”, where Article 72 was supplemented by sub-paragraph 2-1; by the respective amendments to the Constitution and the above-mentioned constitutional law, the guarantees of independence of members of the Constitutional Council and the enforceability of its decisions were also strengthened.

One of the fundamental conditions for the effective implementation of the constitutional control in Kazakhstan is the mutual understanding and cooperation between the President of the Republic – the guarantor of the inviolability of the Constitution, rights and freedoms of the man and of the citizen and the Constitutional Council – the body ensuring the supremacy of the Constitution throughout the country. The proof of this was also the practice of taking to control by the Council for Legal Policy under the President of the implementation of the decisions and annual messages of the Constitutional Council. It is mentioned that the President

both directly and indirectly (through the President of the Senate), thanks to the system of formation of the Constitutional Council, can have significant influence on it. Although the principle of formation was borrowed from France, in Kazakhstan conditions, at the weak multi-party system, it creates the conditions for the rise of “presidential” power and the use of the Constitutional Council as a tool of influence of the head of state on other branches of power. The practice shows that the President mainly initiates in the Constitutional Council the proceedings on the verification of compliance of the laws received by him for signature, with the Constitution, thereby solving the disagreements in the Parliament, as well as his inconsistencies with it. The President’s objections against the decisions of the Constitutional Council are very rare (only 3 in 10 years) (Ostapovich 2005). It is emphasized that the interaction of the Constitutional Council and the Parliament is quite varied: in some cases, it is performed by the Parliament as a collegial body, in others – by the presidents of chambers, in third – with the groups of deputies in an amount not less than 1/5th of the total. There is a tendency of democratization of the process of appointing of the relevant members of the Constitutional Council by the presidents of chambers (Ostapovich 2005).

CONCLUSION

The Constitutional Council (in general being a quasi-judicial body for the protection of the Constitution) is more often presented in the academic literature as exceptional or temporary. It is not widely spread in the world. However, there are reasons for the following statement: by the set of functions and powers, the legal force of decisions, the Constitutional Council of Kazakhstan has the main characteristics of the constitutional courts. The experience of the Constitutional Court of the Republic of Kazakhstan (1992-1995) and the experience of the Constitutional Council of Kazakhstan (1996-present) allow us to see that this body under the current form of government and at this stage of political development is “optimal” for the Republic of Kazakhstan.

The regulatory resolution of the Constitutional Council in accordance with Article 4 of the Constitution is one of the most important sources of current law. The legal positions contained in it and the recommendations included in the annual messages of the Constitutional Council “On Constitutional Legality in the Country” contribute to the further promotion of Kazakhstan as a democratic and legal state, to guarantee the constitutional values and principles of the Republic of Kazakhstan: the public consent and political stability, economic prosperity for the benefit of all people, Kazakhstan patriotism and solving the most important issues of state life by democratic methods.

It appears that the activity of the Constitutional Council of Kazakhstan rightly deserves high estimation of the President of Kazakhstan N.A. Nazarbayev, who declared that “today by existing powers the Constitutional Council is superior to

the former Constitutional Court... and meets modern realities more” (Nazarbayev 2003).

The constitutional values in a concentrated form reflect the fundamental beginning of the international policies and activities of Kazakhstan as the OSCE Chairman in 2010, represented by the four “T”: Trust, Tradition, Tolerance and Transparency (Malinovsky 2011)

The activity of the studied institute confirmed its autonomy and relevance, so the terms “supervision” and “control” applied to the said bodies are currently losing their relevance, and, as practice shows, the bounding, but rarely used mechanisms of repression, indicating the supervision, make some of the studied bodies more “controlling”. In this respect, the analyzed bodies confirm the general sequence of development of the specialized bodies for the protection of the Constitution, i.e. the transition from the constitutional supervision to the constitutional control. The French example testifies the fact that its powers are filled with the different content, and the implemented changes transform the supervision into control. The Kazakhstan model in practice, by its content, reveals the control functions.

