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IMPORTANCE OF ELECTORAL RIGHTS AND ISSUES OF THEIR PROTECTION

Abstract. The right to vote is one of the most important rights of citizens of the Republic, allowing them to participate in the management of state affairs, in the formation of the highest echelon of power by the people. The article is devoted to the study of the protection of citizens' electoral rights and their importance. The article deals with the electoral law as a form of participation of citizens in the management of state affairs, its constitutional and legal consolidation, the place and role of the institution of elections in the functioning of the state, the constitutional basis for the protection of electoral rights of citizens in the Republic of Kazakhstan. The article considered main causes of violations of electoral rights were identify and ways to protect them were identified. In States that affirm the true popular community, voting rights recognize the most accessible and often used constitutional possibility of citizen interference in state and local power, direct participation of citizens in the state and local issues. However, the constitutional and legal consolidation of the suffrage as a form of participation of the population in the management of state affairs does not provide a full basis for determining the democratic nature of the state. The elected rights of citizens in state-legal instruments are not only enshrined, but in real terms can be observed the formal, realistic nature of the democracy of any state, if they have found and implemented their action in real terms Life.

Key words: democracy, the right to vote, source of state power, democratic state, protection of electoral rights

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Сайлау құқықтарының маңызы және оларды қорғау мәселесі

Аңдатпа. Сайлау құқықтары Республика азаматтарының мемлекет істерін басқаруға қатысуына мүмкіндік беретін құқықтардың ішіндегі ең бір ықпалдысы, халықтың биліктің жоғары эшелонын құруының жалғыз жолы болып табылады. Мақала сайлау құқықтарының маңызы мен оларды қорғау мәселесін зерттеуге арналған. Мақалада халықтың мемлекет ісін басқаруға қатысуының нысаны ретінде сайлау құқығының маңызы, конституциялық-құқықтық бекітілуі, сайлау институтының мемлекет өмірінде алатын орны, Қазақстан Республикасында азаматтардың сайлау құқықтарын қорғаудың конституциялық негіздері қарастырылды, сайлау құқықтарын бұзу негізгі себептері ашылып, сайлау құқықтарын қорғау жолдары анықталды. Шынайы халық бірлігін бекітетін мемлекеттерде сайлау құқықтары азаматтардың мемлекеттік және жергілікті билікке араласуының, азаматтардың мемлекеттік және жергілікті мәселелерді шешуге тікелей қатысуының неғұрлым қолжетімді және жиі пайдаланылатын Конституциялық мүмкіндігімен танылады. Алайда, сайлау құқығын халықтың мемлекеттік қызметті басқаруға қатысу нысаны ретінде конституциялық-құқықтық бекіту мемлекеттің демократиялық сипатын айқындау үшін толық негіз бермейді. Азаматтардың мемлекеттік-құқықтық актілердегі таңдамалы құқықтары бекітілген ғана емес, нақты жағдайларда да, егер олар өмірдің нақты жағдайларында өз іс-әрекеттерін тапқан және жүзеге асырған болса, кез келген мемлекеттің демократиясының формалды, шынайы сипатын байқауға болады.

Түйін сөздер: халық билігі, сайлау құқықтары, мемлекеттік биліктің бастауы, демократиялық мемлекет, сайлау құқықтарын қорғау.

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Значение избирательных прав и вопросы их защиты

Аннотация. Избирательное право является одними из самых важных прав граждан Республики, позволяющим участвовать в управлении делами государства, в формировании народом высшего эшелона власти. Статья посвящена исследованию вопросов защиты избирательных прав граждан и их значений. Было рассмотрено избирательное право как форма участия граждан в управлении делами государства, его конституционно-правовое закрепление, место и роль института выборов в функционировании государства, конституционные основы защиты избирательных прав граждан в Республике Казахстан. Были определены основные причины нарушения избирательных прав и определены пути их защиты.

В государствах, утверждающих истинную народную общность, избирательные права признаются наиболее доступной и часто используемой конституционной возможностью вмешательства граждан в государственную и местную власть, непосредственного участия граждан в решении государственных и местных вопросов. Однако конституционно-правовое закрепление избирательного права как формы участия населения в управлении государственными делами не дает полной основы для определения демократического характера государства. Избранные права граждан в государственно-правовых актах не только закреплены, но и в реальных условиях можно наблюдать формальный, реалистический характер демократии любого государства, если они нашли и осуществили свои действия в реальных условиях жизни.

