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## CURRENT ISSUES OF LEGAL STAGES OF LEGISLATION: ADOPTION AND WAYS OF AMENDMENT, INTERPRETATION OF THE CONSTITUTION, IMPLEMENTATION

**Abstract:** The article is devoted to topical problems of the organization of the legal stage of the implementation of legislative activity, in which the stability of the Constitution is one of its important legal properties, which affects the determining influence of the stability of political, economic and social relations. The author places special emphasis on the subject of the constitutional referendum, which is the draft of a new constitution, or constitutional reform or amendments to the constitution.

**Key words:** lawmaking, legal stages of the legislative process, adoption of the constitution, amendment of the constitution, interpretation of the constitution, implementation of the constitution.

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### Introduction

The constituent power, when using the developed legal technology, uses the same methods, rules, categories, which is generally accepted in the legal environment. However, the legal technology of lawmaking and the legal technology of preparing and adopting constitutions are not the same, one might even say, they differ in many respects. Hence the slightly different legal properties of the constitution, which is what we are talking about.

The stability of the Constitution is one of its important legal properties, which affects the determining influence of the stability of political, economic and social relations. Revision of any provisions of the Constitution or amendments to it is a rather complicated procedure. Quite rightly noted by A.A. Mishin in the monograph "Constitutional (State) Law of Foreign Countries", the right to adopt the first or new constitution is a manifestation of constituent power and is exercised either by the electoral corps, or by a representative institution, or by the executive power [1]. These three main ways of adopting a

constitution are used both in pure form and in various combinations.

The doctrine of constitutional law is based on the notion that the adoption of a constitution is an act of constituent power, where the latter belongs to the people (in accordance with the theory of popular sovereignty) or a body authorized to adopt the basic law [1]. The spread of referendums as a way to adopt new constitutions is a characteristic feature of the second half of the 20th century.

The referendum is an institution of direct (direct) democracy. In the exact sense of the word, a referendum is an appeal to the electoral corps for the final decision of some (mostly legislative or constitutional issue). Constitutional law provides for various forms of referendum and procedures for their application. It is customary to classify referendums into national, national, regional, and local referendums. It is generally accepted that referendums are divided into constitutional and legislative ones. The subject of a constitutional referendum is the draft of a new constitution, or constitutional reform or

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amendments to the constitution. The subject of a legislative referendum can be either a draft law or a law that has already entered into force [2].

We are in solidarity with A.A. Mishin, who argues that it is impossible to give an unambiguous assessment of the referendum. Democracy or reactionary nature of this institution depends on the real political circumstances and conditions in which the referendum is held [3]. The electoral corps cannot develop a draft constitution; this function is performed either by the Constituent Assembly or a specially created constitutional committee.

It is necessary to mention another method of adoption - the adoption of the constitution by bodies convened specifically for this purpose - constituent assemblies (constitutional assemblies, constitutional conventions). The very procedure for the work of such a body makes it possible to work out each article of the constitution. As a rule, the entire procedure for adopting a new constitution is carried out by the representative institution itself and the subsidiary bodies created by it [4].

The constitution can also be adopted by a unilateral act of executive power - this is an *oktroirovanie*, i.e. "gift". The project developed in this way is approved and promulgated by the head of state. The procedure for amending constitutions consists of several stages. The initiative to change the constitution is given to the parliament, or head of state. Approval of the proposed draft constitutional change makes Parliament a qualified majority vote. At the same time, the important procedural significance (on the example of the Kyrgyz Republic) is the condition according to which the law on amendments and additions to this Constitution can be adopted by the Jogorku Kenesh of the Kyrgyz Republic after at least two readings with breaks between readings of three months [5]. The Constitution also establishes a ban on the adoption of the Constitution, a new version of the Constitution of the Kyrgyz Republic or the introduction of amendments and additions to this Constitution during a state of emergency and martial law, which is due to the fact that the legislative body of the state in such periods should deal, first of all, with urgent, global character for the state affairs. Also, the Constitution has a rule of time within which the Parliament of the country, upon receipt of the opinion of the Constitutional Court of the Kyrgyz Republic, must adopt a law on amendments and additions to this Constitution. The norm provides for a period within which an unaccepted draft law cannot be submitted by the Parliament again. In the event that the Constitutional Court issues a negative opinion on the draft law on amendments and additions to this Constitution, this draft law is returned by the Jogorku Kenesh to its initiator [6]. The final approval of the adopted draft constitution is carried out either by the head of state or by the electoral corps through referees.

The adoption of the constitution by the electoral corps consists of two stages - the development of a draft constitution and its final approval, after which the constitution comes into force.

An equally important problem is the problem of interpretation of the law and has been the object of close attention of researchers in the field of jurisprudence for a long time. We could not ignore this problem of legal science, which has already become traditional. This is explained by the fact that the legislator, with all the desire, can neither identify nor resolve the whole variety of problems.

