

# **TAJIKISTAN**

(JUMHURII TOJIKISTON)



## **BACKGROUND AND LEGAL SYSTEM**

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LEGAL SYSTEM	Civil law system, but the judiciary cannot review legislative acts.
POLITICAL SYSTEM	Republic.
HEAD OF STATE	President. The President is elected by a popular vote to a 7 year term, and is limited to serving two terms.
HEAD OF GOVERNMENT	Prime Minister. The Prime Minister is appointed by the President.
SUBNATIONAL ENTITIES	Tajikistan is divided into 3 provinces or <i>Viloyat</i> : <i>Gorno-Badakhshan</i> (Autonomous), <i>Sughd</i> and <i>Khatlon</i> . The capital is Dushanbe.
SUBLOCAL ENTITIES	The executive heads of the provinces are appointed by the President. Provincial councils are chosen by direct election. Each province is divided into districts (totaling 13) and towns. Districts are directly subordinate to the central government. Heads of district and town governments are appointed by the President with the approval of district and town councils, which are elected by popular vote.
TRANSLITERATION SYSTEM	Mixture of Cyrillic script and Russian.

LANGUAGES Tajik, Russian.

NOTE ON TAJIK LEGAL PUBLICATIONS All laws are first published in the official Parliament newspaper – *Sadoyi mardum*. Additionally, all laws, codes and decrees are published in the Parliament Gazette – *Akhbori Majlisi Oli*.

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## CONSTITUTION

ENACTMENT Enacted November 6, 1994.

CITATION FORMAT TAJ. [Constitution] art. <article>.

*Example* TAJ. [Constitution] art. 3.

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## STATUTES

GOVERNMENT STRUCTURE The Council of Ministers is appointed by the President and approved by the Supreme Assembly. The Supreme Assembly (*Majlisi Oli*) is a bicameral legislature, divided into the Assembly of Representatives (*Majlisi Namoyandagon*) and the National Assembly (*Majlisi Milliy*). The Assembly of Representatives is the lower house, consisting of 63 members who are elected by a popular vote to 5 year terms. The National Assembly has 33 members who serve 5 year terms. 25 members are selected on the local level and the president appoints the final 8 members.

LEGISLATIVE  
PROCESS

After the United Nations brokered peace in 1998, the Tajikistan Parliament created a criminal code that has been in a state of revision ever since.

Legislative actions are divided into constitutional laws, laws and Codes. Constitutional laws stem directly from the Constitution itself, dictating crucial state activities. Such laws must be accepted by a majority of the lower legislative branch and by two thirds of the upper house. Other laws are made through a majority of votes, which if adopted are sent to the President for signature. The President may return the unsigned law to Parliament, with his reasons for rejection, within fifteen days. If he does not sign the law or return it within fifteen days, he is required to sign it, and a two thirds majority vote in both houses can force him to sign it.

Several groups have the ability to introduce legislation including, the President, the Government, the Constitutional Court, the Supreme Court, the High Economic Court, and the Parliament of People's Deputies of Gorno-Badakhshan Autonomous Region.

According to the Constitution, laws come into force after they are published.

REPORTER

All laws are first published in the official Parliament newspaper – *Sadoyi mardum*. Additionally, all laws, codes and decrees are published in the Parliament Gazette – *Akhbori Majlisi Oli*.

CITATION FORMAT

*Akhbori Majlisi Oli*, <date>, No. <volume>, pp. <pages>.

*Example*

*Akhbori Majlisi Oli*, 2005-06-15, No. 4, pp. 170-175.

**ADMINISTRATIVE REGULATIONS**

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ADMINISTRATIVE SOURCES	The President can make decrees and issue orders that have the power of law. Additionally, other executive bodies have the power to issue regulations that have the power of law in regard to their specific functions.
REPORTER	All laws, codes and decrees are published in the Parliament Gazette – <i>Akhbori Majlisi Oli</i> .
CITATION FORMAT	<i>Akhbori Majlisi Oli</i> , <date>, No. <volume>, pp. <pages>.
<i>Example</i>	<i>Akhbori Majlisi Oli</i> , 2005-06-15, No. 4, pp. 170-175.

**CASE LAW**

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JUDICIAL OVERVIEW	<p>The judicial system has roots in the Romano-Germanic tradition, but has retained some institutions and values from socialist law concerning state property and land ownership. The legal system is divided into distinct branches including: constitutional, civil, administrative, criminal, civil procedure, and criminal procedure. An international legal branch is a new development. The courts that oversee these powers are: the Constitutional Court, the Supreme Court, the High Economic Court, the Military Court, the court of Gorno-Badakhshan Autonomous Region, regional courts, Dushanbe city courts, city courts, and district courts.</p> <p>The Constitution is the supreme law of land, superseding all other laws.</p> <p>Judges are appointed by the President based on nomination from a Council of Justice and serve 5 year terms.</p>
REPORTER	All laws, codes and decrees and court decisions are published in the Parliament Gazette – <i>Akhbori Majlisi Oli</i> . Case law, like other laws goes into force the day after the decision is published.
CITATION FORMAT	<i>Akhbori Majlisi Oli</i> , <date>, No. <volume>, pp. <pages>.

*Example*                      *Akhbori Majlisi Oli*, 2005-06-15, No. 4, pp. 170-175.

## **SOURCES**

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The CIA Factbook:

<http://www.cia.gov/cia/publications/factbook/geos/al.html>

Conciliation Resources. “Accord.”

<http://www.c-r.org/accord/tajik/accord10/abbrev.shtml>

Researching Tajik Law: A Guide to Tajik Law System.

<http://www.llrx.com/features/tajik.htm>

International Labor Organization. “NATLEX.”

[http://www.ilo.org/dyn/natlex/natlex\\_browse.home?p\\_lang=en](http://www.ilo.org/dyn/natlex/natlex_browse.home?p_lang=en)

## **SPECIAL THANKS**

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