Ключевые слова: народовластие, избирательные права, источник государственной власти, демократическое государство, защита избирательных прав.

Introduction

Today, most countries of the world define themselves as a democratic state. One of the criteria that determines the democratic nature of a state is that power is inherent in the people, respectively, the participation of the population in the management of the affairs of the state. The consolidation of rights on the part of the state, allowing citizens to participate in the management of state affairs, is a prerequisite for citizens to interfere in the life of the state, to participate in the governance of the state. In turn, the Republic of Kazakhstan, defining itself in the 1995 Constitution as a democratic state, enshrined a number of rights allowing the citizens of the Republic to participate in the management of the affairs of the state. One is integration, the only way for the population to establish the highest echelon of power is to elect and elect the citizens of the Republic to the state and local governments (p. 1 p. 33). At the same time, it should be noted that the first Constitution of independent Kazakhstan in 1993 enshrined that the Republic of Kazakhstan is a republic in a democratic regime, defined the people of Kazakhstan as the

only source of state power, and also it was regulated that the Supreme Council and the President, local representative bodies, were elected on the basis of the principles of universal, direct suffrage of citizens to vote and election to the relevant bodies and positions were not constitutionally entrenched. The relevant Constitution enshrines only “the right of citizens of the republic to participate both directly and through their representatives in the management of state affairs, in the discussion, adoption of laws and decisions of state and local importance” (Constitution RK 1993). As we have noticed, in the relevant constitutional norm citizens are directly ... forms of participation in the management of state affairs have been settled in general without clarification.

In order for elections to be truly democratic, it is necessary: first, the existence of electoral legislation establishing rules that ensure the full implementation of free and fair elections; secondly, the existence of truly independent electoral bodies; thirdly, sufficient awareness of the electorate's rights and responsibilities; fourthly, the existence of administrative procedures guaranteeing all voters the free expression (Maklakov2003: 5).

These requirements, given by A.S. Autonomov and Y.A. Vedeneyev, can be agreed. Since they provide for conditions that allow citizens to participate in the management of state affairs through the exercise of voting rights, promote the policy of the state of citizens through the support of political candidates parties and candidates, ensure that the interests of various social groups of society are presented in elected state and municipal bodies, ensure stability, legitimacy of the electoral process, compliance with their international norms and the best electoral practices.

The institution of elections has a special place in the life of the state. In the political system, his assessment as a determining factor is not superfluous. Due to the fact that the elected rights of citizens in the life of the state are constantly enshrined and the real implementation in the state determines that the state established the following institutions and values – that the freedom of the majority of the population (citizens) is the defining of public policy (Institute of People’s Power); priority of human rights and freedoms (interests) from the interests of the state.; Recognition by the state of the rights and freedoms of a person and a citizen; a variety of forms of protection of citizens’ rights and freedoms; It is the duty of the State to ensure their implementation; equality of citizens, the legality of power. In terms of the importance of these values, it is possible to define the need for the institution of suffrage, to justify the importance.

The institution of elections in a legal, democratic state can be considered because the voting rights of citizens have a special place in the political life of the state, are one of the main prerequisites for further prosperity State. The will of citizens to elect a head of state and members of representative bodies is the main subjective factor, indirectly contributing to the effectiveness of the legislative branch regulating critical relations all areas of society in a real legal state, successful implementation of fundamental reforms carried out in the state. Since “... if unnecessary or substandard legislation is enacted in the future, if elected officials are incapable or ineffective, or the authorities suffer from widespread corruption, such tragic results are the result of a decision voters regarding the fact that they trust the government authority of the elected person “ (Kenneth 2009: 107). This shows that the elected right of citizens, along with the importance in the life of the state, must be shown a special responsibility for the realization of the respective rights of citizens.

Today, the institution of suffrage at the international level is so important that the voting rights of

citizens are recognized by the international community, voting rights are enshrined not only domestically, but also nearby international law. In addition, voting rights are recognized as basic rights of citizens and are accordingly guaranteed by the state in various cases (political, legal, material, etc.).

