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The October Revolution of 2020 in Kyrgyzstan and the Security Problem in Central Asia

STUDIA I ANALIZY

Key words: *Kyrgyzstan, Central Asia, October Revolution, constitution, system of government, president, security*

Abstract: *The subject of the article is the analysis of the causes, course and effects of the October 2020 revolution in Kyrgyzstan. Particular emphasis is placed on the consequences of this revolution, especially on the change of the system of government in Kyrgyzstan and its impact on security in the region of Central Asia. The entirety of the normative provisions of the Constitution of May 5, 2021, and in particular the regulations regarding the mutual relations between the executive and legislative powers, proves that the presidential system of government established on its basis in Kyrgyzstan differs significantly from the classical model of such a system of government. This is evidenced primarily by the right of legislative initiative granted to the President of Kyrgyzstan, the right to participate in parliamentary sessions, and the right to determine the subject of its sessions. The October Revolution did not affect the security architecture in Central Asia directly. However, the adoption of the presidential system of government in Kyrgyzstan, the difficult economic situation, as well as unresolved social problems may result in further mass social protests in this country in the future, which may have a significant impact on the relations, especially with Uzbekistan and Tajikistan.*

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Introduction

Kyrgyzstan was established as an independent state as a consequence of the dissolution of the Soviet Union in 1991. The process of moderate political reforms, which did not violate the foundations of the totalitarian Soviet system, began there in 1989 as part of Gorbachev's "perestroika". In the Declaration on State Sovereignty of the Republic of Kyrgyzstan (hereinafter: the RK) adopted on December 19, 1990, apart from changing the name of the Kyrgyz Soviet Socialist Republic, the will to build a democratic state ruled by law and based on the tripartite division of state power, was declared. Finally, after the defeat of the putschists in Russia, the then Kyrgyz parliament, the Supreme Council of the RK, proclaimed the independence of the republic on August 31, 1991, adopting the Declaration on State Independence of the Republic of Kyrgyzstan¹.

The systemic transformation in Kyrgyzstan, which proceeded most dynamically in the 1990s, has actually continued to this day. The former communist party and state elites managed to maintain their influence there and resisted the democratization of the country. In addition, the legacy of the Soviet period was the lack of civil society, its own constitutionalism, and a low level of legal culture². There were also tribal conditions, as clans and clan-tribal communities, which are linked by genealogy, sub-ethnic solidarity, and the patronage dependence of their members on the clan elites, continue to play a huge role in Kyrgyzstan. The main clan division is between the agricultural South and the more industrialized North. Tribalism has a significant impact on functioning of the local party system, and even state and local self-government bodies. The institutionalization of clan interests results in a number of negative phenomena, such as corruption, clientelism or nepotism³.

The development path of the Kyrgyz SSR in its declining period, and then of the now independent Kyrgyzstan, in the systemic and political aspect, ran differently than the development of the other republics of Central Asia, i.e. Kazakhstan, Uzbekistan, Tajikistan and Turkmenistan. Unlike the countries mentioned above, which developed a presidential system of government and an authoritarian style of governance, Kyrgyzstan initially adopted a par-

¹ T. Bodio, T. Mołdawa, *Konstytucje państw Azji Centralnej: tradycje i współczesność*, Warszawa 2007, pp. 184–189.

² A. Bisztyga, *Transformacja ustrojowa poradzieckich państw Azji Centralnej*, [in:] E. Gdulewicz, W. Orłowski, S. Patyra (eds.), *25 lat transformacji w Polsce i w Europie Środkowo-Wschodniej*, Lublin 2015, p. 426; I.Z. Iskakov, *Spetsifika politicheskikh institutov i protsessov v Tsentral'noy Azii*, «Nauchnyye vedomosti Belgopodskogo gosudarstvennogo universiteta» 2011, No. 13, pp. 172–174.

³ A. Wierzbicki, P. Załęski, *Trybalizm a władza w Azji Centralnej*, Pułtusk 2008, pp. 282–288.

liamentary system of government (1990–1991), then a semi-presidential system (1991–1993), and after the adoption of the Constitution of May 5, 1993, a system of presidential-parliamentary government, which basically lasted until June 2010. After the “April Revolution” 2010, the Constitution of June 27, 2010 established a system of parliamentary government, albeit deviating from its model form⁴. This system was formally maintained until the adoption of the new Constitution of the RK through a referendum on April 11, 2021, which, considering the dynamics of constitutional changes in independent Kyrgyzstan, ensured the longest period of systemic and political stability. The change in the system of government was one of the fundamental consequences of the mass social uprisings that took place in Kyrgyzstan in October 2020. They are referred to as the October Revolution⁵. It should also be emphasized that during its independent existence, Kyrgyzstan – unlike other Central Asian countries – was never a state with a system of hard authoritarianism. Basic human rights are generally respected there, which is confirmed by expert research. However, this does not mean that Kyrgyzstan is a state of law⁶. In Kyrgyzstan, there is still a facade of democracy in conditions of soft authoritarianism⁷.

The aim of the study is to analyse the causes, course and effects of the October Revolution in Kyrgyzstan. The following theses have been tentatively adopted in this regard: 1) the outbreak of the revolution is the result of a number of factors and endemic conditions; 2) the consequence of the revolution is the adoption of a presidential system of government in Kyrgyzstan, which, however, differs from the classical model of such a system of government; 3) the revolution did not have a significant impact on security in the Central Asia region. The article mainly uses the institutional-legal and formal-dogmatic methods.

The Genesis and the Course of the October Revolution

The genesis of the October Revolution of 2020 in Kyrgyzstan should be sought in the resultant of several factors and endemic conditions characteristic of this country. First of all, the revolution was caused by the deteriorating eco-

⁴ J. Szukalski, *System konstytucyjny Kirgistanu*, Warszawa 2018, pp. 117–121.

⁵ O. Veretilnyk, *Reforma konstytucyjna w Kirgistanie. Wyzwania i zagrożenia dla demokracji i państwa prawa*, «Przegląd Prawa Konstytucyjnego» 2022, No. 1, pp. 189–190.

