

## INTERNATIONAL METHODOLOGICAL BASICS OF ELECTORAL LAW (From Antiquity to Modern Times: Philosophy-Legal Dimension)

### Abstract

The modern democratic states consider the concept of political rights, especially the right to vote, as a fundamental pillar above all other rights. The political rights are dominant only due to their implementation: people have an opportunity to exercise their power on the one hand and transfer their power without any political upheavals on the other.

In this regard, it is worth highlighting that political rights are one of the cornerstone rights for the modern democratic rule of law. According to this thesis, we can persist that the problems of the realization of political rights are decisive and highly important even for the declared and transitional democratic states.

In this respect, the Republic of Armenia is no exception. These rights are among the most acute social problems that young Armenian democracy has faced after the independence.

The problems of the implementation of electoral rights have objective and subjective reasons. Among the objective reasons, we can note the transitional character of Armenian democracy. In term of subjective reasons, firstly, the disproportionate punishment for crimes directed against political rights should be pointed out, which are the central obstacles to the implementation of political rights.

Keywords: international law, electoral law, philosophy-legal basics, democracy, political rights, democrat.

### The Aims and Objectives of the Study

The study's main objective is comprehensive research and systematic analysis of institutional problems of the implementation of electoral rights in modern countries (based on the example of the Republic of Armenia) and the development of appropriate approaches and proposals in this direction.

This goal will be achieved through the formulation and solution of the following scientific problems:

- The identification of the role of political rights both in the ancient world and in a modern democratic, rule-of-law state.
- To identify the role of international law in implementing political rights in the Republic of Armenia.

The subject of the study is the problem of the realization of political, especially electoral rights of citizens, as one of the fundamental rights for the modern democratic system. Additionally, the analysis will consider the issues associated with the implementation of political/electoral rights.

The methodological basis of the research is the general scientific dialectical method of cognition and the private-scientific methods that follow from it. Notably, the comparative-historical methods, institutional and functional tools for comparative analysis of constitutional, legal, political and statistical methods are used.

### The Degree of Scientific Elaboration of the Research

In the matter of choosing the research topic, there is an insufficient amount of studies existing

today in the political and legal sciences. From this perspective, the authors used both scientific materials (monographs, textbooks, journals, journalistic works, other scientific publications, etc.) and other sources (official statements, legal and regulatory acts, laws, mass information - media, other research materials, etc.). In addition to theoretical studies, the sources of this paper are the norms of the Armenian Constitution of 2005 and 2015, international legal acts and historical documents, the legislation of the Republic of Armenia and foreign countries and statistical data. The empirical base of the study was made up of media materials, statistical data, and various regulatory legal acts.

#### Experience of the Ancient World

As we know, problems concerning political and, especially, electoral rights and their implementation were in the centre of attention of thinkers still of the ancient world. The political life of the states (policies) of ancient Greece recorded in the history of mankind as the first example of democratic rule. The ideas and principles of democracy worked out by the ancient Greek civilization, which had a great influence on the history and practice of state-building of subsequent eras. It is on the land of ancient Hellas that the fundamental concepts of democracy originated in equality, the rule of law, the election of government bodies and officials, active participation of citizens in solving state problems.

From the Homeric period (XI-IX centuries BC), the highest authority in the tribes of Attica was the people's assembly (ecclesia), to which all free men who had the right to carry arms were convened. The king could not solve important questions of the tribe life without consulting the army without receiving his consent to any actions: the soldiers had to support the intentions or reject them.

In fact, the possibilities of the meeting were

very limited: its dimension and decision-making were largely determined by a preliminary decision of the tribal aristocracy. Nevertheless, the meeting was preserved as an essential element of the political tradition. The kings had the opportunity to influence the ecclesia, manipulate its participants, but they could not neglect the assembly or liquidate this institution (Nersesyants, 1979, p. 16).

The influence on the legislative bodies (the elected institution) on the part of the president or the government occurs even in modern democratic states. This is especially true for developing countries, including post-Soviet countries. As you know, the founder of the Spartan state system, Lycurgus, established the Council of Elders "Gerusia" of twenty members, together with two chiefs (kings) and the people's congregation.