In civilized, democratic and legal states, citizens of the state are carriers, the origins of their political rights. Such States equally recognize, guarantee and protect the voting rights of their citizens, regardless of gender, age, education, property status and other circumstances. It’s not for nothing, he has his own reason. In particular, for the legitimacy (legitimacy) of the authorities it is necessary not only to consolidate the voting rights of citizens on paper, but also to actually implement these rights in practice. If voting rights are exercised or exercised, they are invaluable. Today, violations of the voting rights of citizens in the most developed, established state in a democracy are very common. Consequently, the constitutional and legal consolidation of citizens’ rights to the establishment of the upper echelon of state power and local elected bodies is not the only prerequisite for their reality in practice. In other words, enshrining in the republic’s legislation voting rights, even at a level that meets international standards based on best electoral practices, is not the only criterion for defining the state purely Democratic. Only if the will of citizens is carried out on a legislative basis and voting rights are protected from various offences and only if it is possible to objectively determine and establish the results of the citizens’ voting can be through elected representatives to talk about the participation of the population in the legislative settlement of important relations of the branches of society, about participation in the resolution of state and local affairs, that the will of the population has become the basis of the activities of the authorities (state, local). It should be taken into account that the adoption of legislation that meets international standards and the implementation of voting rights, the formation of a protection mechanism do not preclude the occurrence of any problems in the relevant area, do not lead to the conclusion, that true people’s power is fully sustainable. Because, in accordance with the regularity of social development, the presence in real life of any positive or negative situations shows that legislation enshrining voting rights, and, accordingly, international standards mechanisms to protect them are not in the same place. Consequently, in accordance with various social conditions, the change in international standards itself is natural and normal. Therefore, it is necessary to keep the focus on and improve the

legislation that enshrines voting rights and the practice of enforcing them, with international standards.

An integral element of the electoral institution is the guarantee of the exercise of the voting rights of citizens in states with the establishment of true popular power. It can be said that in such states have created specific mechanisms for implementation, protection of voting rights. The guarantees of voting rights are observed in the relevant state by the established, permanent mechanism for protecting the voting rights of citizens (persons who are usually its citizens). It can be said that the mechanism of protection of voting rights, accordingly, shows a set of any state institutions, legal, moral approaches to the protection of voting rights. On the basis of them, the process of implementation, ensuring the voting rights of citizens is carried out. Therefore, for the proper exercise of citizens' voting rights, the protection of voting rights is an important, necessary institution. One of the criteria for democratic elections is the judicial and other protection of the voting rights and freedoms of the individual and citizen in the Convention on Democratic Electoral Standards, Voting Rights and Freedoms in the Commonwealth States Independent States" (p. 2 art. 1) (Lysenko 2008: 100).

The issue of protecting and ensuring citizens 'electoral rights as a form of citizens' participation in the management of state Affairs is not new to science and legal practice today. In other words, in any civilized democratic States, certain research institutes are organized to study the issues of improving the electoral rights of citizens and state-legal structures aimed at their protection and ensuring in real life. As the Russian scientist S. A. Shirobokov shows" "... the Constitution establishes the right of citizens to participate in the management of state Affairs, respectively, its recognition, storage and protection is a direct duty of the state, its bodies and officials (Shyrobokov2016: 44). In addition, it can be said that ensuring and protecting the rights and freedoms of its citizens without any obstacles for States that today set themselves as a state governed by the rule of law is one of the priorities and main tasks. Accordingly, in order to ensure the implementation, not violation of electoral rights, the state establishes measures related to the implementation, protection of these rights in the domestic state legislation, interstate and international documents. Of course, state protection is not the only form of protection of citizens' electoral rights. Electoral rights can be protected by other forms (non-state protection-protection of the voter, Protection of public organizations, international protection). However, in

the presence of other forms of protection of electoral rights, the state has priority, that is, their recognition and activities are determined by the state. As a rule, the state protection of citizens' electoral rights is observed in the activities of authorized state bodies, including the courts, the legislature, the Executive bodies of state power, the Prosecutor's office, election commissions.

