

**T.C.
ISTANBUL AYDIN UNIVERSITY
INSTITUTE OF GRADUATE STUDIES**



**THE LACK OF SPECIALIZATION IN THE AFGHAN
PARLIAMENT AND ITS IMPACT ON AFGHAN SOCIETY**

MASTER'S THESIS

Mohammad Ramez BEHRAD

**Department of Political Science and International Relations
Political Science and International Relations Program**

FEBRUARY, 2022

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FEBRUARY, 2022

ONAY FORMU



DECLARATION

I hereby declare that this thesis has been composed only by myself and that it has not been submitted for any previous degree. Except where states otherwise by reference or acknowledgment, the work presented is entirely my own. (04/02/2022)

Mohammad Ramez BEHRAD



FOREWORD

During the time I am writing this thesis Afghanistan is going through sensitive conditions. However, incidents are taking place so fast and big changes are occurring. After the hegemonic of central power, instability inside the executive power, interference from foreign states, eventually the Islamic Republic collapsed and the Taliban come into power on August 15, 2021, in Afghanistan.

I would like to express my gratitude and appreciation to ASSIST. PROF. DR. HAZAR VURAL JANE, for her support and assistance during my writing of this thesis.

I hereby declare that the findings presented in this thesis have not been submitted for the award of any degree in this University or any other University.

February 2022

Mohammad Ramez BEHRAD

THE LACK OF SPECIALIZATION IN THE AFGHAN PARLIAMENT AND ITS IMPACT ON AFGHAN SOCIETY

ABSTRACT

Afghanistan is a country with a long and an ancient cultural history that suffers from deprivation in cultural, social, and economic dimensions. Its historical experience is politically intertwined with a long-standing dictatorship and far removed from the popular rule. The latest bitter experience of authoritarian rule is known as the domination of the Taliban ethnic sectarian system. Though, after the overthrow of the Taliban, a new trend emerged in which the slogans of popular participation, national sovereignty, and democratic government were its main features. According to the indicators and criteria of democracy, some signs of democracy can be seen in the system of Afghanistan; Holding general elections related to the principle of the system, drafting the constitution, presidential elections and parliamentary elections have been important steps in establishing national sovereignty in Afghanistan. The relative degree of political freedom and the existence of multiple political parties are other realized aspects of democracy in Afghanistan. The general weakness of social, cultural, economic, and educational conditions makes it difficult to establish a democratic system in Afghanistan. At the same time, persistent ethnic and political conflicts, a lack of expertise in parliament, a lack of confidence in political stability, and lack of comprehensive security, are Afghanistan's next problems. Serious public concern about the political independence of this country, the inefficiency of the parliament, lack of specialization of the MPs, lawlessness, brain drain, is a major threat to national sovereignty and political instability in Afghanistan. If parliament is not based on specialization, it can be catastrophic and make the legislative process and its impact on society difficult, and what are the main reasons for the lack of specialization in the Afghanistan's parliament? Therefore, in this study, we examine the lack of professionalism of members of parliament and its impact on Afghan society.

Keywords: Political System, Political Instability, Professionalism, Specialization, Parliament

AFGAN PARLAMENTOSU'NDAKİ UZMANLAŞMA EKSİKLİĞİ VE BUNUN AFGAN TOPLUMU ÜZERİNDEKİ ETKİSİ

ÖZET

Afganistan kültürel, sosyal ve ekonomik yönlerden mahrumiyet yaşayan, köklü bir geçmişe ve kadim kültürel tarihe sahip bir ülkedir. Tarihsel süreçteki deneyimleri birbiriyle iç içe geçmiş ve popüler yönetimden çok uzak, uzun bir geçmişe sahip diktatörlüklerdir. Taliban etnik mezhep sistemi olarak bilinen, otoriter yönetimin en son acı tecrübesi; ancak Taliban'ın devrilmesinden sonra temel özellikleri geniş katılım, ulusal egemenlik ve demokratik yönetim sloganları olan yeni bir eğilim ortaya çıktı. Demokrasinin göstergeleri ve kriterleri bağlamında, Afganistan sisteminde demokrasinin bazı işaretleri görülebilir; Sistem ilkelerine bağlı olarak genel seçimlerin yapılması, anayasanın hazırlanması, başkanlık ve parlamento seçimleri Afganistan'da ulusal egemenliğin tesisi hususunda önemli adımlar olmuştur. Nispeten siyasi özgürlük derecesi, çoklu siyasi partilerin varlığı Afganistan'da demokrasinin gerçekleştirilmiş diğer yönleridir. Ancak sosyal, kültürel, ekonomik ve eğitimsel koşullardaki genel zayıflık Afganistan'da demokratik sistemin tesisini zorlaştırmaktadır. Ancak kalıcı etnik ve siyasi çatışmalar, parlamentoda uzmanlık eksikliği, siyasi istikrara olan güven eksikliği ve kapsamlı güvenlik eksikliği Afganistan'ın diğer sorunlarıdır. Bu ülkenin siyasi bağımsızlığı, parlamentonun etkisizliği, Milletvekillerindeki uzmanlık eksikliği, hukuksuzluk ve beyin göçü konularındaki ciddi kamuoyu endişesi; Afganistan'da ulusal egemenlik ve siyasi istikrar için büyük tehdittir. Parlamento uzmanlaşmaya dayanmıyorsa, felaket olabilir ve yasama sürecini ve toplum üzerindeki etkisini zorlaştırabilir ve Afganistan parlamentosunda uzmanlık eksikliğinin ana nedenleri nelerdir? Bu nedenle, bu çalışmada, milletvekillerinin Uzmanlaşma eksikliğini ve bu durumun Afganistan üzerindeki etkilerini inceliyoruz.