At the head of the state were simultaneously two tsars, whose power was limited - they accepted the supreme command of the troops during the war and monitored the safety on the roads in peacetime. The National Assembly included all the Spartans who reached the age of 30. It was collected periodically in a specially designated open area for these purposes. It had neither the right to legislative initiative nor the right to discuss issues that were not resolved. "In the people's congresses, no one had the right to express their opinion. The people could only accept or reject the proposals of the elders and kings" (Plutarch, 1999, Chapter VI). In such a figurative form, the final word was left for the people. The rights of the People's Assembly of Sparta are endowed with the weight of the people of modern states, which are being rallied during the referendums, voting pros and cons for a proposed draft law.

The political structure of another Greek city-state (policy) - Athens was somewhat different. As a result, we can consider the transformation of Solon. He is eminent as an outstanding thinker and a prominent political figure of ancient Athens. According to his proposals, the duties of

the people's assembly and the procedure for convening and holding it were strictly indicated. Unlike the people's assembly of Sparta, the circle of its most important functions included declaring war and concluding peace, approving laws, electing officials of the Athenian state, and passing special orders. Thus, the will of the people expressed through a general vote in the assembly acquired the force of the law (*nomos*), binding for all.

The decisions of the people's congregation (*pepsins*) began with the words: "The Soviet and the people decided". With the context of the legislative initiative, the people's assembly of Ancient Athens from the functional point of view coincides with the parliaments of modern states. At the meeting, everything very much depended on the professionalism of the presiding officer. But since this office could be occupied by any citizen, including an insufficiently prepared one, the meeting was often directed by so-called "demagogues" or "leaders of the people". Popular citizens, formally not occupying any public office, thanks to oratory and flattery, could convince the people of the need to take the necessary decisions.

However, as in many modern transitional states and Ancient Athens, the cases were not ruled out when all decisions taken were pre-established.

In such cases, the Athenians, conscious of the inability to influence the outcome of the vote, left the meeting or did not appear at all.

It is no coincidence that the orator Lysias, describing the establishment in Athens as the "tyranny of thirty" (404-403 BC), pointed out that many citizens preferred to abstain from voting and leave (that is, "to vote with their feet").

"All decent people who were in the People's Assembly, seeing such violence and understanding that everything was pre-arranged in advance, partly remained passive spectators there, part of them left, carrying with them, at least, the consciousness that they did not cast their vote to the harm of the fatherland".

But the laws were adopted in the absence of most citizens. Only in exceptional cases was the attendance of a significant number of voters at the meeting - a quorum of 6,000 people. One of the people's assembly functions was the election of *helium* - the people's court. In the V century BC, its strength reached six thousand people (five thousand active judges and one thousand reserves).

In the opinion of the Athenians, a large number of judges were supposed to make their bribery impossible and, consequently, to guarantee the fairness of the process. To form a panel of judges, a list was compiled every year. There were included only male Athenians who were at least 30 years old and had not been seen in evil deeds, regardless of wealth and nobility of origin. Furthermore, the civil community of Ancient Athens carefully watched to ensure that only full-fledged residents of the policy participated in the political life of the city-state. Only they could sit in the people's congress, be appointed as judges and occupy elective posts (Fragments of the early Greek philosophers, 1989, p. 92).

However, unlike modern states, the above rights were the exclusive property of a human. The status of a citizen of the policy was inherited from generation to generation. Nominally, the Athenian youth came of age at the age of eighteen, but to have full political rights, they had to undergo compulsory two-year military service. Young people did not participate in the election procedures and did not even decide to attend the people's assembly. The few attempts of young speakers to attract attention attracted the Athenians with laughter and indignation. Only after reaching the age of 20, after passing the initiation rite, the Athenians passed into the category of full-fledged citizens.

Characterizing the Athenian democracy of the period between the V-IV centuries BC and comparing it with modern democracies, it is possible to emphasize its essential feature: it was direct and immediate. The whole team took the

decision for more or less significant state issues (at least those members who actively participated in political life). Any citizen had the right to introduce a bill, to speak at a meeting, to nominate his candidacy for an elective office (with certain restrictions). All this caused the peculiarity of the electoral process in Athens. The election procedures had a form and content apparent from the modern ones.