Since, in theory and practical terms, in democratic, legal states, public bodies are empowered by the people as the sole source of power, they must ensure that the whole complex is carried out in their activities, the rights and freedoms of citizens, accordingly to some extent participate in their indestructibility, protection, perform their functions in good faith to perform duties to the population. Due to the fact that the voting rights of citizens are recognized by the State and ensured by the forces of its political power, due diligence, the violation of voting rights largely depends on the activities of the authorized state bodies. Therefore, in order to ensure a high level of implementation, the protection of voting rights must be established a sustainable, effective mechanism of state protection. Consequently, without the formation of a strong and powerful state mechanism, the state will not be able to ensure the elected rights of citizens. In the field of elections, these functions are carried out by actors with the appropriate powers in each State. In general, they, within their powers, are obliged to ensure the accessibility of the electoral process to citizens, to prevent violations of voting rights, to ensure without distorting the will of citizens by countering various fraudulent manifestations, combat ingests, i.e. the safety of the electoral boxes. This, accordingly, determines that the protection of the voting rights of citizens in a real Constitutional State is considered as the main, priority for specific state bodies. In turn, in Kazakhstan, the legislation of the Republic has important tasks for the protection of citizens' voting rights. A number of bodies, starting with the President of the Republic, are included in the state mechanism of direct and indirect protection of citizens' voting rights: Parliament, Constitutional Council, executive authorities, law enforcement agencies, electoral Commission, Human Rights Commission, Commissioner. In this mechanism, the President of the Republic of Kazakhstan takes another place. It can be said that it protects voting rights as a symbol and guarantor of the rights and freedoms of citizens. The main functions of the President related to the protection of the voting rights of citizens, his exercise of the right of legislative initiative, opposition to laws passed by The Parliament, appeal to the Con-

stitutional Council on issues specified in section 1 of Article 72 Constitutions that are not within the jurisdiction of Parliament, as well as those outside the purview of Parliament ... to the activities of state bodies include the issuance of decrees on legal regulation of issues outside the statutory competence, an appeal to the Constitutional Council to consider compliance with the Constitution of the Republic of Kazakhstan, which came into force or other legal act in the interests of protecting the voting rights of citizens, the establishment of an advisory and advisory body – the Commission on Human Rights, which promotes the exercise of the constitutional powers of the President as a pledge of human rights and freedoms and a citizen.

The main constitutional foundations for the protection of the voting rights of citizens in the Republic of Kazakhstan can be considered: the Republic of Kazakhstan asserts itself as a democratic, legal, social state and affirms human rights and freedoms as one of the most Expensive Treasures (Article 1); The form of government defines Kazakhstan as a republic in the presidential form of government (Article 2); Kazakhstan recognizes and guarantees the rights and freedoms of a person and a citizen (Article 12); all citizens are equal before the law and the court (V. 14); citizens of the republic have the right to participate in the management of state affairs directly and through their representatives, to elect and be elected to state and local governments (p. p. 1, 2 p. 33).), etc. Analysis of the Constitution the Russian state shows that the Russian Federation should not issue laws abolishing or reducing the common rights and freedoms of a person and a citizen (P. 2 p. 55), that the provisions of Sections 1, 2 and 9 of the Russian Constitution cannot be revised by the Federal Assembly (p. 1 p. 135) (http://www.consultant.ru/document/cons_doc_LAW_28399). It is worth noting that among the provisions reflected in Part 2 of the Russian Constitution, which are not subject to revision by the Federal Assembly, there is a provision on the right of Russian citizens to elect and be elected to state and local governments (p. 2 art. 33).