Anahtar Kelimeler: Siyasi sistem, Siyasi İstikrarsızlık, Uzmanlaşma, Parlamento, Hukuksuzluk

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I. INTRODUCTION

A. Study Topic

The legislature or parliament is created as the highest legislative body in a country that reflects the demands of its people. By playing three basic tasks, they play an important role in the life of their nation. 1. The setting, modifying, and repealing the rules 2. Representing the will and views of the people in all kinds of decision-making processes and 3. Investigate the performance of the executive branch to ensure that it is accountable to the people. Successful implementation of these three basic functions requires the establishment of an effective, efficient, and strong body. Clear constitutional provisions define the power and authority of parliament, the existence of culture for institutionalized political parties, the appropriate system for electing members of parliament, clarifying the way parliament works and how it works, and constructive relations between parliament and the executive branch. It plays a role in establishing and maintaining a stable and effective parliament.

In the absence of these conditions, the parliament will act to a lower level than the people's expectations and will not be effective in monitoring the performance of the executive branch. There is also the view that parliament fails in the absence of favorable conditions for social solidarity, lack of discipline, and constant pressure from the government to implement effective performance. Accordingly, the vision of a successful and effective parliament in Afghanistan does not seem promising. Afghanistan has a long history of dealing with government officials who have lost control of their power. The concept of segregation of powers and the establishment of an independent national parliament entered the Afghan constitution and the process of political development at the beginning of the twentieth century.

In fact, the constitution was written in 1923, the year in which it separated the executive, the legislature, and the judiciary, and for the first time in the history of Afghanistan, established a parliament whose members were elected by the people.

Consequently, the researcher will examine the foundations for the issue of Lack of Specialization in the parliament, and as needs are, regardless of whether how the causes remain impact on the framework and legislative procedure in Afghanistan.

1. Research Significance (Objective-Importance)

The importance of this project study goes back to the function and the authority of a Parliament is in a nation that is related to the public, government, and laws of that Country. Since dynamic about the citizens requires specialization, MPs ought to have certain capabilities and skills to be effective. Else they will be useless and the nation or even laws under their ward will confront significant issues. The aftereffects of this study will show that the absence of specialization among individuals will adversely influence the Parliament's function. Most members of parliament today, even in previous terms, held political positions, or they have money before entering parliament. That is, most of the representatives were more active in politics. This is not a problem, but there seems to be a need for more experts and non-politicians in parliament. On the other hand, although half of society is made up of women, we see that, at best, parliaments have a very small share.

Samuel Huntington is a scholar of development and modernization in Third World countries. He cites some characteristics for politics in Third World countries. Lack of institutionalization, widespread corruption, unorganized violence at all levels and social strata, the role of the military in political power, and the bared confrontation of political games. He discusses democratization in Third World countries, saying that "the expansion of democracy depends on economic growth (the formation of the middle class and the free market), the existence of a diverse social structure, and a culture of tolerance for the acceptance and growth of democracy (Linnb, 2021). In addition, it emphasizes the assistance and support of democratic countries.

He states that new social forces are emerging in Third World countries as a result of modernization. "The modernization of a society requires the multiplicity and diversity of its social forces; Occupational, racial and professional groupings are added to the existing kinship, racial and religious groupings." The emergence of social forces also leads to increased political participation. Because transformation has taken place in the desires and aspirations of individuals and individuals have found a new position in society (Harries-Jenkins, 1990). According to Huntington, social mobilization leads

to political mobilization. That is, people want to gain a political position due to their social status, this increases political participation.

Huntington states that Third World countries lack institutions. "Social forces are strong, but political institutions are weak. In these countries, the legislature and the executive, public authorities and political parties remain fragile and disorganized. Government growth has lagged behind the evolution of society." (Nix, 2012). Lack of development of political institutions in third world countries causes the political participation of citizens is not absorbed and directed. "An organization or a political policy is to find a way to maintain social order and to resolve conflicts and to elect leaders with authority." This causes social and political chaos (Linnb, 2021). The lack of strong political institutions also means that "common rules of the game" are not defined and implemented for actors. When a powerful organization and institution in a society does not define rules for the control and control of society and social groups, each group defines its own rules. That is, in third world countries, each group has its own rules. The political arena is the dream of different groups with different rules.

That is why the confrontation between political groups is bare. That is, the competition of individuals, families, religious and racial groups with each other is violent. According to Huntington, the level of violence in the social and political spheres increases when social groups do not adhere to common principles (Harries-Jenkins, 1990). Violence undoubtedly causes "political instability." Eventually, it should be said that in view of the above issues, Huntington is one of the most important and serious thinkers of development and modernization, whose ideas can be useful for us. We do not have a national identity, we do not have a stable and institutionalized government, and our political participation is not conscious. That is why it seems that we seriously need the idea of this development and modernization thinker. The re-reading of his ideas as well as the formulation of policies based on ideas can be paved.

Now, in the 21st century, many parliaments are moving toward specialization. When there are more experts in parliament, social cohesion happens in the true sense of the word. In Afghanistan, it is customary for people to ask what important positions they have previously taken when choosing a person, which they think should be changed. The presence of experts in various fields means increasing the quality of legislation and supervision; This issue has faded in the country over the past few years.

The problem of parliament arises from "ethnic structures." Afghanistan's parliamentary elections, which were expected to untie the knot, are becoming a problem in themselves. One of the most important factors is the lack of institutionalization of legal and democratic institutions. Given that Afghanistan has not been a civil and law-abiding country in the past, and especially during the last thirty years of turmoil, war, and crisis, unfortunately, none of the legal, judicial, and executive institutions have been institutionalized. The problem of institutionalizing the law, which unfortunately has not yet happened in Afghanistan, and again behind this problem and a lower layer in Afghan society is something called ethnic structures. Many of the political upheavals are rooted in ethnic structures because on the one hand there are no legal institutions and on the other hand, there is an ethnic structure of power distribution in the society. People think that only through ethnic relations can their interests be secured. Thus, whether in their ordinary and important relations or when they are even elected and in power and reach very important institutions such as the parliament and even the presidency, they are still based on they act the same ethnocentrically. When they come to the parliament, they do not work according to the law and do not think that they are the people's representatives. They should try to ensure the interests of the people and implement the constitution. On the contrary, they try to gain their ethnic interests through this channel; when this is the case, ethnic conflicts will eventually ensue.

