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**СУЩЕСТВУЮЩИЕ ИЗБИРАТЕЛЬНЫЕ СИСТЕМЫ И РЕГУЛИРОВАНИЕ ДЕМОКРАТИЧЕСКИХ ВЫБОРОВ**

**EXISTING ELECTION SYSTEMS AND REGULATION OF DEMOCRATIC ELECTIONS**

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На основе принципиального набора в конституции выборы - единственный демократический и юридический путь доступ, чтобы двинуться на большой скорости. С одной стороны, выборы - наиболее широко используемая форма внедрения прямой власти людей. С другой стороны, это самый демократический способ организовать государственную власть и органы местного самоуправления. В то же время выборы-политические инструменты для реализации граждан право голосовать, и оценит государственную власть и органы местного самоуправления. В этой статье приведены самые широко распространенные избирательные системы в мире и их прикладные возможности в Азербайджане, которые были проанализированы и изучены, в то же время автор подчеркивает особенности избирательной системы Азербайджана

On the basis of the principles set in the Constitution, election is the only democratic and legal way access to power. On the one hand, elections are the most widely used form of the implementation of direct power of people. On the other hand, it is the most democratic way of organizing the the state power and local government authorities. At the same time, elections are political tools for the realization of citizens' the right to vote, and an oppartunity of assesment the state power and local government authorities. In this article, the most widespread electoral systems in the world and their application possibilities in Azerbaijan were analyzed, at the same time has been talking about the features of the election system of Azerbaijan were studied

Ключевые слова: ПЛЮРАЛИСТИЧЕСКАЯ МАЖОРИТАРНАЯ СИСТЕМА ГОЛОСОВАНИЯ, ПРОПОРЦИОНАЛЬНАЯ СИСТЕМА ПРЕДСТАВИТЕЛЬСТВА, ПОЛУПРОПОРЦИОНАЛЬНАЯ СИСТЕМА, СМЕШАННАЯ ИЗБИРАТЕЛЬНАЯ СИСТЕМА

Keywords: PLURALISTIC MAJORITY VOTING SYSTEM, PROPORTIONAL REPRESENTATION SYSTEM, HALF-PROPORTIONAL SYSTEM, MIXED ELECTORAL SYSTEM.

**Introduction**

Different electoral systems are used around the world. Each of these systems passed through the test of many years, and gained a firm place in the system of political values of mankind. But what is meant by the electoral system?

Electoral systems are designed to make the representation of the different and often conflicting interests of a multitude of citizens possible through the establishment of a public assembly, usually called Parliament, and a government. To describe an electoral system we must refer to its many

components, such as the definition of the electoral body, the size of the legislation, the rules regulating the electoral campaign, the districting procedure, and of course the formula adopted to translate votes into seats. [1, p.5] The concept of the electoral system used in wide and narrow sense. *In the broadest sense*, the election system is a collection of social relations regulated by regarding the elections to the higher authorities. This system is controlled on the basis of constitutional law. Other norms (political ethics, customs, traditions) are also closely involved in the implementation of this electoral system. *In the narrow sense*, the electoral system is understood as a method of distribution of votes among the candidates respectively.

The conducting of elections, the determination of the results of the voting, the rights and rules about the implementation of voting and a sum of law provisions regulating electoral relations.

There are a large number of electoral systems in the world. In this regard, the political authorities and legislative bodies accept the electoral system, which they consider more appropriate for their countries. A number of factors affect the choice of the countries, for example, contributing to the stability of the system, the country's economic growth and the effective functioning of the government.

Two main forms of electoral systems are distinguished in practice – a pluralistic majority system and proportional representation electoral system. However, both systems are used mainly during in the parliamentary election which is called mixed system or half proportional system in some countries elections.

### **Majority system**

According to this system, the candidate who gains the relative majority of votes wins the election. For example, if a candidate wins 51% of the votes, and another candidate wins 49%, so the first one is the winner and almost all of the

votes are given the winner. The majority election system is also called a single-mandate electoral system. In other words, the country's territory is divided into several determined circles in accordance with the number of MPs. In fact, this system that based on the principle of majority is historically the first formed electoral system.

The Great Britain is one of the countries that prefer majority voting system. Unlike most other countries in Western Europe, Britain does not employ proportional representation, nor any form of party list system. Indeed, although there were many reforms of the British electoral system in the nineteenth century and in the first half of the twentieth century, these key features of British elections have survived since medieval times. Nevertheless, as we shall see, in other respects there have been extraordinary transformations during the last two centuries in the British electoral system. [5, p.44]

### **Proportional representation system**

According to this system, the numbers of votes to each party correspond to the number of seats in parliament. For example, if a party wins 63% of the votes, it gets 63% of the seats in the Parliament. This system looks attractive in terms of avoiding the loss of votes of parties that they gained across the country. But this system makes it difficult form a majority coalition, even there is such a coalition, there is less hope for its stability. As a result, the efficiency of government sharply reduces. The principle of proportional representation is that the seats in a constituency are divided according to the number of votes cast for party lists, but there are considerable variations in how this is implemented in different systems. Party lists may be open as in Norway, Finland, the Netherlands and Italy, in which case voters can express preferences for particular candidates within the list. Or they may be closed as in Israel, Portugal, Spain and Germany, in which case voters can only select the party, and the political party determines the ranking of candidates. The rank order on the party

list determines which candidates are elected, for example the top ten to fifteen names. Party Lists may also be national as in Israel, where all the country is one constituency divided into 120 seats. But most Party Lists are regional, as in Belgium where there are seven regions each sub-divided into between 2-34 seats. [8, p.5]