Now, with regard to the state's obligation to protect the electoral rights of citizens, we can say that this is the state's activity to ensure the exercise of citizens' rights to elections and election, participation in other electoral actions through the recognition and approval of various forms of protection of electoral rights. The protection of citizens' electoral rights refers to the rights of citizens to elect and be elected to state and local government bodies ... implementation of the activities of intergovernmental organizations, public authorities, local governments,

their officials, other organizations and citizens themselves ... defines the mechanism of enforcement (Matejkovich2003: 1). To our understanding, the corresponding scientist considers these subjects as unconditional, obligatory subjects of protection of electoral rights of citizens, irrespective of desire of the concrete States, defining protection of electoral rights of citizens as the compulsory mechanism of ensuring implementation of electoral rights of citizens. The following scientist A. R. under the protection of electoral rights to the subjects of Akchurin's protection is understood the mechanism of restoration of violated electoral rights or removal of obstacles to the exercise of the relevant rights, carried out with the use of appropriate forms and procedures, methods and approaches (Akchurin2007: 8). As noted, he considers the protection of electoral rights in contact with cases of violation of electoral rights, that is, does not introduce into the concept of protection of electoral rights the prevention of violations of electoral rights, its prevention. Consequently, in the definition of the corresponding scientist, the concept of protection of the electoral right is expressed in a narrow sense.

The need to protect voting rights stems from the importance of suffrage and the need to prevent violations of citizens' rights arising during the electoral process. Accordingly, in essence, the Institute for the Protection of Voting Rights is aimed at preventing situations preventing citizens from exercising their voting rights and preventing violations of voting rights. Inefficiency, weakness of the mechanism for the protection of voting rights causes distrust of citizens about the fairness of elections, the legality of electoral procedures.

The Constitution and constitutional legislation of the Republic of Kazakhstan assign to the state bodies of the Republic important tasks for the protection and observance of the electoral rights of citizens. Their activities in this area provide organizational and legal guarantees of citizens' electoral rights. The establishment of electoral rights in the law is not a sufficient basis for the unhindered and free exercise of electoral rights by citizens. In most cases, the exercise of electoral rights depends on the work of state bodies, as noted. Republican legislation obliges a number of state and municipal bodies, including law enforcement and local Executive bodies, organizations for the operation of the housing stock to provide assistance, to assist election commissions on certain specific issues during the election campaign. In particular, in accordance with article 48 of the Law" on elections in the Republic of Kazakhstan "the Ministry of internal Affairs of the Republic and

organization for the exploitation of housing Fund is obliged to provide the election commissions during the vote to ensure public order and freedom of elections, the voter lists, and other matters arising out of activities of election commissions. And local Executive bodies are obliged to assist election commissions in ensuring the electoral rights of citizens with disabilities. If the election Commission, when checking the application filed in his name, considers it necessary to check the circumstances specified in the application by law enforcement agencies, the relevant law enforcement agencies, at the request of the election Commission, check the circumstances and make a decision on the request (<http://adilet.zan.kz/kaz/docs/Z950002464>). Not violation, restoration in case of violation of electoral rights, first of all, is connected with work of judicial authorities. In most States, the judiciary sees the protection of citizens' rights, including electoral rights, as a priority. Install the app on your smartphone and work offline.

As a rule, despite the fact that elections are the main manifestation of the democracy of the state, today there are often facts of violation of electoral rights. The most common phenomenon is the existence of various forms of violation of electoral rights, even in States with a developed democracy. In General, the main causes of violations of citizens' electoral rights are determined by the inefficiency, poor quality, instability of legislation regulating electoral relations, that is, the introduction of unclassified changes and additions to the legislation on elections, failure or improper execution of the law (lawlessness), legal illiteracy of citizens, low legal culture, political instability, vulnerability of guarantees of electoral rights in General. The process of historical development shows that in some countries there is also racial discrimination as one of the reasons for the violation of the electoral law. They Call Him J. We see the following justification by Kenneth Blakel and S. Kenneth Klyukovsky: "in the last half-century, the Federal judicial system of the voice ... many issues relating to protection against misrepresentation have been addressed through illegal newsletters. Most of the former cases dealt with racial problems, as most violations of the electoral legislation was due to racial discrimination. In such disputes, the courts had to uphold the constitutional rights of minority American citizens " (Kenneth Blackwell 2009: 115). In addition, in real life, the formation and consolidation of power as the main regulatory political force also indicates that it occurs as one of the main factors leading to the violation of electoral rights. This was announced by the acting Chairman of the Central election Commission of the Russian

Federation. In Veshnyakov. «.. in our country, power means great value, so sometimes to achieve it opponents still go to the dirty deeds, not retreating from anything, " – admitted publicly (<http://www.dissertat.com/content/osobennosti-sudebnoi-zashchity-izbiratelnykh-prav-grazhdan-v-rossiiskoi-federatsi>).