When a society has an ethnic structure, it works instead of many other things and instead of the same parties. That is, when the ethnic structure is so strong, the party structure is not formed. When the atmosphere is like this and society has an ethnic structure, the structure penetrates even in official institutions like the parliament. There are very agile and vigilant people who have money and other facilities at their disposal, they can use this structure to their advantage.

Therefore, the literature review shows us the Parliament in Afghanistan does not function well and is not specialized. Similarly, the parliament has had little success in its legislative functions. For the past 13 years, parliament has passed only five laws on its initiative. However, most of the laws are not passed by parliament over the past few years. Therefore, the researcher discovers the significance of this point in light of the fact that there are numerous columnist articles and report on nearly all the previously mentioned issues yet to introduce. There is no scholastic examination that assembles

each one of those issues and assesses the effect and the elements of the previously mentioned issues.

2. Overview of The Parliament of Afghanistan

Afghanistan is a Jirga country; this word has been the most widely used collective term in the history of Afghanistan. It is not clear exactly how the Jirgas were formed, but in the last three centuries, all important events and new governments have come into being with the legitimacy of the Jirgas. (Runion, 2017) argued that the government of “Ahmad Shah Abdali” is considered to be the beginning of a new era for Afghanistan. It was legitimized after the fragmentation of Nader Afshar's empire, with a local parliament in Kandahar and with the presence of tribal elders. The fall of the monarchy and the proclamation of the Republic in 1973 were recognized by the lower house. The new government established by the international community after the fall of the Taliban government was legitimized by the Loya Jirga (Supreme Jirga) and the constitution was recognized (Runion, 2017). The Jirga is, in fact, a kind of Constituent Assembly. Although the Afghan Loya Jirga has interactive features, it is very similar to the European Constituent Assembly. The existence of this parliament should basically be raised when a country lacks government and law.

(Thier, 2006) argued, after the adoption of the new constitution in 2003, in Afghanistan, a parliament with two houses (Wolesi Jirga and Meshrano Jirga) was revived. The parliament was supposed to represent the implementation of the democratic process in Afghanistan. The International Community, The United Nations Office in Kabul, and the embassies of the powerful countries were all almost united to create, fund, and prepare for this process. Even hostile countries such as the United States and the Islamic Republic of Iran, or India and Pakistan, not only did not prevent its creation, but each of them provided financial, technical, and hard-earned assistance in some way (Thier, 2006)

For a season, Afghanistan's political scene was filled with electoral fervor and election debates, and propaganda. From student youth to tribal elders and jihadist leaders who were left out of the government, everyone was nominated. Eventually, the parliament fell largely to jihadi leaders and their commanders and supporters. However, various figures were not very impatient and bloodthirsty, including “Ramazan Bashar Doost”, a popular critical politician, and there was a nineteen-year-

old girl on the left, “Malalai Joya”, who at every opportunity gave a roaring speech against the Mojahedin. Parliament Speaker “Yunis Qanuni”, a supporter of “Ahmad Shah Masoud” and a representative of the Kabul people, took over the presidency (Thier, 2006)

In 2018, with the expiration of the five-year legislative term, the government failed to hold parliamentary elections on time, which was extended for one year to three years. Some representatives refused to attend because of the illegality of the parliament, but it was the only parliament that lasted more than three years, and at the same time it was an influential parliament, some of whose members became local kings (Pasarlay & Mallyar, 2019).

3. Field, Resources, and Place-Duration

The researcher will discover the underlying foundations of the topic issue by getting references from the literature review. The researcher plans to visit MPs in the Parliament of Afghanistan to get reliable results. The task study is relied upon to be concluded during February 2022.

4. Research Questions and Hypothesis

The new Afghan Parliament needs representatives who are citizen-centered, accountable, responsible, professional, and committed. The truthful minority in the Afghan Parliament must become the majority. On the other hand, the Afghan Parliament is facing serious challenges and problems in the field of legislation. Afghanistan needs to pass a law today; to be able to respond positively to the needs of the people. In this investigation, the researcher will concentrate on the causes and impact of the absence of specialization in the Parliament of Afghanistan and will take a gander at the roots behind the causes that the parliament confronted issues.

a) Main argument

- If the parliament is based on specialization, the legislative process will have a better and more positive effect on society.
- If professionalism is implemented in parliament, the people and the government cannot easily evade the law.
- If specialization forms the basis of parliament, transparency in legislation; respect for the law, and national interests will be taken into account.

- If the country's parliament is not based on specialization, it can be catastrophic and make the legislative process and its impact on society difficult.
- Lack of expertise in parliament can lead to political crisis or political instability in the country.

b) Research questions.

- What could be the main reasons for the lack of specialization in Afghanistan's parliament?
- Why have they not yet been able to form a parliament based on specialization in Afghanistan?
- What are the negative effects when the country's parliament is not based on specialization?
- What are the needs and basics of specialization in the Parliament of Afghanistan?

5. Thesis Structure

This research study will be organized into five chapters. The first chapter will be about the introduction and the methodology of the project study. The researcher will use primary and secondary resources and will have qualitative data. Chapter two will attempt to have a literature review about general information of the Parliament of Afghanistan, its history, and its structure. Chapter three will be about how MPs can be nominated, what conditions should have, and what procedure they should pass to be elected in Parliament. However, Chapter four will be allocated to the main findings of the research. This is to find out what are the causes and effects of the Lack of Specialization and its impacts of it on society. While chapter five will be allocated to the conclusion.

