

**DUSHANBE, 02.09.2020. (NIAT Khovar)** – Law in any society is recognized as a universal instrument for regulating social relations. For these reason, any socially significant phenomenon is currently regulated by laws and other regulations. This provision is most actualized at the present time, when the structure of social relations is complex, and their regulation leads to previously unknown, phenomena outside of the realm of existing laws.

For these reasons, the legal axiom is the impossibility of absolutizing the role of law in the regulation of social relations. The legal relations that arise in society are so multifaceted that the most perfect legislation is not able to introduce their comprehensive legal regulation. As a rule, legal regulation of relations between subjects of law arises only when these relations become more or less permanent and stable. But everyday life is in constant movement, modification, and it is almost impossible to introduce this process into the rule of law. In this case, the absolutization of the role of law gives the opposite result: social relations stagnate.

The abovementioned can be illustrated by the example of the article Struggle for the Presidential Post in Tajikistan: A Course Towards Stability Or? ..., where the opinion of the Chairman of the Social Democratic Party of Tajikistan R. Zoirov on the illegality of determining the date of the presidential elections in Tajikistan is given as the only true, absolute, and any other interpretation of this fact is allegedly a violation of the law On Presidential Elections. There is an obvious absolutization of the role of law in the regulation of public relations relating to the presidential elections, presented in the form of an analytical study of legislation.

Any analytical research has many heterogeneous components. Different factorial data, at first glance, having nothing in common with each other, and representing a chaotic pile of events and facts, are laid out by the analyst in a certain logical sequence, as a result of which it gets an objective, and this is very important, picture of the analyzed event. Such scientifically grounded analytical reviews concerning the problems of legal regulation of public relations are published in serious monographic studies, and not on the pages of social networks, which are intended specifically for a wide range of internet users, for the most part, who have no idea about legal or intellectual activities.

Returning to the mentioned publication, we should note that for such a categorical conclusion about the illegality of determining the date of elections, the mere fact of referring to the law, and not to its specific articles, is not enough. Such conclusions are usually drawn on the basis of a set of much more serious facts, and these conclusions are drawn not by party leaders, but by specialists in the field of administrative law.

Employees of the state law department of the Institute of Philosophy, Political Science and Law of the National Academy of Sciences (IPPSL NAS), having read Zoirov's article, note that the appointment of the presidential election on October 11, a month ahead of schedule, is called illegal in the article, contrary to the current electoral legislation. In accordance with Part 1, Article 6 of the Constitutional Law On the Presidential Elections, the presidential elections are appointed by a joint session of the National and Representatives Assemblies of the Supreme Assembly no later than two months before the expiration of the term of presidential office. This means that the presidential election of Tajikistan was held on November 6, 2013, and the elected president took office on November 16, 2013. In accordance with Article 38 of the Constitutional Law On the Presidential Elections the president takes office from the day the oath is taken in accordance with the text stipulated by the Constitution (Article 67) at a joint session of the National and Representatives Assemblies. Therefore, the presidential election can be scheduled within two months until November 16, 2020.

As for the author's statement that "it is not permissible to re-elect the president before the term of office expires at least five years, at least a year, at least a month earlier ..." this is not a reference to the norm of the law, since the current Constitutional Law On the Presidential Elections does not have such a norm. And therefore they are the author's speculations.

It should be remembered that there is a huge difference between the concepts of Presidential Elections and President's Inauguration. And for these reasons, it is not permissible to make the provision of Article 6 of the Constitutional Law absolute, especially since Zoyirov in this case substituted two concepts: Presidential Elections and President's Inauguration. According to Zoirov's logic, the president's re-election in our case is possible only after November 16 of this year, and this directly contradicts Article 6 of the Constitutional Law.

The reasons for the postponement may be different, including the danger of worsening the situation with the COVID 19 pandemic, but the fact remains that the aforementioned norm of the constitutional law on elections by postponing the voting date has not been violated.

The rest of the article has lost its relevance, with the nomination of Emomali Rahmon as a presidential candidate, the discussion of other topics of the article does not matter.

We must agree with the opinions of political scientists and analysts that the rating of the current

president is high enough and he does everything possible to keep it.

In general, the factual set of material resembles a haphazard heap of informational trash, while a standard analysis should be based on objectively existing facts and built in a thematically verified logical sequence.

The modern information war, one of the elements of which is the submitted “sensation” about the illegality of determining the date of the presidential election in Tajikistan, is nothing more than the manipulation of consciousness – one of the effective tools for removing the psychological protection of the audience. A person is bombarded with a stream of useless messages, mixed material is presented in a compressed form so that a person cannot focus on one problem. In the above article, there are more than ten such material. The reader, unable to concentrate on one problem, is forced to grab onto the interpretation of the event that was slipped into him. Subconsciously, a person is already ready to perceive the sensation as reality. However, after reading in more detail, we find in the sensational material submitted to us not an analytical review of the legal side of the phenomenon, but another piece of fake news. We were given the facts together with an opinion about these facts. But opinion is not true. The truth, as a rule, differs from private opinion in that nothing can be argued against it.

And the truth in this case is clearly described in the Constitutional Law On the Presidential Elections.

## **Article 6. Presidential Elections Appointment**

The appointment of presidential elections in Tajikistan are made by a joint session of National and Representatives Assemblies no later than two months before the expiration of the term of the presidential office (as amended by the Law dated 28.12.2005, No. 140 ). As it is known, the term of office of the current president expires on November 16, when the current president took the oath of office on that day in 2013. In this respect, the appointment of the current election does not contradict the law.

## **Article 38. President's Inauguration**

The president takes office from the day he or she takes the oath in accordance with the text provided for by the Constitution (Article 67) at a joint session of the National and

Representatives Assemblies (as amended by the Law dated 28.12.2005, No. 140).

We repeat once again, that in the modern informational war, the reader, unable to concentrate on one problem, is forced to grab onto the interpretation of the event presented for him, namely that the election is illegal, hurray, we recognize it as unpopular, and therefore should be boycotted. Subconsciously, a person is already ready to perceive the sensation as reality – yes, Zoirov is talking about this, so it must be true. However, after reading in more detail, we find sensational material without legal basis. We were given the facts together with the opinion of the party chairman about these facts. But opinion is not fact. The truth, as a rule, differs from private opinion in that nothing can be argued against it.

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