The rule of law is essential in protecting, protecting and exercising the voting rights of citizens. Legality prevents violation of voting rights, recognition of elections as a whole invalid. The rule of law is thus one of the conditions for ensuring the suitability of elections. The electoral process is carried out in accordance with the law and the results of the elections are legitimate only if the results of the elections have been cleared of fraudulent and other illegal votes, then for the latter the vote is valid by virtue of strict compliance with the requirements of the law is legal only if there is a result of legitimate votes, and in the case of identification within the law of the appropriate will of the electorate. Therefore, in order for any election to be valid, elections must be held in accordance with the law. This does not mean that in the electoral law several electoral actions and the consolidation of voting as a right for citizens exercise their respective voting rights at their discretion, i.e. in the manner in which it wishes. In this regard, some foreign scholars justify the need to recognize the vote not only as a right but also as a duty and must make the necessary efforts of the electorate to carry out this task. They point out that the right to vote cannot be exercised by an elected choice in accordance with the voter himself, i.e. that the State respects the definition of how the right to vote should be exercised, and that the citizen-voter is mandatory for execution in an order defined by the state. "Since voting is not only a right, but also a duty, voters must be aware of the legal criteria set by the state and be prepared to meet them... The right to vote does not entail the right to do it in any way of choice of the voter. States retain the right to regulate elections, and each electoral law unequivocally places a certain burden on individual voters" (Kenneth Blackwell 2009: 108, 115). Consequently, in accordance with the relevant scientific approach, citizens exercise the electoral right to vote not at their discretion, but by complying with the state-mandated rule, i.e. the obligation to comply with certain burdens placed the state on it by law.

Foreign scholar R. Paul Margi points out that offences that violate voting rights interfere with the right of citizens to participate on an equal footing in elections, giving preference to a certain voter or group of voters or political structure to another person (persons) (Paul Margie 1995: 495). As a rule,

violation of the voting rights of citizens is expressed in discrimination of their (voting rights), obstruction of the use of voting rights and failure or improper execution by actors participating in the electoral process statutory duties. As a rule, the protection of voting rights against such offences is provided by authorized entities through the following actions: to prevent violations of voting rights; to eliminate situations that violate voting rights, hinder their implementation and, in the appropriate case, the imposition of sanctions that establish responsibility for specific offences; restoration of the infringed right.

In order to protect electoral rights, the relevant law enforcement agencies must be equipped with the most necessary means. In other words, the state and public bodies should be able to prevent and eliminate various offenses occurring in the elections. In General, the efficiency and effectiveness of the relevant activities of the subjects authorized to protect electoral rights have a great influence on the quality and stability of the electoral legislation. Since the critical instability of the electoral legislation, that is, the introduction of non-core changes and additions to the relevant legislation, in turn, can lead to instability of the mechanism of protection of electoral rights, improper organization of its work, reducing the level of legal literacy of citizens. Hence, the instability of the electoral legislation, "... a large number of contradictory norms that do not quite correspond to the existing system of electoral legislation, often corrected by the judicial authorities, do not create the necessary legal guarantees, do not effectively contribute to the confrontation of cases of violation of citizens' electoral rights and do not allow for prompt, full protection of citizens' electoral rights (<https://www.dissercat.com/content/osobennosti-sudebnoi-zashchity-izbiratelnykh-prav-grazhdan-v-rossiiskoi-federatsii>). As noted, to protect the electoral rights of the authorized entities should have all the necessary capabilities. Since the relevant subjects ensure the availability of electoral actions, the voting process to voters only if they have the ability to prevent and eliminate various offenses that violate electoral rights. The choice of ways to protect electoral rights depends on the powers of certain subjects. That is, the protection of citizens' electoral rights is carried out by specific subjects within their powers established by law. The protection of electoral rights is carried out both by informing citizens about electoral actions and the procedure for their implementation, and by controlling the electoral process through the broad involvement of observers in the elections, the establishment and publication of the results of voting. "Control contributes to the compliance

of the electoral process with the legal system and prevents and prevents suspicious actions" (Musin 2017: 47). That would be an obstacle to distorting the election results.