6. Methodology

In this study, the reason, and the impact behind the absence of Specialization in the Parliament of Afghanistan will be explored by the researcher who is from Afghanistan and can comprehend the way of life, languages, authentic foundation, and society better than a specialist from outside Afghanistan. The researcher will be objective and take a gander at the point with the scholastic focal point in this way, to

get reliable and right findings. The researcher will use qualitative methodology while, secondary resources from various eminent of writers, articles, reports from government, Journals, an examination from English assets will be used as well as from official languages of Afghanistan also.

B. General Information about Parliament

In ancient times, dictatorial regimes ruled in different countries of the world, where all the power of the three branches was in the presence of one ruler. His orders and decrees took on the status of law. In indirect or electoral democracies, the nation elects representatives to form legislatures in constitutional terms, this type of political assembly is called a parliament (Cannadine, 2007).

A comprehensive definition of the legislature is a difficult task that most constitutional jurists have inevitably overlooked. Though in a common definition, according to (Forsyth, 2011) the legislature can be considered an institution that is responsible for legislation in a country. Undoubtedly, factors such as the necessity of the law and the continuous changes of social life, social relations, developments, silence and ambiguity of laws, and the conflict of past laws; require the continuation of the work of the legislature and its philosophy of existence (Forsyth, 2011).

This necessity, without exception, is felt in all ruling human societies, and the need for the legislature and its value and importance is not hidden from anyone. If one pays close attention to the goals of law and legislation, the need for a legislative body becomes clearer (Forsyth, 2011). Usually, the explanation of rights and duties and the provision of justice and security are considered as the main goals of law and legislation. While the most important task of law is to pave the way for human growth and excellence. That is why in the new conditions and new stages of growth and development, the need for more legislation manifests itself.

As has been said, in general, the legislature is an institution that lays down general rules, including and enforcing them. In the works of classical writers, such as John Locke and Montesquieu, a precise and comprehensive definition of the legislature has not been given, but the duty of legislation and its distinction from the duty of execution and the duty of the judiciary have been relied upon. That is, the parliament is in charge of the legislature. It has been said that the legislature is the one who makes

the law, which does not specify the exact function of the legislature because scholars have also offered different views on the definition of the law.

Jean-Jacques Rousseau, in his famous book “The Social Contract”, discusses the law and writes; “This is what I call law when I say that the subject of laws is always general. The point is that the law treats individuals as a whole and actions as abstract, that is, it never considers a human being as an individual and an action as a private matter” (Rousseau, 1964). In a word, any duty related to an individual matter does not belong to the legislature at all.

From this point of view, a rule, if it is not general and inclusive, or if it is related to a specific matter, does not fit into the scope of legislative activities. Even if such rules are laid down by a special legislative body, they cannot be called law. Thus, according to Rousseau, the content of the generality and inclusion of the rule determines the criterion for recognizing the law as illegitimate, and the legislature is the force that sets and issues such rules (Rousseau, J. J., 2008). If accepted, the theory would, first, extend the scope of the legislature to the legislation and extend to all individuals or groups or authorities who make general provisions at will. Second, the concept of law will be so general and broad that it can be applied to constitutions, common law, bills, regulations, binding customs, and so on. Thirdly, since the law is a special category of rules, then what is approved by the legislature, but does not have the specificity of its definition, is not a category of law. In the world of law, however, this is not the case.

The main purpose of the legislature is the spontaneous force of society, which sets rules and regulations to direct social relations and mold and limit them, clearly define the rights and duties of individuals and groups and draws clearly (Bachtiger, 2014). This force arises from sovereignty and is one of its forms, but in this definition, there are two salient and combining factors; One is the apparatus whose special job is to lay down such rules and regulations, and the other is that the rule is always, in terms of content, generality, and inclusion to which Rousseau has assigned does not have. In other words, the legislature can be considered on two distinct levels; one is broad, which creates any rule, whether customary or ceremonial, and the other is narrow, which deals only with ordinary laws.

Contemporary legal doctrine considers law as a rule that originates from the competent legislative body and goes through its formalities such as approval, signature, and publication (Peczenik, 2001). The legal point of view today differs greatly from Rousseau's definition. He considers all general and impersonal rules to be law and does not care where they are issued and their status. Whereas today any rule, by any nature, that which has been raised by a special legislature is the law. In other words, in the development of a legal rule, the apparent system is considered as a reference to the internal content of the rule. Considering the broader concept, the Constituent Assembly, the legislature, the cabinet, and the courts in the Anglo-Saxon countries can be included in the legislature. The work of the legislature is the responsibility of a body called the legislature or parliament (Peczenik, 2001).

The word Parliament is originally French, referring to a place where they discuss, reflect, debate, and pass legislation. The word is derived from the Latin word *Parlamentum* (Forsyth, 2011). Today, the constitutions of different countries of the world recognize this institution as one of the main pillars of the government. Its special task is to enact laws or general rules that have been enforced, supervise the exercise of executive power, and represent the people. The parliament is primarily the embodiment of the legislature in a country. Unless, in addition to this, the legislative work belongs to the people (through a referendum) or the executive branch (through the delegation of powers) or the participation of two branches (preparation of bills by the executive and approval by the parliaments) (Forsyth, 2011).

The existence of a parliament makes sense in societies where the legislature; nothing is prefabricated and predetermined. The basis of legislative work should not be based on customary, gradual, and repetition of experiences alone. Nevertheless, the opinion should be that the representatives of the people gather rules of thought, and devise rules for regulating various social relations (Strom, 1995). There should be no direct democracy for the people to legislate, but all or an important part of the special legislative work should be the responsibility of the elected representatives of the people to carry out the task assigned to them in the parliament.