Today, the representative bodies of power and the most important laws are being formed and adopted through popular vote. The Athenian citizens did not delegate their power to the deputies, as we can see now this experience in most countries. Election-based state institutions of ancient Athens did not have independent power. Their purpose was to implement the decisions of the people's assembly, to enforce the laws and prepare questions submitted to the next meeting of the assembly (ecclesia).

Moreover, the Athenian state system sought not to allow the strengthening of elective collegial bodies and individual officials. Their powers were clearly stipulated and limited to the period, usually not more than one year. Even the chairperson of the boule (analogue of parliament) and the collegium of ten strategists (analogues of the cabinet of ministers) changed every day. Everyone who participated in the management of the state, at least to an insignificant degree, had to report on his activities at the end of the term of office. Without the satisfaction of this requirement, he could not leave the city. It is important to note that for ancient society, it was typical not to divide the concept of the "right" and "duty" when it came to public service. A citizen elected by the people for any position could not refuse it, even if he had to carry out actions that were out of his interest. For instance, "Nikia was elected a strategist – despite his stubborn refusals" or "the law does not allow those for whom the people voted to give an oath in the Council with a refusal". In Athens, it was consistently being carried out the principle that no official could begin to perform his duties, bypassing the complex of

the electoral procedure. The power could be given to him only by the people but not by another official. Ancient authors speak about the identity of the concepts "official" and "elected" person. The daily life of the policy was closely related to voting and elections. Voting was carried out very often for various reasons: in meetings of various levels (from the smallest territorial units - demos, to ecclesia), courts, magistracies, private communities, everyday life.

The political life of Ancient Rome looked somewhat different. It is customary to divide the history of Ancient Rome into three extensive periods: the royal (754-510 BC), the republican (509-28 BC), the imperial (27 BC - 476g. etc.) (Mirumyan, 2004, p. 207).

In the VIII-VI centuries, BC management was carried out through several political institutions - the tsar, the senate and the people's congresses. Before establishing the republican system in 509 BC, the king (rex) was for life endowed with the highest political, military, judicial and administrative power. However, even in ancient Rome, the post of the king was not inherited but was elected. Every adult Roman could be the candidate. The king's candidacy was preliminarily nominated by the senate and then approved by the people's congress. This, in turn, proves that the problems of elective positions were relevant from the ancient era.

The Senate (Senatus) was a sonnet of the tribal elders. It was relevant between the VIII and VI centuries BC, gradually growing from 100 to 300 people and eventually corresponding to the total number of Roman births. The Senate was called upon to preserve the foundations of the Roman community: it was preparing the election of a new king, had the right to customize decisions of the people's assemblies, and dealt with cases of minor crimes. The rest of the Roman clan members, except women, minors and slaves, participated in the community through curated commissions – citizens' assemblies on curia (territorial units, naturally formed, Latin curia - the union of men). Laws were af-

firmed here, questions of war and peace were decided, and the tsar and other officials were elected. The procedure for making decisions by the comitia in the earliest period of Roman history causes some difficulties for the researchers. There is an opinion that the casting of votes “for” or “against” was carried out by shouting inside the curia. At the general meeting, each curia had one vote and expressed one by one. If the proposal of the presiding judge (i.e. the king) found support for the majority of the curia, the voting was stopped, and the herald declared the final result.

As a result, the reforms of the sixth Roman king, Servius Tullius (ruled in 578-535 BC), a new kind of people’s assembly appeared - the centurial comitia. The value of the centurial comitia gradually grew. Over time, they began to make decisions about not only war or peace but also to elect officials, to approve laws. At the centurial meetings, a different voting procedure was in effect than on the curated ones. According to Titus Livius, “Not to all, not to all indiscriminately (as it was led by Romulus and preserved with other kings) was given an equal voice and not all votes were of equal strength, but degrees were established so that no one seemed excluded from voting, and all the power would be in the most prominent people of the state. Namely: the first to invite the riders, then eighty infantry centurions of the first rank; if opinions differed, which was rare, they were invited to vote for centurions of the second level, but rarely reached the lowest”. As a rule, all decisions were made by the first rank, which had approximately 51% of the vote. Destroying the monarchy (510 BC), the Romans established the posts of the two highest magistrates, who were originally called praetors, and then consuls, and were chosen from the patrician class on centurial comitia. Magistrates represented the executive power in the Republic of Rome. Together with the people’s congress and the senate, they constituted a single system of supreme power and government in the state. The magistrates them-

selves were divided into elders (consuls, praetors and censors) and juniors (aediles and quaestors).