⁶ P. Załęski, *Kultura polityczna więzi w Azji Centralnej (przypadek Kirgistanu na tle państw regionu)*, Warszawa 2011, pp. 202–204.

⁷ N. Shukuralieva, *Fasadowa demokracja, niestabilność instytucjonalna i rozwój. Mechanizmy przyjmowania Narodowych Strategii Rozwoju w Kirgistanie*, «Studia Polityczne» 2015, No. 4, pp. 121–124.

conomic situation in Kyrgyzstan, caused by the COVID-19 pandemic. Kyrgyzstan, as the poorest country in Central Asia next to Tajikistan, with a gross domestic product (hereinafter: GDP) in 2019 amounting to only USD 8.871 billion, was particularly vulnerable to the effects of the pandemic. According to official data as of April 1, 2019, the unemployment rate was only 3.1%, but in reality it was much higher. Pandemic restrictions caused many private enterprises and craftsmen to go bankrupt in Kyrgyzstan. More than 700,000 people lost their jobs. In addition, several hundred thousand seasonal workers had to return from Russia in the spring and summer of 2020, increasing the already large percentage of the unemployed⁸. The unemployment rate in 2020 increased to almost 31%. The pandemic caused a significant decline in GDP. While in 2019 the economic growth was 4.5% of GDP, in 2020 the GDP decreased by 5.3%, compared to the previously predicted increase of 5%⁹. Kyrgyzstan's economic situation was also aggravated by its growing debt, mainly to China and Russia. On the eve of the revolutionary events, it amounted to almost 4.8 billion dollars. In the Chinese Eximbank alone, Kyrgyzstan took out a loan of USD 1.8 billion. Kyrgyzstan also received a loan from the International Monetary Fund in the amount of USD 240 million to fight the coronavirus¹⁰.

Other factors that exacerbated the social situation in the country were the internal policy of President Sooronbay Jeenbekov, the growing scale of corruption and the clan interests. Jeenbekov, who took office on November 24, 2017, initially continued the policy of his predecessor, Almazbek Atambayev, fighting corruption among officials, uniformed services and the judiciary, which enjoyed high public support. Anti-corruption activities led to a number of criminal proceedings, in which sentences were handed down to long-term imprisonment, among others, against Atambayev's close associates: former prime minister Sapar Isakov and former mayors of Bishkek, Kubanychbek Kulmatov and Albek Ibraimov. However, the performed personnel purges were used by the President of the RK to fill the positions with people loyal to him, selected according to the clan and party key. Moreover, it turned out that Jeenbekov's anti-corruption policy was very selective, as his supporters could count on far-reaching leniency. An example of such an approach was in par-

⁸ A. Irgebayeva, *Oktyabr'skaya (ne)revolyutsiya: Politicheskij krizis v Kyrgyzstane, yego prichiny i itogi (kotorykh net)*, <https://kloop.kg/blog/2021/01/02/oktyabrskaya-ne-revoljutsiya-politicheskij-krizis-v-kyrgyzstane-ego-prichiny-i-itogi-kotoryh-net/> (19.07.2023).

⁹ N. Gigineishvili, *Opyt Kyrgyzskoy Respubliki v preodolenii problem pandemii*, <https://www.imf.org/ru/News/Articles/2021/07/29/na072921-how-the-kyrgyz-republic-tackled-the-pandemic> (19.07.2023).

¹⁰ K. Riklton, *Dolg Kyrgyzstana Kitayu: mezhdru urezaniyem byudzhetu i sborom sredstv u naroda*, <https://russian.eurasianet.org/долг-кыргызстана-китаю-между-урезанием-бюджета-и-сбором-средств-у-народа> (20.07.2023).

ticalar Rajymbek Matraimov, who, from August 2015 to the end of November 2017, was the deputy head of the State Customs Service of the Republic of Kyrgyzstan, who committed numerous corruption offences. Despite the existence of relevant evidence in this regard, Matraimov enjoyed complete impunity for quite some time. He was arrested on charges of corruption offenses and significant depletion of budget only revenues on October 20, 2020. The next day, the Bishkek District Court applied a preventive measure against Matraimov, according to which he was released from custody on the condition that he did not leave the country. The ban was in effect until December 21. The State Committee for National Security declined to comment on whether the preventive measure was planned to be extended. Sadyr Zhaparov himself, who at the time of the arrest of the former official was already acting as President of the RK and Prime Minister, said in an interview with journalists that Raimbek Matraimov would pay 2 billion soms to the state budget by the end of November. Indeed, within a few weeks, Matraimov deposited 1.4 billion soms, and returned the remaining 600,000 soms in the form of assets he owned: a shopping centre and nine apartments¹¹.

Personnel policy in Kyrgyzstan was and still is one of the key areas of dividing influence among the clans. However, the most intense rivalry between the clans is visible in each presidential and parliamentary election. Parties or coalitions, which in the realities of Kyrgyzstan always mean specific clans, after an election victory usually introduced changes aimed at maintaining their positions and weakening their political competitors. The work of clan balance taking advantage of the deteriorating economic situation of the country (and also in conjunction with the attempts to introduce authoritarian rule, by presidents Askar Akayev and Kurmanbek Bakiyev) was there already before the October revolution mass social protests: in February–March 2005, referred to as the Tulip Revolution”, and in April 2010, which was dubbed the „April Revolution”. The direct cause of the 2005 revolution was electoral fraud in the parliamentary elections, which was reflected in the final reports of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (hereinafter: ODIHR/OSCE)¹². Whereas, the immediate cause of the revolution in 2010 was the arrest of the opposition leaders

¹¹ K. Elkeyeva, *Raznitsa i korruptsiya na tamozhne v Kyrgyzstane*, <https://rus.azattyk.org/a/разница-и-коррупция-на-таможне-в-кыргызстане/29620926.html> (20.07.2023); A. Erkebayeva, *Chto govoril Zheenbekov o bor'be s korruptsiyey za dva goda svoego prezidentstva*, <https://kloop.kg/blog/2019/05/18/chto-govoril-zheenbekov-o-borbe-s-korruptsiej-za-dva-goda-svoego-prezidentstva/> (20.07.2023).