References

- Antonov, A.V. (2015). Konstitutsionnyi sovet Frantsii: poryadok formirovaniya i proekty reformirovaniya [The Constitutional Council of France: The Formation and Reforms]. *Sravnitelnoe konstitutsionnoe obozrenie*, 6, 88-105.
- Danilova, N.V. (2012). Alternativnye puti razvitiya frantsuzskoi modeli konstitutsionnoi yustitsii [Alternative Ways of Development of the French Model of the Constitutional Justice]. *Konstitutsionnoe i munitsipalnoe pravo*, 9, 58-64.
- Danilova, N.V. (2012). Osobennosti realizatsii frantsuzskoi modeli konstitutsionnoi yustitsii v stranakh Azii i Afriki [Features of the Implementation of the French Model of the Constitutional Justice in the Countries of Asia and Africa]. *Sravnitelnoe konstitutsionnoe obozrenie*, 2, 111-121.
- Frantsuzskaya respublika. Konstitutsiya i zakonodatelnye akty* [The French Republic. The Constitution and Legislative Acts]. (1989). Moscow: Progress.
- Hourquebie, F. (2010). *Le pouvoir juridictionnel en France*. Paris: L.G.DJ., p. 106.
- Klishas, A.A. (2007). *Konstitutsionnyi kontrol i konstitutsionnoe pravosudie zarubezhnykh stran* [Constitutional Control and Constitutional Justice of Foreign Countries]. Moscow: BEK Publ., p. 205.
- Konstitutsiya Respubliki Kazakhstan* [The Constitution of the Republic of Kazakhstan]. (1995, August 30). Retrieved March 20, 2017, from <http://www.constitution.kz/>.
- Konstitutsionnyi zakon Respubliki Kazakhstan ot 29 dekabrya 1995 goda No. 2737 “O Konstitutsionnom Sovete Respubliki Kazakhstan”* [The Constitutional Law of the Republic of Kazakhstan No. 2737 (with changes and additions as of July 4, 2014) “On the Constitutional Council of the Republic of Kazakhstan”]. (1995, December 29). Retrieved March 20, 2017, from https://online.zakon.kz/Document/?doc_id=1004022#pos=1;-155.

- Kucherenko, P.A. (2011). Conseil Constitutionnel v sisteme sovremennogo konstitutsionnogo prava Frantsii [Conseil Constitutionnel in the System of Constitutional Law of France]. *Pravo i gosudarstvo: teoriya i praktika*, 6(78), 15.
- Malinovsky, V.A. (2011). O poiske optimalnoi modeli konstitutsionnogo kontrolya (opyt Respubliki Kazakhstan) [On the Search for the Optimal Model of Constitutional Control (Experience of the Republic of Kazakhstan)]. *Zhurnal konstitutsionnogo pravosudiya*, 4, 30-35.
- Nazarbayev, N.A. (2003). *Odin god Prezidenta: Sbornik dokumentov i vystuplenii* [One Year of the President: The Collection of Documents and Speeches]. Astana. (p. 322).
- Oskina, I., & Lupu, A. (2013). Sudebnoe pravotvorchestvo vo Frantsii [Judicial Law-Making in France]. *EZH-Yurist*, 7, 15.
- Ostapovich, I.Yu. (2015). Konstitutsionnye Sovety Frantsii i Kazakhstana: ot spetsializirovannogo organa s elementami konstitutsionnogo nadzora k kontrolyu [Constitutional Councils of France and Kazakhstan: From a Specialized Body with Elements of Constitutional Supervision to the Control]. *Rossiyskiy sudya*, 12, 45-48.
- Ostapovich, I.Yu. (2005). *Konstitutsionnyi sovet Respubliki Kazakhstan: Voprosy teorii i praktiki: Avtoreferat dissertatsii na soiskanie uchenoi stepeni kandidata yuridicheskikh nauk* [The Constitutional Council of the Republic of Kazakhstan: Issues of Theory and Practice (Ph.D. Thesis Abstract)]. Tomsk, p. 25.
- Renoux, T.-S. (1984). La place de l'autorite judiciaire. In T.S. Renoux, *Le conseil constitutionnel et l'autorite judiciaire. L'elaboration d'un droit constitutionnel juridictionnel. L'elaboration d'un droit constitutionnel juridictionnel*. Economica, pp. 11-12
- Sapronova, M.A. (2003). *Gosudarstvennyi stroi i konstitutsii arabskikh respublik* [The Political System and Constitutions of the Arab Republics] (pp. 135-137, 146-147, 259). Moscow: Muravey.
- Sy, M.M. (2007). *La protection constitutionnelle des droits fondamentaux en Afrique. L'exemple du Senegal*. Paris: L'Harmattan, p. 430.
- Zakon Respubliki Kazakhstan ot 5 iyunya 1992 goda No. 1378-XII "O Konstitutsionnom Sude Respubliki Kazakhstan"* [The Law of the Republic of Kazakhstan No. 1378-XII "On the Constitutional Court of the Republic of Kazakhstan"]. (1992, June 5). Repealed by the Decree of the President of the Republic of Kazakhstan having the force of the law, dated October 19, 1995 No. 2550. Retrieved March 20, 2017, from http://online.zakon.kz/Document/?doc_id=1001172.