C. History of Parliament

From ancient Greece, with the advent of representative systems, the realization of popular governments in the form of democratic ideas and ideals has been proposed.

Thus, parliamentarism emerged in a country where democracy and democratic culture gradually matured and led to its formation, permanence, and stability (Seaward, 2020). That is, the first country to organize parliament in the modern style was the United Kingdom. Democracy and democratic institutions in England have a long history (after the ancient Greek and Roman societies). The country has long experienced the culture of democracy.

Familiarity with democracy and democratic institutions and the continuous development of political culture in the United Kingdom led to political behavior. Especially a political system compatible with the same culture and history. The historical background of the parliament is that the kings, advisory boards from among the wise, and the possessors had military ranks around them that were trusted and turned to them for comments on important issues (Seaward, 2020). In thirteenth-century England, the king's confidants sought a greater role in the administration of the country, forcing the king to sign the great charter of the Magna Charta in 1215 (Starkey, 2015). They then formed a permanent council called the House of Lords, which consisted of the heads of the trustees for life, and, as was customary in the feudal system. The position was inherited by their eldest son. However, from the fourteenth century onwards, the form of meetings and approvals of the houses was formed with the consent of the king of the two houses. The House of Lords is composed of representatives of the Grand Council, high-level clerics, and high-ranking aristocrats. The House of Commons is composed of representatives of the bourgeoisie, merchants, and craftsmen (Seaward, 2020).

The spirit of Montesquieu's laws and his theory of the separation of powers was published in 1748, and this was the date when the world, and especially Europe, was preparing for a great intellectual and political change. The US Constitution of 1787 and the French Constitution of 1791 were adopted under the influence of Montesquieu (Caramani, 2017). The US Constitution is the world's first written constitution. This law became the model and the main example of all the constitutions of the world. It should be said that today the constitutions of all the countries of the world have accepted the principle of separation of powers into three. In the UK, political parties have also played a role in shaping Parliamentarism. Political parties are political organizations that are established based on an ideology or to pursue specific goals (Van Biezen, 2003).

Political parties play an appropriate role in the development of political regimes based on ideology and specific goals, offer ways to fight for political power and the realization of democracy. Social groups against centralism are the monopolies of political power (Caramani, 2017). In Western democracies, and especially in Britain, political parties have emerged and grown alongside the rise of democratic movements. Furthermore, has finally become a fundamental and effective element of the political system. The product and result of the struggles of political parties in the formation of a coordinated, balanced system based on the votes of the majority and ultimately democracy and popular government (Caramani, 2017). Although it should be noted that as mentioned, political parties have a major value in the formation of parliamentarism, the importance and role of parties are different in countries.

In other European countries, parliaments began to function similarly to the British judiciary in the seventeenth century and to fully separate the three branches of government (legislature, judiciary, and executive). The people gradually realized that the presence of kings' representatives in court was essentially unnecessary (Strom, 1995). After the French Revolution of 1793, the rulings of other courts were not even issued in the name of the king, and the direct participation of the representatives of different strata of the people in the parliaments removed it from the judiciary and became a legislative pillar (Goldoni, 2013).

In short, the parliament was first formed in the United Kingdom and countries have imitated it, which will be briefly mentioned in the discussion of the composition of the parliament from different parliaments. However, in Asia, Japan is the first country in which a parliamentary system has been formed in 1860 (Seaward, 2020). Japan had the opportunity to observe for the first time after the US Congress, which was ultimately influenced by the legislative process in this country took steps to create a legislature.

D. Composition of Parliament

One of the important issues about the parliament has been its composition. Since the beginning of the constitutional movement, one of the most contentious issues among experts, legislators, and founding councils has been whether the parliament should be composed of one chamber or two. Even so, inwardly it has emerged for

political reasons (Gobbett, 2016). The legislative power of countries is based on constitutional rights. The first parliament is called the National Assembly, the House of Representatives, the House of Commons, the House of Unity. The second parliament is called the Senate, the House of Tribes, the House of State, the House of Lords, the House of Representatives. Both houses trace their origins to the unconstitutional fundamental rights of Britain, citing the history of this country, which in this case dates back to about a thousand years ago. Today, there is both a parliament and a bicameral legislature (Gobbett, 2016).

As has been said, the debate over the composition of the parliament is not a new issue. However, since the beginning of the societies' move towards a codified constitution, there have been major political struggles over the number of legislatures. These contradictions have sometimes appeared under the guise of legal arguments and sometimes with a clear political face. Scholars such as Montesquieu, Hamilton, Esman; as well as most general jurists and political scientists, have devoted major chapters of their work to this subject. Some have advocated unicameralism and some have advocated bicameralism (Leston-Bandeira & Thompson, 2018).

According to the French Constitution of 1799, which was drafted and approved following the Napoleonic coup (Pujas & Rhodes, 1999). The legislature consisted of four chambers, the State Council, the Tribune, the Legislature, and the Senate. Each of which was responsible for one of the legislative steps, namely the preparation, proposal, deliberation, and approval of the law. There are several opinions about whether the parliament is from one chamber or two (Strom, 1995). Now we will briefly study the opinions of the supporters of the parliament of one chamber and two.

1. The Supporters of The One-Parliament System

The supporters of the one-parliament system, who are also opposed to the formation of a parliament with two chambers, argue that the parliament must first be the manifestation of the national will. According to Harrington, J. A parliament formed of nobles, elites. Elites are not a manifestation of the national will, and if both houses agree on a bill or plan, it shows that if there was one parliament, it would suffice, and the second parliament would be additional (Harrington, 2019). If, on the contrary, the first parliament agrees and the other parliament opposes, it becomes clear that one of the two parliaments agrees with the will of the nation and the other opposes the will of

the nation. Therefore, the parliament against the national will must be dissolved (Harrington, 2019).