During the reign of Julius Caesar, besides 2 consuls, there were 16 praetors, 8 aediles and 40 quaestors. The fragmentation of the executive power gradually led to a weakening of functions. BC senate republic. Contemporary researchers distinguish the following features of Roman magistracies:

- Electivity,
- The yearly performance of the position (except for censors elected for 18 months)
- Collegiality
- The subsequent responsibility for official activities (during the departure of a magistrate cannot be brought to justice) gratuitousness (the performance of duties was not considered work, but honour).

The above magistracies were ordinary and therefore were called ordinary. In connection with extraordinary circumstances, extraordinary magistracies were elected or appointed. Most of them were significant dictators and interrex. The first was nominated by the former consuls for a period of not more than six months to complete the tasks. The second served as consul for five days between consular elections.

In the republican period, a system of values and the legal status of a Roman citizen were formed. Service to public interests is recognized as the first duty of every person. The most important duty was to participate in political life and military campaigns.

At the age of 17, a young man was admitted into the century, and from the moment he took the oath, he got the right to vote in the committees. For the employment of state posts, additional requirements were demanded - reaching the required age and participating in several military campaigns, particularly in 180 BC. Conditions were defined that opened access for candidates to individual magistracies. To take up the post of quaestor, a ten-year service in the army was required. Only the former quaestor could become a praetor, and the consul was a former

praetor, passed between two different stages for at least two years. Thus, the minimum age at which the *edilit* and the *questura* began was 28 years, the *prefecture* 40, and the *consulate* 43. This nomination was called the election in “Your Year”.

A large group of laws (no less than 13) was called *leges de ambitu* (from “*ambitus*” - walking around, harassment of honorary posts). It was directed against the electoral intrigues of candidates for magistrates. Already in the middle of the IV century BC, abuses in job seeking, committed by ambitious non-citizens, were compared with the organization of insurgencies. Candidates campaigned for themselves in the markets and in villages. In the I BC, *leges de ambitu* forbade applicants to organize free feasts and shows for citizens, give gifts and give out money. For all violators, severe penalties were imposed. The law of 70 BC barred them from entering the magistracy for ten years, under the law of 61 BC. They were charged a lifetime annual fine. In the future, the responsibility for bribing voters became even more severe. The guilty people were awaited by a hefty fine and the final prohibition to occupy magistracy, and in the last years of the 1st c: BC - the deprivation of Roman citizenship and property with subsequent expulsion. The candidate for the position notified the relevant magistrates about his desire to run in advance.

The officials were required to check whether the declared applicant meets the law’s requirements and decide on putting his name on the voting list. The official registration was considered the beginning of the electoral struggle and passed before the election day. Applicants dressed in a snow-white toga, which symbolized the pure conscience of the future magistrate, and were sent to the most crowded places - squares and bazaars for “circumvention” of voters. Meeting fellow citizens, applicants addressed them by name and respectfully asked for support. The slave-nomenclature rendered a great help: he remembered the names of voters and promptly

told their candidate. In accordance with the *leges de ambitu* “circumvention” was considered as one of the few permitted methods of agitation. In Pompeii, during the election campaign, “agitational posters” were allowed to use - on the walls of houses over white stucco red letters were written names of candidates and their appeals to voters, abusive words and caricatures of candidates, appeals for active participation in the election campaign. Examples of some “propaganda”:

- “Lauray, the neighbours ask you, choose the Aediles of *Ampliata*”;
- “Prokul, choose Sabina aedile, and he will choose you”;
- “M. Casellius Marcellus will be a good aedile and will arrange great games”;
- “Choose *Bruttia Balba* in the *duumvirs* – this one will not steal the treasuries”.