¹² OSCE/ODIHR, *The Kyrgyz Republic, Parliamentary Elections, 27 February and 13 March 2005: Final Report*, Warsaw 2005, pp. 25–32.

and the increase in electricity prices. Far-reaching constitutional changes took place in Kyrgyzstan after the above-mentioned social uprisings¹³.

The direct cause of the October Revolution was social dissatisfaction with the course of the election campaign, the voting itself and the results of the parliamentary elections that took place on October 4, 2020, as there were many violations of electoral law. It was a common practice, among other things, to "buy votes" by political rivals, which was supposed to cost 2,000 soms each. In the economic realities of Kyrgyzstan, it is a considerable amount equal to almost 24 US dollars¹⁴. Of key importance in exacerbating the clan rivalry was only allowing 16 political parties to participate in the elections, although initially 44 parties were registered before the elections. However, on August 20, the Central Commission for the Conduct of Elections and Referendums of the Republic of Kyrgyzstan, commonly referred to as the Central Election Commission (hereinafter: CEC), announced that only 23 parties met the requirement to hold a party congress and to have the approved list of candidates. In the end, 16 parties were registered, which caused great public discontent even before the elections. According to the preliminary communiqué of the CEC, released after the end of voting, at 21.50, 54.42% of citizens entitled to vote took part in the elections, and seats in Zhogorku Kengesh were won by four political parties that managed to exceed the high electoral threshold of 7%. They were: "Birimdik" ("Unity") – 24.5%, "Mekenim Kyrgyzstan" ("My Homeland Kyrgyzstan") – 23.9%, "Kyrgyzstan" – 8.7% and "Butun Kyrgyzstan" ("United Kyrgyzstan") – 7.1%. Of the 120 deputies of Zhogorku Kengesh, these parties won respectively: 46, 45, 16 and 13 seats¹⁵.

Independent international observers, including primarily ODIHR/OSCE, did not consider these elections to be free and democratic, formulating a number of comments and allegations in their final report¹⁶.

After the preliminary election results were announced, the leaders of the political parties that did not win seats in the Parliament called on their supporters to organize rallies and demonstrations. Thousands of demonstrators,

¹³ M. Marszewski, K. Strachota, *Kirgistan po kolejnej rewolucji*, «Komentarze Ośrodka Studiów Wschodnich», 29 October 2020, <https://www.osw.waw.pl/pl/publikacje/komentarze-osw/2020-10-29/kirgistan-po-kolejnej-rewolucji> (22.07.2023); Y. Borodin, *Klanovyy kharakter ustpoystva Kyrgyzskoy Respubliki*, «Mir i polityka» 2012, No. 3, pp. 48–59.

¹⁴ Online-converter, *Kurs dolara amerykańskiego do soma kirgiskiego*, <https://pl.curren.info/zloty-polski-som-kirgiski/> (22.07.2023).

¹⁵ S. Khasanova, A. Raimberdiyeva, A. Zhuravlev, H. Davurov, *Vybory-2020: predvaritel'nyye rezul'taty (obnovlyayetsya)*, <https://kloop.kg/blog/2020/10/04/pre-results-elections-kg/> (23.07.2023).

¹⁶ OSCE/ODIHR, *Kyrgyzstan, Parliamentary Elections, 4 October 2020: Final Report*, Warsaw 2020, pp. 22–26.

mostly young men from towns not far from Bishkek, arrived in the capital during the night and in the morning of October 5. The largest rally took place in the centre of Bishkek, where tens of thousands of participants gathered at Ala-Too Square and in front of the seat of the President of the RK, called the "White House". Initially, the rally was peaceful. Among the party leaders there were, among others: Zhanar Akayev from "Ata-Meken", Kamchybek Tashiyev from "Mekenchil", Temirbek Asanbekov from "Meken Yntymagy", Seid Atambayev from "Social Democrats of Kyrgyzstan", Klara Sooronkulova from "Reforma", and Kursan Asanov from "Butun Kyrgyzstan"¹⁷. Despite police forces calls to disperse, the demonstrators did not respond. When on the evening of October 5, the demonstrators broke the cordon of the police forces and tried to capture the "White House", the security forces began to pacify, which led to clashes. As a result, one person was killed and 1,247 demonstrators and over 60 uniformed services officers were injured. The death of 19-year-old Umtybek Altynbek infuriated the protesters even more. The demonstrators occupied some government buildings in Bishkek, freeing the opposition leaders from prisons, including Sadyr Japarov and ex-president Almazbek Atambayev, and demanding a re-run of the parliamentary elections. In that situation, the ruling camp very quickly managed to reach a compromise with the opposition leaders, as a result of which Japarov became prime minister, and Kamchybek Tashiyev became the head of the State Committee for National Security on October 8. On that day, the announcer (Toraga) of Zhogorku Kengesh, Myktybek Abdyldayev, announced his resignation from the function. Most of the ministers from the then Government of the RK retained their posts. In addition, early parliamentary and presidential elections were announced, as well as a lowering of the electoral threshold¹⁸.

On October 15, Sooronbay Jeenbekov, under pressure from the opposition, tendered his resignation from continuing to hold the highest office in the state. In a statement made that day, he indicated that he was resigning because "[he] do[es] not want to be remembered on the bars of Kyrgyzstan's history as a president who spilled blood and shot at his own citizens". The function of the acting President of the RK was taken over by Sadyr Japarov, thus concentrating all executive power in his hands. October 15, 2020 is con-

¹⁷ Y. Morozova, *Godovshchina oktyabr'skikh sobytij 2020 goda. Revolyutsiya ili perevorot?*, <https://bulak.kg/2021/10/05/godovshhina-oktyabrskih-sobytij-2020-goda-revolyutsiya-ili-perevorot/> (24.07.2023).

¹⁸ G. Ashakeyeva, *Kyrgyzstan: nezavershennaya „revolyutsiya“*, <https://rus.azattyk.org/a/30925365.html> (25.07.2023); N. Ryskulova, *Neozhidannaya revolyutsiya v Bishkeke. Chto proiskhodit v Kyrgyzstane i pochemu tam snova menyayetsya vlast'*, <https://www.bbc.com/russian/news-54440933> (25.07.2023).

sidered the symbolic end of the “October Revolution” in Kyrgyzstan. Its immediate effect was not only a change in the positions of the President of the RK and the Prime Minister, but also the announcement of thorough constitutional changes¹⁹.