Secondly, the existence of two parliaments reduces the speed of legislation and delays the legislative process. Today, the second parliament is elected mainly based on elections and democratic methods, so the nature and level of the second parliament are becoming more and more similar to the first parliament. Accepting an additional pillar for the parliament will be futile and will cost money and time (Rogers & Walters, 2013). They add that the nature of parliamentary work, which is essentially based on thought, will automatically lead to slowness. Sometimes it takes months to pass a law while public opinion is thirsty for results and action. The existence of formalities, referral to the commission, approval of article by article in the public session, long and long parliamentary debates are the cause of many slowdowns. Even so, if another parliament is added to this one; only after the law is passed in one parliament should the same formalities and steps be resumed in another parliament. Which in turn adds to the slowness of parliamentary affairs and leads to the loss of opportunities (Harrington, 2019).

Third, the Supreme Assembly is usually composed of conservative and reactionary elements. They hinder reforms in terms of morale and age. Fourth, Benjamin Franklin likens a two-chamber parliament to a chariot with a horse on either side. Each of these two horses pulls the cart towards each other and neutralizes each other's strength and power (Stourzh, 1953). The existence of two parliaments paralyzes the legislative power in terms of differences and hypocrisy that occur in practice.

2. The Supporters of The Formation of Parliament with Two Chambers

First, it should be said that the confrontation between the proponents and the opponents of the bicameral system in modern times has found many differences with the arguments of classical scholars and thinkers of the eighteenth century. Goldoni, M. argued that the second parliament, in the style of Alec or Montesquieu, noted that it had lost its legitimacy and the debate was on another axis (Goldoni, 2013).

Serious supporters of the composition of the parliament from the two houses are well-known authors such as Montesquieu and Winter. (Irklienko, 2020) argues; The Supreme Assembly is the wisdom and strategy of the country, and the House of Representatives is the manifestation of the national will and aspiration (Irklienko,

2020). The House of Representatives should be composed of representatives of the people and the Supreme Assembly of political figures so that by joining the efforts of the two houses. The laws are following the supreme interests of the country on the one hand and can fulfill the aspirations of the nation on the other. Another reason given in support of a bicameral parliament is that people, especially those affected by emotions, often make mistakes, which must be corrected. They can amend the laws passed by the House of Representatives or block them if they do not have the authority to do so by refusing to pass them (Rogers & Walters, 2013).

Proponents of the bicameral system say that the first parliament represents the ephemeral waves of public opinion. The second parliament, which is made up of more mature, experienced, and sometimes conservative people, can prevent such hasty, quick, and ill-considered decisions by re-examining the laws passed by the first parliament (Irklienko, 2020). Proponents of the second parliament, especially in the parliamentary regime, consider it necessary, because they say that the executive branch has a political responsibility to the parliament. If the parliament is united, it gains extraordinary power to the detriment of the executive, fluctuations in parliamentary positions are constantly approved by the majority. The cabinet is constantly exposed to collapse, the fear of losing the courage, and the ability to take the decision and implement it decisively (Rogers & Walters, 2013).

In addition to the excessive change of cabinets prevent the progress and development of the country and this is not in the interest of society, because experience has shown that whenever the executive branch is weakened in front of the parliament to such an extent, the staff will be disorganized.

E. Structure of Parliament

How the legislature works and the internal organization of the legislature, despite its technical and legal appearance, is an important political issue. The independence of the legislature from the executive has always been a fundamental issue and has been slowly realized over time. At the beginning of the legislature in the world, the regulation of the internal principles of the legislatures was in the hands of the government or the executive branch (Ekins, 2007). In this way, it led and supervised the activities of the legislature and its members.

The executive was in charge of determining the term of the legislature and the time of its recess, and whenever it wished, it invited the representatives of the legislature to convene a meeting. It is clear that in such a situation the power of the legislature was negligible. Representatives of the legislature did not have parliamentary immunity, and any could be prosecuted for their opposition and criticism of the government (Leston-Bandeira & Thompson, 2018). Also, representation in the legislature was not similar to other government jobs, and the fear of losing jobs always kept the working representatives obedient and in command of the executive branch.

The publication of speeches and talks by members of the legislature was not mandatory, and people were unaware of the activities of their representatives. The combination of these factors had reduced the power and independence of the legislature. Gradually, the legislatures regulated their internal affairs independently and without regard to the demands of the executive branch, and parliamentary immunity was established for the members (Ekins, 2007). Accordingly, the members could perform their duties freely which will be discussed later. In this way, the members realized that they needed an organization to carry out their legislative tasks and work quickly and established the internal organization of the parliament.

Regardless of whether the parliament has one or two houses, it must be organized in such a way that it can effectively perform its legal duties and powers. Members are elected by the people during elections and gaining power from the people leads to the formation of parliament. The law should provide the necessary facilities and equipment to their respective apparatus, namely the parliament so that the members can perform their duties on time under appropriate protection (Shourie, 2010). Considering this, the parliament must have the independence of action and have the appropriate organization to be able to regulate the relevant affairs. In terms of organization, parliaments in countries are usually composed of, a chairman and board, administrative organization, and commissions.

1. Chairman and Board of Directors

The chairman, who is responsible for chairing meetings and leading negotiations, and rotating legislative and political affairs in parliament, is the highest official in a country's legislature (Rogers & Walters, 2013). Although the head of each

assembly is usually a chairman and next to it a board of directors, the composition of this board, the number of members and officials, and its various duties. According to the laws of each country are different the body of this board, chaired by the speaker of the Assembly, constitutes the governing body of the Assembly.