The number of “posters” found indicates the fierceness and scope of the pre-election struggle in Pompeii. Of the 1,400 pre-election inscriptions found by 1871, about 600 were dated to 79 AD. (the year of Pompey’s death). If we take into account that the population of the city did not exceed 30,000 people and the size of 2.5 kilometres along the circumference, the high interest of local residents in elections is evident. On the voting day, before the meeting of the *comitia*, the senior magistrates conducted *auspicia* (ritual procedures for determining the will of the gods by flying and shouting birds). For their correctness and result, the *augurs’* priest followed. If he found the omens to be bad, then the formula was pronounced: “On another day!” And the committees were dismissed. The procedure for voting at public assemblies was reflected in a large group of laws adopted in the III-II centuries BC. In 139 BC, a secret ballot was introduced in the election of magistrates and in the years 137-107 BC - When discussing bills and cases of high treason.

Direct delivery of votes was carried out with the help of wooden partitions reminiscent of paddocks for sheep. The Romans called them “*ovile*” (from “*ovis*” - sheep) or “*saepta*” (from

“sacpes” - hedge, fence). At the entrance to the olive, voters received plaques on which they wrote the name of their candidate, and at the output, they put them in an urn. With the open ballot, which was used until 139 BC, there were counters at the exits who asked voters for an opinion on the candidate’s candidacy. Voices “for” and “against” were fixed by one more employees - controllers. On the tablets, they made appropriate notes and, after the votes were counted. The senators took their own decisions: shod in red leather shoes (insignia of those who were elected to the senior magistrates) expressed their opinions aloud, shod in black leather shoes (junior magistrates) – “voted with their feet”. Other interesting facts are connected with the senate. Thus, at the time of the Caligula consulate (37, 39-41 AD), he made his favourite horse Incitatus (Latin incitatus - swift-footed, greyhound) senator and even put him on the lists of candidates for the post of consul. Generally, the fundamental principles and ideas, as well as problems related to political and, especially, electoral rights and their implementation, of the ancient world coincide with the ranks of modernity. However, at the same time, it should be noted that there are huge differences. In today’s global world, it is almost impossible to live isolate from the world. Sometimes the global problems themselves and modern challenges force states to cooperate, the creation of various blocks, the signing of convictions, etc. This, in turn, leads to an increase in the role of international law, which, in principle, establishes the rules of the game. However, cooperation and the same rules of the game cannot become guarantees of the same results for different states.

Democracy in modern understanding and in the understanding of the antique period has a big difference. If, in the classical sense of the word, in antiquity, we understood “the power of the people” as democracy from δῆμος – “people” and κράτος – “power”, then in the present, most likely, we have to understand as democracy, “the power of democrats”, but not the people.

The people, who implement the electoral right, periodically delegate the power to this or that democrat.

From this point of view, the electoral right in the modern democratic and constitutional states has to be a substantial basis for all the other rights, as the realization of the above-mentioned rights of people makes it possible to carry out, on the one hand, the power entirely, on the other hand, periodically delegate the power from one democrat to another one.

The Constitution of the Republic of Armenia (2015) enshrines in Art. 6 the provision that the conventional principles and rules of international law and the international contracts are components of the legal system of the Republic of Armenia. At the same time, if the international treaty established other rules than those provided by the law, then rules of the international treaty are applied. International legal acts possess a vital role in the protection of the basic rights and freedoms of the person. Based on this pattern, all the selective international standards are established.

#### The Main Sources of the International Electoral Standards

The first one is “the Universal Declaration of Human Rights”, approved by the United Nations General Assembly on December 10, 1948 (The United Nations, 1948). Notably, the 1<sup>st</sup> and 3<sup>rd</sup> parts of article 21 of the Declaration establishes: Each person has the right to take part in the country’s management directly or through freely elected representatives. The will of the people has to be a basis of the power of the government; this will have to find the expression in periodic and elections, which have to be carried out at general and equal suffrage, by confidential voting or employing other equivalent forms providing freedom of vote.

The second one is “the International Covenant on Civil and Political Rights of 1966” (The United Nations General Assembly, 1966). It guarantees the right and an opportunity to take

part in maintaining public affairs as directly and through freely elected representatives; to vote and be elected on the genuine periodic elections held based on general and equal suffrage at confidential voting and providing free will of voters.