The Consequences of the Revolution

As agreed by the government with the opposition leaders, on October 22, 2020, Zhogorku Kengesh adopted amendments to the Constitutional Act of July 2, 2011. On their basis, the electoral threshold for political parties was lowered from 7% to 3%; it was made easier for the citizens of Kyrgyzstan residing outside the country to vote in elections and referenda through more precise ways of registering voters by consular offices, and the procedure for transferring money to election funds by legal persons and citizens of Kyrgyzstan was simplified. In addition, the amounts that can be paid into election funds was increased.

On January 10, 2021, early presidential elections were held in Kyrgyzstan, combined with a referendum on the state political system, in which citizens were to choose the option of a presidential or parliamentary system of government. According to data from the CEC of Kyrgyzstan, Sadyr Japarov won with 73.29% of the vote. The other two candidates, Adakhan Madumarov and Babyrzhan Tolbayev, received 6.69% and 2.39% of the votes, respectively²⁰. In its turn, in the referendum, 81.30% of the voters voted for the presidential system of government, 10.90% for the parliamentary system of government and 4.46% against both variants. The turnout was only 39.12% of those entitled to vote, which was a weak legitimacy of the changes approved by the citizens of Kyrgyzstan²¹. However, early parliamentary elections were held only on November 28, 2021. In these elections, the pro-presidential parties “Ata-Zhurt” (“Fatherland”) with 13% of votes and “Ishenim” (“Credibility”) with 12% of votes won²².

¹⁹ I. Karmazin, T. Baykova, E. Baynazarov, *Oktyabr'skaya revolyutsiya: eks-prezidenta Kirgizii vynesli iz SIZO*, <https://iz.ru/1069960/igor-karmazin-tatiana-baikova-elmar-bainazarov/oktiabrskaya-revoliutsiya-eks-prezidenta-kirgizii-vynesli-iz-sizo> (25.07.2023).

²⁰ A. Biybosunov, *Golosovaniye 10 yanvarya: mnogo kandidatov, malo izbirateley*, <https://rus.azattyk.org/a/31042695.html> (26.07.2023).

²¹ Центральная комиссия по выборам и проведению референдумов Кыргызской Республики, *Итоги референдума (всенародного голосования) КР 10 января 2021 года*, <https://shailoo.gov.kg/ru/ReferendumReferendum/zakon-naznachenii-referenduma2/itogi-referenduma-10-yanvarya-2021/> (26.07.2023).

²² N. Ryskulova, *V Kyrgyzstane proshli parlamentskiye vybory. Iz-za sboya pri podschete golosov oppositsiya ne priznayet ikh rezul'taty*, <https://www.bbc.com/russian/features-59419939> (26.07.2023).

It should be emphasized that ODIHR/OSCE had significantly fewer critical comments in the final reports on the presidential elections and the referendum and on the parliamentary elections in question than on the preparation and conduct of the parliamentary elections of October 4, 2020²³.

Systemic Changes

Implementing the will of the citizens expressed in the referendum, the Constitutional Council established on November 20, 2020 dealt with the development of a draft of the new Constitution of Kyrgyzstan. It was composed of the deputies from Zhogorku Kengesh, lawyers and university researchers. The fast pace of work meant that on February 9, 2021, the draft Constitution of the RK was published on the parliament's website²⁴. The initiator of the new constitution was Japarov himself, who was interested in keeping strong executive power in his hands. In addition to increasing the powers of the President of the RK, the changes covered the chapter on human and civil rights and freedoms. In a joint opinion of March 19, 2021, the Venice Commission and the OSCE/ODIHR concluded that there were a number of shortcomings in the draft. Among other things, the draft Constitution of the RK was prepared by a body not provided for in the current Constitution of June 27, 2010, as well as violation of the principle of separation of powers, excessive influence of the President of the RK on the judiciary and the lack of a number of appropriate guarantees regarding the freedoms and rights of the individual.

The draft of the new Constitution of Kyrgyzstan aroused dissatisfaction of a part of the opposition, mainly the clans of the South. Japarov was accused of striving for authoritarian rule, and the basic law itself was called the "Khan-constitution", referring in its name to the historical rulers of Turkestan, who exercised autocratic rule there until the conquest of those lands by Russia in the 19th century. There were even demonstrations and pickets of the opponents of radical constitutional changes in Bishkek²⁵. In its turn, the supporters of the constitutional reform pointed out the "ineffectiveness" of the Constitu-

²³ OSCE/ODIHR, *Kyrgyzstan, Early Presidential Election and Referendum, 10 January 2021: Final Report*, Warsaw 2021, pp. 23–26; OSCE/ODIHR, *Kyrgyzstan, Parliamentary Elections, 28 November 2021: Final Report*, Warsaw 2022, pp. 26–28.

²⁴ Freedom for Eurasia, *On the Draft Constitution of the Republic of Kyrgyzstan*, <https://freedom Eurasia.org/analysis-of-the-draft-constitution-of-the-kyrgyz-republic/> (27.07.2023).

²⁵ A. Biybosunov, *Venetsianskaya komissiya o novoy Konstitutsii: Vlast' okazhetsya v rukakh odnogo cheloveka*, <https://rus.azattyk.org/a/31163348.html> (27.07.2023); N. Pozdnyakova, *Prezident stal khanom? Zachem v Bishkeke opyat' pomenyali konstitutsiyu*,

tion of June 27, 2010 and the need to increase the responsibility of the President of the RK by transferring full executive power to him²⁶.

On March 12, 2021, an act was adopted, on the basis of which a constitutional referendum was scheduled for April 11, 2021. The draft law "On the Constitution of the Republic of Kyrgyzstan" and a sample ballot paper were attached to the act²⁷. Pursuant to the referendum act, on April 11, 2021, a constitutional referendum was held. According to the official data of the CEC of Kyrgyzstan, the turnout only amounted to 36.66 eligible voters. 79.32% of Kyrgyzstan's citizens were in favour of adopting the draft of the New Constitution, while 13.72% were against it²⁸. Despite the low turnout, the results of the referendum were binding because the new constitutional referendum act of October 31, 2016 required more than 30% of eligible voters to vote for the referendum to be valid (Art. 37, Sec. 3)²⁹. It should be emphasized that the low referendum turnout did not ensure a strong social mandate to adopt such significant changes as contained in the new Constitution of Kyrgyzstan.