Interpretation is a complex, complex phenomenon. This is both the internal thought process of a person studying a legal norm (clarification of the norm), and the special activity of certain persons and bodies, expressed in the form of an official act of a state body or given by various organizations and individuals and not having a formally binding value of recommendations and advice (clarification of the norm). ). The purpose of this activity is to ensure the correct and uniform application of the interpreted norm, to eliminate ambiguities and possible errors in its implementation.

In the legal explanatory dictionary, "interpretation" is defined as "the activity of state bodies, organizations, officials, individual citizens to establish the content of the rules of law, to reveal the will of the legislator in them" [7]. Depending on the legal consequences that the interpretation leads to, they are usually distinguished: an official interpretation given by authorized bodies, formulated in a special act, formally binding on a certain circle of people and being an official directive on how to correctly understand a specific norm, and unofficial, which is understood as all other cases of interpretation, clothed in the form of recommendations and advice.

The greatest significance among all types of interpretation of legal norms is characterized by an explanation that is the result of an official normative interpretation. Such an interpretation is obligatory for all persons, extends to the entire range of cases provided for by the interpreted norm, thereby ensuring the uniform and correct implementation of its prescriptions [8].

The Constitution, as a normative legal act with the highest legal force, serves as a guideline for all other normative legal acts of the Kyrgyz Republic. Thus, on the basis of the Constitution, the following normative acts that are part of the system of legal acts of the Kyrgyz Republic can be adopted: constitutional laws of the Kyrgyz Republic, laws, resolutions of the Jogorku Kenesh of the Kyrgyz Republic, decrees of the President of the Kyrgyz Republic, resolutions of the Government of the Kyrgyz Republic, acts of the National Bank of the Kyrgyz Republic, acts of ministries, state committees and state administrations

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and local governments that meet the requirements established by law.

For the first time, the institution of official interpretation was introduced in Kyrgyzstan as a result of constitutional changes in February 1996. Thus, the right of official interpretation of the Constitution was assigned to the competence of the chambers of the Jogorku Kenesh - the Legislative Assembly and the Assembly of People's Representatives [9]. An analysis in this regard of the legal status and constitutional foundations of the activities of the Constitutional Court of the Kyrgyz Republic, on the one hand, and the principles of organizing constitutional control, on the other hand, clearly indicated the expediency of assigning this authority not to the Parliament, but to the Constitutional Court.

It should be noted that A.A. Arabaev. The comparative-historical method of research allowed us to turn to the appeals of A.A. Arabaev in terms of the analysis of the current constitutional legislation of Kyrgyzstan, its theoretical developments and the practice of official interpretation of the Constitution. There is no doubt in his thesis that the Constitutional Court, exercising its main function - constitutional control, almost always deals with the interpretation of the Constitution. From which it follows that the recognition of laws and other normative acts as constitutional or unconstitutional is the prerogative of the Constitutional Chamber of the Kyrgyz Republic. He also noted that, despite the causality of interpretation, that is, of a secondary nature, since it is subordinate to the main task of substantiating the decision of the Constitutional Chamber, on the one hand, the completely independent nature of the normative interpretation of the Constitution, as evidenced by the very fact of fixing such in the Basic Law, with the other is that this function is carried out within the framework of constitutional control [10].

Which, in fact, is a powerful and effective institution for the legal protection of the Constitution - the main function of the Constitutional Chamber of the Kyrgyz Republic as the supreme body for the protection of the Constitution of the Kyrgyz Republic. It should be added that the Constitutional Chamber of the Kyrgyz Republic, according to the Constitution, is also assigned the most important role of an arbitrator between the highest bodies of state power, expressed in ensuring checks and balances of the authorities, and ensuring their balance, and in the legislation field. Such a function of the body of constitutional control as the interpretation of the Constitution helps to avoid situations that are close to a political crisis, especially in the context of an emerging disagreement between the legislative and executive branches of power.

Article 50 of the Law of the Kyrgyz Republic "On Normative Legal Acts" grants the authorities or officials who have adopted (issued) these normative legal acts the authority to officially interpret subordinate normative legal acts.

So, the existing legislation of the Kyrgyz Republic directly provides for the official interpretation of normative legal acts only in two cases: interpretation of the norms of the Constitution by the body of constitutional control and authentic interpretation of subordinate normative legal acts. Based on this, it can be concluded that only the Constitutional Chamber of the Kyrgyz Republic is authorized to give an official interpretation of the norms of laws, and the range of norms that it can interpret is limited only to the norms of the Constitution of the Kyrgyz Republic. It should be noted that it is not always an easy task to determine the entities that, in accordance with the current legislation of the Kyrgyz Republic, have the right to an official normative interpretation of laws.

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