Many representatives of constitutional and legal science are currently engaged in the search for ways to overcome negative phenomena in the organization and conduct of elections. Thus, the most important aspects of the complex and multifaceted problem of human rights are being addressed. The efforts of science and practice should be directed to this, pointing out that the creation of the necessary prerequisites, guarantees and mechanisms for the realization of individual rights, overcoming the crisis in this area, respectively, is the main direction of science, – he said (Matuzov 1999: 74).

Thus, summarizing the above, the provision of the Constitution of the Republic, which states that the only source of state power is the people, that the people directly exercise their power and delegate the exercise of their power (Article 3) determines that public officials have the authority of the public and assume that they must exercise their respective powers in order to serve the public, aware of the greater Responsibility. In Kazakhstan, such a responsible and complex activity in ensuring the free exercise of citizens' voting rights on an alternative basis, in the process of organizing and holding general elections, is carried out by a number of public bodies. They, to some extent participating in the protection of the voting rights of citizens during the organization and conduct of elections, provide convenience, accessibility of elections for citizens, prevention of violation of rights, restoration in case of violation. Thus, the confidentiality of the electoral boxes can be protected from various illegal actions, fraud. This is a complex and responsible business. However, because the will of citizens is important, it should be sought by specific state actors. Failure to ensure the security of ballot boxes, in turn, results in a lack of conformity between the election results and the specific will of the electorate. And the inconsistency of the election results to the will of the voters in defaults on the sovereignty of the people, as it does not allow the population, as the only source of state power, to exercise the entire amount of its power. "Even individual violations of voting rights are an infringement on the sovereignty of the people. If these offences are of a massive nature, which does not allow to establish the true will of the population, it can be said that the unconstitutional appropriation of power belonging to the people can be said. Accordingly, the protection of voting rights is the protection of a single, indivisible people's sovereignty" (Matejkovich2003: 21).

Литература

- Акчурин, А. Р. Порядок защиты избирательных прав граждан в Российской Федерации: автореф. дис. ... канд. юрид. наук: 12.00.02 / Акчурин Александр Ростамович. – М., 2007. – 25 с.
- J. Kenneth Blackwell and Kenneth A. Klukowski. The Other Voting Right: Protecting Every Citizen's Vote by Safeguarding the Integrity of the Ballot Box // *Yale Law & Policy Review*. Volume 28, Issue 1 (2009). 107-123 p.
- Зарубежное избирательное право: Учебное пособие. / Научный редактор: доктор юридических наук В. В. Маклаков. – М.: Издательство НОРМА, 2003. – 288 с.
- Израилян В.Б. Особенности судебной защиты избирательных прав граждан в Российской Федерации // <http://www.disscat.com/content/osobennosti-sudebnoi-zashchity-izbiratelnykh-prav-grazhdan-v-rossiiskoi-federatsii>
- Конвенция о стандартах демократических выборов, избирательных прав и свобод в государствах – участниках Содружества Независимых Государств: Документы и материалы / Отв. ред. доктор юридических наук, заслуженный юрист Российской Федерации В.И. Лысенко. – М.: РЦОИТ, 2008. – 528 с.
- Матейкович, М. С. Защита избирательных прав граждан в Российской Федерации: проблемы теории и практики: автореф. дис. докт. юрид. наук: 12.00.02 / Матейкович Максим Станиславович. – Саратов, 2003. – 60 с.
- Матузов Н.И. Права человека: время надежд и разочарований // *Права человека: пути их реализации. Материалы международной научно-практической конференции (8-10 октября 1998 г.) Ч. 1.* – Саратов, 1999. – С. 72-75.
- Мусин К.С. Законодательные основы деятельности наблюдателя. // *Наука и жизнь Казахстана.* – Астана, 2017. №6 (52). – С. 47-52.
- R. Paul Margie. Protecting the Right to Vote in State and Local Elections under the Conspiracy against Rights Act // *University of Chicago. Legal Forum*. Volume 1995. Issue 1. Article 18. – P. 483-504.
- Широбокос С.А. Мотивация определения структурной модели участия граждан в управлении делами государства // *Вестник КазНУ. Серия юридическая.* – Алматы: Казак университети, 2016. №2 (78). – С. 40-46.