The System of Government in the Light of Constitutional Regulations

The Constitution of May 5, 2021 consists of a preamble and 116 articles arranged in five chapters and 14 subchapters. To determine the system of government in Kyrgyzstan, the regulations contained in Chapter I "Fundamentals

<https://www.dw.com/ru/prezident-stal-hanom-zachem-v-bishkeke-opjat-pomenjali-konstituciju/a-57121458> (27.07.2023).

²⁶ Гражданская платформа, *Совместное заключение ОБСЕ/БДИПЧ и Венецианской Комиссии по проекту конституции Кыргызской Республики*, <https://platforma.kg/our-priorities/election/sovместное-zaklyuchenie-obse-bdipch-i-venetsianskoj-komissii-po-proektu-konstitutsii-kyrgyzskoj-respubliki/> (27.07.2023).

²⁷ Закон Кыргызской Республики от 12 марта 2021 года № 31 «О назначении референдума (всенародного голосования) по проекту Закона Кыргызской Республики О Конституции Кыргызской Республики», <http://cbd.minjust.gov.kg/act/view/ru-ru/112190> (27.07.2023).

²⁸ Центральная комиссия по выборам и проведению референдумов Кыргызской Республики, *Итоги референдума (всенародного голосования) КР 11 апреля 2021 года*, <https://shailoo.gov.kg/ru/ReferendumReferendum/zakon-naznachenii-referenduma3/itogi-referenduma-kr-11-aprelya-2021/> (27.07.2023).

²⁹ Конституционный закон Кыргызской Республики от 31 октября 2016 года № 173 «О референдуме Кыргызской Республики» (по состоянию на 8 августа 2019 г.), <https://shailoo.gov.kg/ru/konstitucionnyye-zakony-kr/konstitucionnyye-zakony-kr/o-referendume-kyrgyzskoj-respubliki/> (28.07.2023).

of the Constitutional System” and Chapter III “Bodies of State Authority” are of primary importance.

Among the main constitutional principles of the state, the Constitution lists in Art. 1 point 6, the principle of political representation, stipulating that “the right to act on behalf of the people of the Republic of Kyrgyzstan is vested in the President and Zhogorku Kengesh”³⁰. In principle, in all provisions of Chapter I, the President of the RK appears before the Parliament, which actually reflects the intentions of the legislator regarding the system of government in the state. This is also confirmed by the systematics of the new constitution, according to which, in Chapter III, the provisions concerning the President of the RK (Art. 66–75) precede the provisions relating to the Parliament (Art. 76–88).

In the Constitution of the RK of May 5, 2021, the President is defined as the head of the state and the highest official who manages the executive power of Kyrgyzstan, which is a fundamental change compared to the provisions of the Constitution of June 27, 2010, and proves the increase in the political position of the President of the RK. This provision further stipulates that the President of Kyrgyzstan: ensures the unity of the nation and state power; is the guarantor of the Constitution of Kyrgyzstan, human and civil rights and freedoms; sets the main directions of the state’s internal and foreign policy; ensures the unity of state power, as well as the coordination and cooperation of states; represents Kyrgyzstan in internal and international relations, and takes actions to protect the sovereignty and territorial integrity of the state³¹.

The increase in the political position of the President of the Republic of Kazakhstan is determined, first of all, by the much greater scope of powers that is granted to him compared to the Constitution of June 27, 2010. He is the head of the executive branch, which determines the structure and composition of the Cabinet of Ministers of the RK³². The President, with the consent of Zhogorku Kengesh, appoints the Chairman of the Cabinet of Ministers, his deputies and other members of the government, accepts applications for their dismissal and decisions on their resignation from office, and has the right, on his own initiative or at the request of the Parliament or the People’s Kurultai³³, to dismiss the members of the Cabinet of Ministers and the heads of

³⁰ Закон Кыргызской Республики от 5 мая 2021 года № 59 «О Конституции Кыргызской Республики», <http://cbd.minjust.gov.kg/act/view/ru-ru/112215> (28.07.2023).

³¹ Ibidem, art. 66.

³² Ibidem, art. 89.

³³ The People’s Kurultai and the local Kurultai are a manifestation of traditional forms of parliamentarism, characteristic of Kyrgyzstan. Currently, they function parallel to the Zhogorku Kengesh both at the central level as the People’s Kurultai (until 2021, under the name Kurultai of the Peoples of Kyrgyzstan) and at the local level under the name

other executive bodies. The president also appoints and dismisses the heads of executive bodies at the local level. It should also be added that the Chairman of the Cabinet of Ministers is also the head of the Administration of the President of the RK, whose structure and personnel are determined by the head of the state³⁴.

The President directs the activities of the executive branch, gives orders to the Cabinet of Ministers and its subordinate bodies, controls their execution, and repeals acts of the government and its subordinate bodies. The president can convene government meetings and chair them. Within the scope of his powers, the President of the RK issues decrees, regulations and resolutions³⁵.

The President is the Commander-in-Chief of the Armed Forces of the RK and has the right to nominate for higher officer ranks and to dismiss. The President forms the composition and chairs the Security Council of the RK. In situations provided for by constitutional laws, he may declare a state of emergency or martial law by decree, which must, however, be immediately notified to the Parliament on the same day³⁶.

The Constitution provides the President of the RK with a strong social mandate, as he is elected by universal suffrage for a five-year term. The same age limit of 70 years for a candidate for the highest office in the country, applicable in the Constitution of June 27, 2010, was abolished. The president cannot combine his office with a representative mandate, as in the case of members of the Cabinet of Ministers, which is one of the essential features of the model system of presidential government³⁷.