The next document, which shows the most progressive situation concerning electoral rights of citizens, are stated in detail in the documents accepted by the Organization for Security and Co-operation in Europe (CSCE) at the Conference on human measurement, which happened in three stages in 1989, 1990, 1991. In the scope of the Commonwealth of Independent States Organization, the Conventions on standards of democratic elections, electoral rights and freedoms were adopted in 2002. After ratification by three states, this came into force in 2003 (Kyrgyzstan, Russia and Tajikistan). Further, Armenia, Moldova, Kazakhstan and Belarus have ratified the convention.

Based on this Inter-parliamentary Assembly Convention of the State Parties, the CIS released recommendations to highlight the status and powers of national and international observers during the electoral observations (Convention on the standards of democratic elections, electoral rights and freedoms in the member states of the Commonwealth of the Independent States, 2002, art. 15-16). It was approved on December 7, 2002. There are also other international legal acts, which regulate the fulfilment of electoral rights, taking into consideration the activity of national and international observers.

#### The Principles of the Organization and Elections

There are several fundamental principles that are pervasive for the commitment of the electoral right. It is important to underline some of them in this light, as they delineate the essential frame for the legal procedure (Merloe, 2008, p. 10).

The obligation of elections is one of the primary principles characterized by the fact that

elections are an obligatory (imperative) and only lawful (legitimate) way of forming the representative and executive bodies of the government and local government bodies elected by citizens of Armenia. All the other options of taking elective powers contradict the fundamental law and the current legislation. Hence, it cannot be qualified differently as a violation of the basis of the constitutional system of the Republic of Armenia.

The obligation of elections means that competent public and municipal authorities have no right to evade decision-making about them and carrying out in the terms established by the legislation to cancel the appointed elections or to transfer them.

The next one is the principle of authenticity, widely popular among transitional democracies as a non-falsification principle in the elections.

Afterwards, it is worth paying attention to the frequency of elections. This principle is linked to the frames of time. It depicts the powers of representative and executive bodies of the government and local government bodies and means that regular elections have to be held through certain time intervals. Meanwhile, the intervals between elections are directly dependent on the term of office proper authorities. It provides the legislation with an optimal alternative favouring providing stability in the work of elected bodies and public officials on the one hand and, on the other hand, to guarantee their removability and prevent unfairly long possession of elective powers of the same persons.

The principle of frequency of elections is one of the necessary and indispensable conditions of their democratic character and legality. In the rules of international law, it is precisely mentioned that the free elections held through various periods, which are among justice elements and significantly necessary for full expression of the advantage inherent in the human person, equal and inalienable rights of all people (Document of the Copenhagen meeting of the conference on the human dimension of the



CSCE, 1990; International cooperation in the field of human rights: Documents and materials, 1993, art. 5.1, p. 296).

At the same time, frequency of elections is an important guarantee interfering illegitimate extension of the term of possession of powers of authority at the federal, regional and municipal levels (International obligations for elections, guidelines for legal frameworks, 2014)

The last one is the freedom of elections. This principle is valued as universal for organization and holding election campaigns. Therefore, the Constitution of the Republic of Armenia (2015, art. 2) directly establishes this principle at the level of Basic law. Freedom of elections means that organization and implementation of them are out of any coercion relatively participation in elections where direct voting is absolutely excluded (Election obligations and standards. A carter centre assessment manual, 2014, p. 89).

#### Basic Participation Principles for the Republic of Armenia in Elections

The legislative principles are a universal value for all types of elections in the Republic of Armenia. Thus, the citizens have the right to elect and be elected. In this light, they have the right to elect the public authorities and bodies of local government.

In this regard, a more exhaustively accurate and consistent, substantial definition of the citizen participation forms of all types of the elections held in the country is one of the fundamental directions of legal support of representative bases of the state and municipal democracy.

The Constitution Article 30 does not directly stipulate the basic principles of its obligatory realization of all elections in the Republic of Armenia. It only guarantees the right of citizens to elect and be elected to public authorities and local government bodies.

According to the subparagraph in Art. Twenty-five of the International Covenant on Civil and Political Rights accepted on December 16,

1966, by the United Nations General Assembly. Every citizen has the right and opportunity to vote and be elected without any discrimination. The equal suffrage at confidential voting and the providing of voters' free will without unreasonable restrictions on the genuine periodic elections made on the basis of general.