Czech Republic is one of the countries use proportional representation system. Elections use a proportional representation system with the Hagenbach-Bischoff method and greatest-remainders calculation for leftover seats. There is an electoral threshold of 5 percent for single parties, 7 percent for coalitions of two parties, 9 percent for coalitions of three parties, and 11 percent for a coalition of more than three parties. [7, p.219] Moldova also uses a proportional representation system, with a threshold of 4 percent of the national vote being applicable for parliamentary representation. At 354 Comparative European Party Systems least 50 percent of the electorate must cast ballots for the poll to be deemed valid. Vacancies arising between general elections are filled through byelections. [7, p.353]

### **Mixed or half proportional system**

As the name implies, this system is based on a mixed system. To take advantage of separate systems and minimize their shortcomings, mixed electoral system that combines some elements of majority and proportional systems is applied in some countries. For example, the mixed system is used in the Bundestag elections in Germany. Half of the Bundestag deputies are elected by the majority system with relative majority in the single mandate constituencies which cover the whole country. Another half of the deputies are elected in accordance with the principle of proportional representation based on the list of candidates nominated by political parties. A similar system is also available in Bulgaria, but it is distinguished from the German system by the fact that, an absolute majority system is applied during the second round between the two

candidates with more votes in the single-seat constituencies in the first round. Now three-quarters of both houses of parliament are elected in the majority system with relative majority in the single member constituencies, while one-quarter of them are elected in the proportional system with the limited four percent in Italy. In Georgia, where 150 members of the total 235 seats of the parliament are elected in the pluralistic-the majority, and 85 members' part is formed in the proportional representation electoral system.

Existing electoral systems in the world are constantly changing, evolving and gaining new features. For example, a recent change in the Swedish constitution has reshaped the electoral system in a way that has significantly changed the character of the choice offered to the voter. The voter will be offered not only a choice between candidate lists but also an opportunity to express a personal preference for one of the candidates in the list on the ballot he chooses to cast. [4, p.260]

### **Election system of Azerbaijan**

After the collapse of the Soviet Empire Azerbaijan which regained independence, chose the path of democratic development. The elections are the central institution of democratic governance, the most popular form of people's participation in political and public life. According to the Constitution of the Azerbaijan Republic the Azerbaijan people shall implement their sovereign right via universal elections referendum and via their representatives elected on the basis of universal, direct and equal elections by secret and individual ballot. (Article 2) Citizens of the Azerbaijan Republic shall have the right to elect and be elected to the government bodies, and to participate in referendums. (Article 56) Deputies of Milli Mejlis of the Azerbaijan Republic shall be elected on the basis of majority and proportionate election systems and universal, equal, direct elections by free, individual and secret ballot. (Article 83) The President of the Azerbaijan Republic shall be elected for the term of 5 years via universal, direct

and equal elections by free, individual and secret ballot. The President of the Azerbaijan Republic shall be elected by the majority of two thirds of votes participating in the voting. If this majority is not collected during the first round of elections, then the second round of elections shall be held on the second Sunday after the elections. Two candidates only, who have polled most votes in the first round, shall participate in the second round, or in case those candidates who have polled most votes have recalled their candidacies, it shall be two candidates following the first ones. The candidate who has collected in the second round a majority vote is considered to be elected President of the Azerbaijan Republic. No Person can be elected President of the Azerbaijan Republic more than twice. (Article 101) Local government in rural areas and towns, villages and settlements shall be exercised by municipalities. Municipalities shall be formed by way of elections. The system of elections to municipalities shall be determined by the Law. (Article 142)

It is mentioned in the Election Code of the Republic of Azerbaijan that citizens of the Republic of Azerbaijan shall participate in elections and referendums based on general, equal and direct suffrage by means of a secret and personal vote. Participation of the citizens of the Republic of Azerbaijan in elections and referendums shall be free and voluntary. Nobody shall have the right to put pressure on a citizen of the Republic of Azerbaijan to participate or not to participate in elections and referendums, and nobody may impede him/her to express his/her will freely. Citizens of the Republic of Azerbaijan shall have the right to elect, be elected to and participate in referendums, regardless of their race, ethnicity, religion, language, gender, origin, property status, office position, beliefs, affiliation with political parties, trade unions or other public associations, or any other status.

Parliamentary elections in Azerbaijan had been conducted on mixed system until 2000. In other words, 100 out of 125 seats were formed with the pluralistic-majority system in the National Assembly, while other 25 seat were

elected on the base of the proportional representation system. However, since 2000, the parliamentary elections have been conducted in a pluralistic-majority system.

The electoral legislation of the Azerbaijan Republic the Azerbaijan has been improved gradually by taking the recommendations of international organizations into account. But despite all this, there are various proposals that a number of issues should be changed, particularly the electoral system and the formation of election commissions on a parity basis and so on. The experience of recent years proves that, sometimes the suggestions and recommendations from international organizations are abstract in nature and inconsistent with the realities. To see this clearly, there is a need to conduct a comparative analysis of domestic and international experience.

### **Conclusion**

It can be concluded that the studying of the electoral system will help to apply the most perfect internationally accepted model in the elections held in Azerbaijan. In turn, the positive reforms and achievements of our elections can contribute to the development of international electoral system.

The presence of numerous electoral system allow us to come to the following conclusions:

*Firstly*, if the democratic election system in the country does not meet the needs of its citizens, they are able to replace the existing system with new one;

*Secondly*, the electoral system should be established in accordance with the specifications of the country's traditional, cultural and political history;

*Thirdly*, before adopting the new electoral system (or changing old one), all the alternatives should be analyzed carefully by experienced professionals.

To strengthen democracy, some political and legal measures including the improvement of legislation should be taken to improve the election system. in this regard, all countries should take advantage of each other's experience.

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