Under the provisions of the new Constitution of Kyrgyzstan, the President of the RK bears both political responsibility for the actions of the Cabinet of Ministers and the executive branch³⁸, as well as constitutional responsibility for violating the Constitution and laws, and for unlawful interference in the powers of the parliament and the activities of the judiciary. Political responsibility, however, is purely symbolic, as the President of the RK cannot be dismissed by the parliament. In reality, however, apart from criticism in the parliament, it may result in a decrease in support and translate into electoral results.

With regard to Zhogorku Kengesh, the President of the RK has a number of instruments of influence at his disposal. These include: the right of leg-

of people's kurultais. For more see: J. Szukalski, *Zhogorku Kenesz. Parlament Kirgistanu*, Warszawa 2018, pp. 26–27.

³⁴ Закон Кыргызской Республики от 5 мая 2021 года..., art. 70, sec. 1.

³⁵ Ibidem, art. 71 and 89.

³⁶ Ibidem, art. 70, sec. 8–9.

³⁷ Ibidem, art. 67–68.

³⁸ Ibidem, art. 89, sec. 5.

islative initiative, signing laws and ordering their promulgation, the right to a suspensive veto, convening extraordinary meetings and determining the topics of their deliberations, speeches at the meetings of the parliament and the People's Kurultai, the right to address, and expressing consent to holding a national referendum when its initiator is Zhogorku Kengesh³⁹.

The right of legislative initiative of the President of the RK goes beyond the powers of the head of state in the classic model of the presidential system of government, which is assumed in the doctrine to be the presidential system operating in the United States. However, it is a kind of standard throughout the post-Soviet area in the countries with a presidential system of government and an authoritarian style of governance. The following countries should be mentioned in this regard: the Russian Federation, Azerbaijan, Turkmenistan, Tajikistan, Kazakhstan and Uzbekistan. Indeed, the President of Kyrgyzstan has considerable influence over the legislative process. Bills introduced on his initiative are considered by Zhogorku Kengesh in the first place. Then, in the course of the legislative process, he not only influences the shape of the bill as its proposer, in the first and second readings, but also through the use of informal clan ties and the game of interests in the parliamentary system. The president can always count on his tribesmen sitting in parliament in such cases.

Laws adopted by Zhogorku Kengesh (ordinary laws can be adopted by a majority of the votes of the total number of deputies, while constitutional laws require at least 2/3 of the votes of the parliament) are signed and announced by the President of the RK within one month of their receipt. The president may also exercise his right to veto legislation. In the event of a presidential veto, the bill returns to Zhogorku Kengesh and a 2/3 majority of the total number of deputies is required for its re-adoption. Then, the president has only 14 days to sign and announce the bill⁴⁰.

In his relations with Zhogorku Kengesh, the President of Kyrgyzstan may exercise his right to convene extraordinary meetings and determine the topics of their deliberations, as well as appear at any regular session of the parliament. These are powers that go beyond the canon of powers of the head of the state in the model presidential systems of government. In fact, such powers not only strengthen the political position of the President of the RK, but also raise reasonable doubts as to the principle of separation of powers in the Constitution of May 5, 2021.

³⁹ *Ibidem*, art. 70, sec. 3.

⁴⁰ *Ibidem*, art. 86–87.

In the first place, Zhogorku Kengesh, whose deputies are elected in general elections for a four-year term, has the following rights against the President of the RK: the right to override his veto, reject presidential bills, and remove the head of the state from office by means of impeachment. The Parliament may also refuse to accept candidatures proposed by the President of the RK for specific positions in the authorities, courts and legal protection bodies, thus blocking the exercise of his creative powers. Parliamentary consent is required for the appointment by the President of the RK of the Chairman of the Cabinet of Ministers, his deputies and other members of the government, the chairmen of the Supreme Court and the Constitutional Court, and the Prosecutor General. On the other hand, the consent of the Parliament is required in case of dismissal of the Chairman of the Supreme Court, the Chairman of the Constitutional Court and the Prosecutor General⁴¹.

The Constitution also gave the President of the RK the right to submit candidates for the following positions to the Parliament: judges of the Supreme Court and the Constitutional Court, the President of the National Bank, half of the members of the CEC and 1/3 of the members of the Accounting Chamber⁴². Whereas, within his creative powers, the President of the RK on his own has the right to appoint and dismiss: the Secretary of the State; the Plenipotentiary Ombudsman for Children's Rights; judges of the Supreme Court, the Constitutional Court and common courts; the Deputy President of the National Bank of Kyrgyzstan and the members of the management board of that bank; the President of the Chamber of Accounts, and diplomatic representatives in other countries and international organizations⁴³.

Zhogorku Kengesh has limited influence on the Cabinet of Ministers, because the Prime Minister is responsible for the activities of the government to the President of the RK, and not to the parliament. The Parliament only has the option of rejecting government bills, which, like presidential bills, are considered in the first turn. Zhogorku Kengesh also has the right to limited control of the government's actions in the use of public funds. The implementation of control activities is carried out by a parliamentary investigation as well as parliamentary inquiries and interpellations. The control of the Cabinet of Ministers is carried out mainly through interrogations of its members at Zhogorku Kengesh meetings. The implementation of the budget, which is expressed in the approval of the report on its implementation, is subject to special scrutiny

⁴¹ *Ibidem*, art. 70, sec. 1, point 3, sec. 4, point 5 and sec. 5, point 1.

⁴² *Ibidem*, art. 70, sec. 4, points 1–2 and sec. 5, points 2–4.

⁴³ *Ibidem*, art. 70, sec. 1, points 9–10, sec. 4, points 1–4, sec. 5 points 2 and 5, sec. 6, point 4.

by the parliament. However, the responsibility for the implementation of the budget of the Cabinet of Ministers lies with the President of the RK⁴⁴.