Today, in most parliaments of the world, the appointment of presidents, which was done by the method of appointment, has become an elective aspect. That is, along with the expansion of the rights of members of parliament for greater independence, the chairpersons and boards are elected by the assemblies themselves (Congleton, 2011). Certainly, the implementation of this principle depends on the rights of each country and the type of assemblies. Sometimes the situation of the first and second assemblies is different from each other. In Britain, the Speaker is elected by the members of the House of Commons, but in the House of Lords, the procedure is different.

2. Administrative Organization

Each parliament has an administrative structure that provides administrative and financial services to the parliament. In most cases, the administrative organization of the assemblies consists of one person in charge and some administrative units. In some countries, it is also elected by the votes of members of parliament (Rogers & Walters, 2013). The most important administrative units of the legislature are; the Administrative department, Employment department, Finance department, Library, Accounting, Building, Transportation, and Publications. In assemblies that are spoken in different languages, a section is provided for the immediate translation of the speech. However, the Secretariat of the agenda prepares each meeting under the supervision of the Chairman and the board, determines the framework of negotiations based on the rules and agenda of the meetings, and prepares the necessary documents for the chairman.

3. Commissions

Parliamentary commissions form parliamentary working groups organized with specific goals and criteria. Since the parliament to be able to carry out its duties easily and efficiently, it is the responsibility of the commissions to review the issues and prepare the ground for negotiations (Mattson & Strom, 1995). The main reason for the division of delegates in the commissions is to facilitate the legislative work and prevent

wastage of time. Through comprehensive consideration and deepening of bills and plans in the plenary session is difficult, but it is impossible if all delegates are to be in the process of making decisions.

If all issues are resolved in plenary sessions, the parliamentary procedure will be time-consuming and ineffective. Commissions are working groups, which are organized according to certain criteria. Obviously, the title of the commission is general, but depending on how it is formed or the purpose, other sub-titles may be named (Congleton, 2011).

Parliamentary commissions are generally as follows.

- Ordinary commissions: The members of such commissions shall be appointed based on their membership in Parliament, not based on political or scientific affiliation or particular knowledge of the matters relating to the Commission.
- Specialized commissions: If the ordinary commissions are only for the convenience of reviewing and advancing matters quickly. The specialized commissions are also composed of experts, who must look at the issue with technical and specialized foresight; analyze the issue to deal more fairly and consciously with the issues in the plenary session of the parliament.

II. PARLIAMENT OF AFGHANISTAN

A. History of Parliament in Afghanistan Before the 2000s

In Afghanistan, political formations and civil divisions emerged during the (Akhamanshi) period (545-33 BC) and in each province, there was a satrapy (governor) who independently managed the affairs of the province with one person. The political organization and civil divisions of the (Akhamanshi) in Afghanistan had the same effect as the Roman domination of France (Kakar, 2006). During the reign of “Euthydemus I”, the most powerful king of western Greece in 227 BC, the governors of the country at that time were ruled by powerful governors, most of whom were princes (Cannadine, 2007). After (Kanishka), the last Kushani king of Afghanistan was divided into small local emirates in the north and south of the Hindu Kush. Until the emergence of the holy religion of Islam in Afghanistan, except for the Yaftalis, no other powerful government has been formed, but the country has been ruled as a tribal kingdom. Arab geographers named the seventeen local governments of Afghanistan at a time when everyone called themselves kings (Wahab & Youngerman, 2007).

In the seventh and ninth centuries AD, in almost all Islamic countries, there was a group of people with a variety of organizations that can be considered as an organized party. The members of this group arose from the emptiness of society and were composed of the poor, the common people, and the passionate youth. This sect had adopted the name Ayar in Afghanistan (Kakar, 2006). In the years 239 AD, the Saffari period was an administrative organization such as the Organization of Islamic and Arab countries. In short, in Afghanistan, before the preliminaries of constitutionalism, such as in Islamic and Eastern countries, religious rulings and laws, oral orders, royal decrees, customary laws and the tradition of society have always had the status of law (Lee, 2018).

Throughout history, the idea and interaction of consultation have been promoted in Afghan society, and most of their contentious issues have been resolved through the Jirga. Interaction and consultation on matters relating to the fate of the people and important national issues were also common (Wahab & Youngerman, 2007). As mentioned, one of the characteristics of the people of Afghanistan has long been the Jirgas, which have mostly been used for various purposes. Local Jirgas, in which all people participated, were convened in cases of water scarcity, grain shortages, and major ethnic issues, and were appointed to address individual problems. Another type of local Jirga has taken action to end personal disputes such as war and legal disputes that have long been going on between individuals and large ethnic groups. In recent cases, tribal systems and authoritarian regimes in some cases have found themselves forced to bow to the nation and seek the establishment of a Loya Jirga for those cases from the people's vote (Lee, 2018).

The Loya Jirgas, however, have largely mandated and, to a large extent, endorsed what the rulers and their accomplices wanted. However, the role of the Loya Jirgas in some important cases has been a manifestation of Afghan democracy, and the West's best government for Afghanistan is the Loya Jirga (Wardak, 2003). The emergency Loya Jirga and the Loya Jirga of the adoption of the constitution in the early twenty-first century are examples of this. Although, some have considered the Jirga to be a tribal feudal institution that is in clear and fundamental conflict with accepted standards of law (Ehsan, 2017).

In addition, the idea of a "National Council" parliament in the modern sense as an organized institution emerged in Afghanistan at the beginning of the twentieth century, with the beginning of the reign of Amir Habibullah. especially the "Asian Awakening Process" which Provided cultural, intellectual, political, and social in the country (Wardak, 2003). This time, inspired by the past and using the new conditions and contexts. Afghanistan once again, like its neighboring Islamic and Eastern countries, was on the path of movement and change and the intellectual stagnation of several centuries was ended. In this conscious political movement and struggle, the idea of cultural-civilizational resurrection modernity, national independence, opposition to domestic tyranny and foreign colonialism, national unity, and solidarity was instigated (Ehsan, 2017). That is, the first constitutionalists, as far as possible, in

proportion to their level of understanding of constitutionalism and democracy, were the pioneers of this movement.