The participation principles of the Armenian citizens in elections (electoral process) are obligatory for all types of elections, and they are enshrined as in the Constitution, the Electoral Code of the Republic of Armenia (Electoral Code of the Republic of Armenia, 2016).

According to Art. 1 of the Electoral Code of the Republic of Armenia, participation of the citizen in elections is free, voluntary and is implemented on the basis of general, equal and direct will at secret voting (Electoral Code of the Republic of Armenia, 2016).

**The universal adult suffrage of citizens** means that the citizen of Armenia who has reached the age of 18 years has the right to vote, participate in other selective actions provided by the law and carried out by lawful methods, and upon reaching the age established by the Constitution and laws for election to public authorities and local government bodies. Besides, the realization of electoral rights does not depend on gender, race, nationality, language, origin, property and official capacity, the residence, the relation to religion, political convictions, belonging to public associations, and other circumstances (Guidelines for reviewing a legal framework for elections, 2013, p. 19).

Special value for ensuring generality of electoral rights of citizens and the limits of their realization guaranteed by the law has a problem of the electoral qualifications through representing the restrictions of an active and passive electoral right set by the legislation caused by these or those circumstances. The electoral laws fix existence only of the age qualification.

1. Equal suffrage means that citizens participate in the elections on an equal basis, which provides that all voters have the potential for

promotion of their candidates, identical from the legal point of view. Besides, they have equal conditions to vote on the same legal grounds through participation in election propaganda. Firstly, equality in elections is reached by the fact that the voter can be included in the lists only in one voting premise and participate in the election only once. The identical number is issued in ballots to every citizen of Armenia, whose voice has the same value as the other citizens of the Republic of Armenia.

2. Direct suffrage means that citizens of Armenia vote directly on elections to public authorities and local self-government pros and cons candidates.
3. Secret voting excludes a possibility of any control from any bodies or public officials, public associations and citizens of the will of voters. Therefore, the legislation considers observance of a mystery of vote as one of the paramount obligations of electoral commissions, including at early voting and during the vote out of rooms of polling stations.

These purposes are relevant according to the number of the organizational rules and guarantees of their provision in the Electoral Code of the Republic of Armenia. At the same time, it is necessary to notice that the legislation is not limited only to these traditional types of legal responsibility. It is worth highlighting sanctions in electoral law, which allow cancellation of election results by a court decision in case of violations of electoral rights of the citizens, including concerning the observance of a mystery of the will of voters at all types of vote.

4. Voluntariness of participation in elections mostly assumes the right of the voter to resolve an issue of expediency and need of vote, excludes any obligation of selective actions. According to Article 4 of the Electoral Code of the Republic of Armenia, citizens' participation in elections is free and voluntary. The value of this principle for the organ-

ization and holders of various election campaigns are an essential precondition. In this regard, the Constitution of the Republic of Armenia (2015, art. 2) fixes in the quality of the fundamental universal principle of realization of electoral rights of citizens only freedom of elections.

5. Freedom of elections means that at their organization and carrying out any impact on the citizen with the purpose to force it to participation or nonparticipation in elections. Besides, pressure upon results of his will is absolutely excluded. The free electoral right and voluntariness of participation in elections are one of the cornerstones of the selective policy and practice of Armenia in modern conditions.

According to those statements, we can assert that the fundamental principles and ideas of international law formed the basis for the development of the national electoral legislation of the Republic of Armenia. However, a pure declaration of any principle or idea does not solve the problems connected with implementing the voting rights of the citizens of the Republic of Armenia.

### Conclusion

1. Problems related to political/electoral rights have been relevant since antiquity and continue to remain.
2. Fundamental principles and ideas of the elective law of antiquity lie at the heart of modern international law, which, in turn, lies at the basis of national legislations of modern democratic states, including the Republic of Armenia.
3. Although in the post-Soviet countries and, in particular, the Republic of Armenia at the legislative level, related to the right to vote, there are many problems in practice.
4. To solve challenging issues and counter political rights in the modern democratic states and, particularly, in the Republic of Armenia,

it is necessary to make an interdisciplinary study within the framework of political science, constitutional and criminal law.

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