In the light of all the provisions contained in the new Constitution of the RK, and in particular when analysing the mutual relations between the executive and legislative branches, it should be stated that the new constitution has established a presidential system of government in Kyrgyzstan, which, however, differs significantly from the classical model of such a system of government. It does, however, contain the basic features of a model system of presidential rule. The President of the RK is the head of the executive branch, although not the head of the government. He has sufficient instruments to carry out the tasks of the executive power at the central and local level effectively through the granted to him creation and control powers and the right to chair government meetings. The president and Zhogorku Kengesh are elected by universal suffrage. The President of the RK cannot dissolve the Parliament. Although he is politically accountable to the parliament for the activities of the government and the executive branch, he cannot be dismissed by the parliament. Political responsibility in this case has only a symbolic dimension. The President of the RK is responsible for violating the Constitution of Kyrgyzstan and laws, as well as for unlawful interference with the powers of the parliament and the activities of the judiciary.

In the system of presidential rule established by the new Constitution of Kyrgyzstan, the features that do not correspond to its model form are the following: the right of legislative initiative of the President of the KR, the right to participate and speak at the meetings of Zhogorku Kengesh, to convene extraordinary sessions of the parliament and determine the subject of their debates, as well as the extensive creative powers of the head of the state. Excessively extended powers of the head of the state, in fact, violate the constitutional principle of separation of powers in Kyrgyzstan.

The Impact of the October Revolution on Regional Security

The October revolution in Kyrgyzstan did not cause concern in the Central Asian region or much interest in the world media, such as social protests in Kazakhstan in January 2022. It was the third revolution in the history of independent Kyrgyzstan and, like the two previous revolutions, it did not affect the security architecture in the region in any way. The change in the system of governance in Kyrgyzstan, which resulted from the revolution, was quite

⁴⁴ Ibidem, art. 89, sec. 6.

favourably received by the neighbouring countries, and above all by the two largest players in the region, Russia and China. The establishment of a presidential system of government in Kyrgyzstan is more in line with the "system standards" of the post-Soviet states and China than the parliamentary system of government previously functioning in Kyrgyzstan. In addition, the strengthening of the executive power, headed by the President of the RK, gives creditors greater guarantees that Kyrgyzstan will repay its debt.

However, the lack of reaction from the neighbours and the largest regional players did not mean that the dynamically unfolding events in Kyrgyzstan were not closely watched by the countries concerned. The region of Central Asia has been an area of competition for many years, especially between Russia and China, and to a lesser extent the United States and Turkey. Russia usurps the right to maintain special influence in the areas of the former Soviet Union. Taking advantage of the difficult economic situation in Kyrgyzstan, Russia has managed to significantly strengthen its influence in this country in recent years. Kyrgyzstan currently belongs to three organizations dominated by Russia: the Commonwealth of Independent States, the Collective Security Treaty and the Eurasian Union. In 2014, Russia managed to drive American influence out of Kyrgyzstan exerting pressure on the one hand, and promising aid in armament in the amount of USD 1.1 billion and granting loans on the other. Kyrgyzstan did not extend its consent to the United States for the lease of a strategically located air base in Manas near Bishkek, which was of significant importance in supplying coalition troops in Afghanistan as part of the International Security Assistance Force mission. In July 2014, it was Russia that began leasing the Manas air base, transferring its fighters and fighter-bombers to it, as well as the appropriate logistics facilities⁴⁵.

After 2014, Russia's main rival in Kyrgyzstan, and only in economic terms, remained China. However, it should be emphasized that Russia's position in Kyrgyzstan and Central Asia in general has weakened as a result of its defeats in the war with Ukraine, as well as the impact of international sanctions. This state of affairs was all too visible at the 22nd summit of the leaders of the member states of the Shanghai Cooperation Organization that took place on September 12–16, 2022 in Samarkand. The clear leader at the summit was China, not Russia. Another sign of Russia's declining importance at the Samarkand summit was President Japarov's lateness to the bilateral meeting with President Putin on September 15, which caused his undisguised irritation.

⁴⁵ J. Lang, *Kirgistan wypowiedzi USA umowę o bazie Manas*, «Komentarze Ośrodka Studiów Wschodnich», 10.07.2013, <https://www.osw.waw.pl/pl/publikacje/analizy/2013-07-10/kirgistan-wypowiedzi-usa-umowe-o-bazie-manas> (29.07.2023).

This gesture had its unequivocal meaning in the canons of diplomacy. Until now, it was Putin who „happened” to be late for meetings with heads of state⁴⁶.

After the October Revolution, the new Kyrgyz authorities, bearing in mind the importance of relations with Russia and China, made appropriate diplomatic steps towards Moscow and Beijing in order to appease expectations. On February 22, 2021, Japarov had a telephone conversation with Chinese President Xi Jinping, during which he received an invitation to visit Beijing. Two days later, Japarov went on an official visit to Russia, meeting with President Vladimir Putin, Prime Minister Mikhail Mishustin and the heads of both chambers of the parliament. The visit was preceded by the assurances of the President of the Republic of Kazakhstan, which were very important for Russian interests in Kyrgyzstan, in the government newspaper „Slovo Kyrgyzstana” („The Word of Kyrgyzstan”) regarding the preservation of Russian as the official language and the need to „raise our ties with Russia to the highest level of allied relations and strategic partnership”, which „corresponds to national interests of Kyrgyzstan”⁴⁷.

The events of the October Revolution were also closely watched by Uzbekistan in the context of the large Uzbek diaspora living in Kyrgyzstan. The earlier Kyrgyz revolutions had a significant impact on the situation of the Uzbek minority. Of particular note is the April Revolution, which was followed in June 2010 by bloody pogroms against the Uzbek minority in the Osh and Jalalabad districts in southern Kyrgyzstan. At least 447 people lost their lives and over 75,000 Uzbeks fled to Uzbekistan⁴⁸.

Also, the revolutionary uprisings in Kyrgyzstan were observed with attention in Tajikistan due to their possible impact on the situation of the local Tajik minority. The fears related to the revolutionary events were all the more justified as, since 2012, there have been clashes and armed incidents on the Kyrgyz-Tajik border, one of the main reasons for which are disputes over drinking water intakes, especially in the border areas of the densely populated Fergana Valley. The disputes are also a consequence of a specific nationality policy that was carried out by tsarist Russia and then the Soviet Union in order to keep the conquered nations of Central Asia in check in the past. Border

⁴⁶ K. Strachota, K. Chawryło, M. Bogusz, M. Menkiszak, *Z wojną w tle. Szczyt Szanghajskiej Organizacji Współpracy w Samarkandzie*, «Komentarze Ośrodka Studiów Wschodnich», 9.09.2022, <https://www.osw.waw.pl/pl/publikacje/analizy/2022-09-20/z-wojna-w-tle-szczyt-szanghajskiej-organizacji-wspolpracy-w> (29.07.2023).