References

- Akchurin, A.R. (2007) Porjadok zashchity izbiratel'nykh prav grazhdan v Rossijskoj Federacii: avtoref. dis. ... kand. jurid. nauk: 12.00.02 / Akchurin Aleksandr Rostamovich. [The Procedure for protecting the electoral rights of citizens in the Russian Federation: abstract. dis. ... kand. the faculty of law. Sciences: 12.00.02 / Akchurin, Alexander Rustamovich.] M. 25 p.
- J. Kenneth Blackwell and Kenneth A. Klukowski. The Other Voting Right: Protecting Every Citizen's Vote by Safeguarding the Integrity of the Ballot Box // *Yale Law & Policy Review*. Volume 28, Issue 1 (2009). 107-123 p.
- Zarubzhnoe izbiratel'noe pravo: Uchebnoe posobie. / Nauchnyj redaktor: doktor juridicheskikh nauk V. V. Maklakov [Foreign election law: textbook. / Scientific editor: Doctor of Law V.V. Maklakov. Moscow: Publishing house NORMA] Moscow 2003. 288 p.
- Israelyan V.B. (2018) Osobennosti sudebnoj zashchity izbiratel'nykh prav grazhdan v Rossijskoj Federacii [Features of judicial protection of electoral rights of citizens in the Russian Federation] // <http://www.disscat.com/content/osobennosti-sudebnoi-zashchity-izbiratelnykh-prav-grazhdan-v-rossiiskoi-federatsii>
- Konvencija o standartah demokraticeskikh vyborov, izbiratel'nykh prav i svobod v gosudarstvah – uchastnikah Sodruzhestva Nezavisimyh Gosudarstv: Dokumenty i materialy / Otв. red. doktor juridicheskikh nauk, zaslužennyj jurist Rossijskoj Federacii V. I. Lysenko. – M.: RCOIT [Convention on standards of democratic elections, electoral rights and freedoms in the member States of the Commonwealth of Independent States: Documents and materials / Resp. edited by Doctor of Legal Sciences, honored lawyer of the Russian Federation V. I. Lysenko. – Moscow: RTSOIT] 2008. 528 p.
- Matejkovich, M. S. (2003) Zashchita izbiratel'nykh prav grazhdan v Rossijskoj Federacii: problemy teorii i praktiki: avtoref. dis. dokt. jurid. nauk: 12.00.02 [Protection of electoral rights of citizens in the Russian Federation: problems of theory and practice: Avtoref. dis. doctor. the faculty of law. Sciences: 12.00.02 / Matejkovich Maxim Stanislavovich]. Saratov. 60 p.
- Matuzov N.I. (1999) Pravacheloveka: vremjanadezhdirazocharovanij // *Pravacheloveka: puti realizacii. Materialy mezhdunarodnoj nauchno-prakticheskoj konferencii (8-10 oktjabrja 1998 g.) Ch. 1.* [Human Rights: time of hopes and disappointments // human Rights: ways of their realization. Proceedings of the international scientific-practical conference (8-10 October 1998) Part 1] Saratov. Pp. 72-75.
- Musin K.S. (2017) Zakonodatel'nye osnovy dejatel'nostinabljudatelja. // *Nauka i zhizn' Kazakhstana* [Legislative bases of activity of the observer. // Science and life of Kazakhstan] Astana, No. 6 (52). Pp. 47-52.
- R. Paul Margie. Protecting the Right to Vote in State and Local Elections under the Conspiracy against Rights Act // *University of Chicago. Legal Forum*. Volume 1995. Issue 1. Article 18. – P. 483-504.
- Shirobokov S. A. (2016) Motivacija opredelenija strukturnoj modeli uchastija grazhdan v upravlenii delami gosudarstva // *Vestnik KazNU. Serija juridicheskaja.* [Motivation the definition of a structural model of participation of citizens in managing state Affairs // the Bulletin of KazNU. Legal series.] Almaty: Kazak Universiteti. No. 2 (78). – Pp. 40-46.