⁴⁷ Warsaw Institute, *Nowy prezydent Kirgistanu w Moskwie. „Strategiczne partnerstwo”*, <https://warsawinstitute.org/pl/nowy-prezydent-kirgistanu-w-moskwie-strategiczne-partnerstwo/> (30.07.2023).

⁴⁸ G. Ibragimova, *„Vse boyatsya povtoreniya tekh sobytii” Kak pyat’ let nazad uzbeki byli vynuuzhdeny bezhat’ iz Kirgizii*, <https://lenta.ru/articles/2015/06/11/osh/> (30.07.2023).

incidents intensified in the spring of 2021, and on September 14–19, 2022, they even took on the proportions of regular clashes with the use of heavy military equipment in the Voruch region. In the September clashes, 63 Kyrgyz lost their lives and about 140,000 were evacuated from the border areas. Whereas, according to official data, 83 people died on the Tajik side. In addition, thousands of people had to leave their homes. The smoldering conflict and the intensity of the clashes show that the Kyrgyz authorities, which were formed after the October Revolution, are less willing to seek peaceful solutions than their predecessors⁴⁹.

An important security factor in the region of Central Asia and in Kyrgyzstan itself is the problem of the durability of the presidential system of government in this country. In the long term, there are reasonable doubts about this. In Kyrgyzstan, the degree of social participation and political pluralism manifested in functioning a multi-party system and alternation of power are characteristic of states with a parliamentary system of government and they do not meet the standards of the post-Soviet states with a presidential system of government. After the "April revolution" in Kyrgyzstan, a multi-party system has fully developed, and although it is not yet free from deformations due to tribal conditions, it stands out positively against the background of other countries in the Central Asian region, where only "parties of power" and licensed opposition can function. In the opinion of observers and international organizations, each parliamentary and presidential election in Kyrgyzstan, despite numerous irregularities and violations, also fare much better than elections in other post-Soviet countries that have a system of presidential rule⁵⁰. In the opinion of analysts, it will be difficult to maintain the presidential system of government established by the Constitution of May 5, 2021 in Kyrgyzstan in such conditions. Any and very real attempts to introduce hard authoritarianism on the part of President Sadyr Japarov may lead to further public protests. In addition, an increase in social dissatisfaction may be expected due to economic and social problems resulting from the COVID-19 pandemic, as well as problems with the state's solvency towards creditors and persistently high unemployment that are difficult to solve⁵¹. Although the official data on unemployment, which was supposed to be 5.3% as of December 1, 2022, do not give cause for

⁴⁹ M. Marszewski, K. Strachota, *Walki na pograniczu tadżycko-kirgiskim*, «Analizy Ośrodka Studiów Wschodnich», 30.04.2021, <https://www.osw.waw.pl/pl/publikacje/analizy/2021-04-30/walki-na-pograniczu-tadzycko-kirgiskim> (30.07.2023).

⁵⁰ J. Szukalski, *System...*, p. 118.

⁵¹ M. Marszewski, *Kirgistan: zwycięstwo Dżaparowa i republiki prezydenckiej*, «Komentarze Ośrodka Studiów Wschodnich», 11.01.2021, <https://www.osw.waw.pl/pl/publikacje/analizy/2021-01-11/kirgistan-zwyciestwo-dzaparowa-i-republiki-prezydenckiej> (31.07.2023).

concern. However, these data should be considered unreliable. Unemployment is significantly higher, especially since the country still has a large number of seasonal workers, who previously found employment in the Russian Federation. In addition, a systemic problem on the labour market in Kyrgyzstan is the seasonality of many industries, for example construction, which is related to the time of the year and extremely unfavourable geographical conditions⁵².

The above-mentioned factors may have a significant and destructive impact on the internal situation in Kyrgyzstan, and also translate into the level of security in the region of Central Asia.

Summary

The October Revolution, which is already the third revolution in the history of independent Kyrgyzstan, undoubtedly shows similarities to previous revolutionary events in this country in terms of its causes, course and consequences. Particular attention should be paid to the change of power and system of government in Kyrgyzstan. On the wave of mass demonstrations, early presidential and parliamentary elections took place, in which clan agreements worked. Undoubtedly, the low turnout in the constitutional referendum of April 11, 2021 is a weak legitimation for the introduction of such significant system changes.

Summing up the arguments regarding the provisions of the Constitution of May 5, 2021, especially regarding the mutual relations between the executive and the legislature, it should be stated that the new constitution has established a presidential system of government in Kyrgyzstan. In fact, it contains the basic features of the model system of presidential government. The President of the RK is the head of the executive branch, but not the head of the government. However, he has sufficient instruments to carry out the tasks of the executive branch at the central and local level effectively through his powers: creation, control, and the right to chair government meetings. The President and Zhogorku Kengesh are elected by universal suffrage. The President of the RK cannot dissolve the parliament and, although he is politically responsible to the parliament for the activities of the government and the executive branch, he cannot be dismissed by it. Political responsibility in this case has only a symbolic dimension. The President of the RK is responsible

⁵² Сайт Министерства труда, социального обеспечения и миграции Кыргызской Республики, *Рынок труда Кыргызской Республики на 1 января 2023 года*, <https://rus.azattyk.org/a/31194924.html> (31.07.2023).

for violating the Constitution of Kyrgyzstan and laws, and for unlawful interference with the powers of the parliament and the activities of the judiciary.

In the system of presidential rule established by the new Constitution of Kyrgyzstan, the features that do not correspond to its model form are the legislative initiative of the President of the RK, the right to participate and speak at the meetings of the Zhogorku Kengesh, to convene extraordinary sessions of the parliament, to determine the subject of their debates, as well as the extensive creative powers of the head of state. This, in fact, violates the constitutional principle of the separation of powers in this country, which is not surprising in the conditions of the actually functioning political system.

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