The goals and program of the first constitutionalists were as follows; to overthrow Amir Habibullah as an obstacle to political freedoms and full political independence, legitimate government, constitution, parliament, justice, freedom of the press, generalization of education, opposition to British colonialism, Reform of social and economic affairs (Wardak, 2003). When King Amir became aware of the constitutionalists' plan, he hanged, shot, and imprisoned some of them. With the suppression of this movement, the struggle did not stop, the heirs and developers of their ideas, the second constitutionalists of the "Afghan youth" pursued their goals. This led to the assassination of Amir Habibullah and the rise to power of King Amanullah and the country's independence (Runion, 2017). One of the consequences of Amanullah's government was the separation of the three powers and the formation of a parliament.

1. Government “Darul-Shura” During The Reign of Amir Habibullah Khan

During the reign of Amir Habibullah Khan, only one government council was formed, whose members were elected by the king himself from princes and high-ranking officials and some famous people of Kabul (Runion, 2017). Habibullah Khan consulted with the members of this government council in important matters, such as during the First World War in October 1915, when the German, Australian, and Turkish delegations entered Afghanistan with the letter of Wilhelm II Qaisar Alman and Mohammad Rashad Khamesh, the Turkish Sultan. He proposed a military alliance against Britain (Khan H. , 1985). Amir Habibullah formed this state council, and many scholars and clerics who were in favor of entering the war also participated in the Jirga. Certainly, this council or the House of Lords did not have any legislative authority, it only had a consultative aspect, which cannot be addressed as a parliament in the modern sense of the word (Runion, 2017).

As previously stated, there was a move towards a constitutional government in Afghanistan that failed. Though after the rise to power of the second constitutionalist, when Amanullah Khan was proclaimed King of Afghanistan, for the first time, the government was based on three executives, legislative and judicial branches (Khan H. , 1985). This property had its special feature, for instance, Shah Amanullah formed the

old Majlis-ul-Ayan, which was called Darul-Shura, by modifying the name of the special Majlis and later the name of the governing council. He had the authority to scrutinize laws and send them to the Shah for approval through the Council of Ministers, and to review government budgets, conventions, and treaties with foreigners (Kakar, 2006). That is to say, in Afghanistan, the parliament was established for the first time in the meaning of the word today in the time of Amanullah Khan.

2. Parliament in The Era of Amanullah Khan

With the suppression of the first constitutionalists, the struggle did not stop, the heirs and developers of their ideas, the second constitutionalists of the "Afghan youth" pursued their goals. They implemented their goals in their first practical action with the assassination of Amir Habibullah. After the assassination of Amir, Amanullah Khan, a member of the Afghan youth, came to the fore as king, and Afghanistan gained its full political independence (Cannadine, 2007). Shah Amanullah, who called his era the Age of Law and Salvation, tried to free the government from the framework of absolutism. That was the legacy of his predecessors by cooperating with the reformists in drafting laws and political and administrative reforms and on the ruins of the ancient tribal, feudal, and house system, to lay the foundation of modern society. Thus, to democratize the constitutional monarchy, to establish a parliament, the Amani government established the first parliament in September 1920 (Kakar, 2006). Which had the status of the old parliament and was tasked with drafting government laws, called the General Presidency of the Council of State.

Many enlightened religious scholars, writers, reformists, constitutional intellectuals, government officials, and translators gathered at this council. They prepared the text of the first codified constitution of Afghanistan, which was approved by the Loya Jirga in 1922 (Kakar, 2006). Therefore, the Second Loya Jirga reaffirmed it with some amendments (Articles 2-4 and 24), which reflected one of the political, cultural, and social achievements. With the adoption of the constitution, the acceptance of modern thinking about legal provisions and its coherence in the form of law within the framework of religious thought (Runion, 2017).

Afghanistan's first constitution outlined eleven principles regarding the Council of State, whose members were elected and appointed. According to the Constitution of Afghanistan, approved on June 06, 1923, its elected members were from among the

people in proportion to the size of the population and the population of each province and high government, from one to five people (Kakar, 2006). The provinces included Kabul, Kandahar, Herat, Turkestan, Qatghan, and Badakhshan, and the top governments included the East, South, Farah, and Maimana. In 1928, great changes took place in the parliamentary system of Afghanistan. As a result of his visit to European countries, Shah Amanullah wanted to use the parliamentary experience of these countries. As a result, the Paghman Loya Jirga (August 24 - September 9, 1928) established significant changes in the constitution (Wahab & Youngerman, 2007).

3. National Council in The Reign of Mohammad Nader Shah (1931-1946)

With the advent of Mohammad Nader Shah (October 16, 1929), the work method began differently. At the very beginning of his arrival in Kabul, the Shah published his official written manifesto in ten principles. The contents of which were as follows; Execution of the affairs of the country following the rulers of the holy religion of Islam, appointing the chancellor, and forming the cabinet. He convened a Jirga to legitimize and consolidate his monarchy (Wardak, 2003). After the formation of the Jirga, the National Assembly election bill was approved and its members were elected from among 111 members of the Jirga from different provinces, and its chairman was appointed by Mohammad Nader Shah, Abdul Ahad Mayar. In 1931, the House of Lords had 27 members appointed by the Shah from among the nobility, the clergy, and the rulers (Kakar, 2006). In other words, in the history of Afghanistan, after the approval of the basic principles of the Afghan government approved, the second parliament was formed. According to these basic principles, the first parliament was named the National Assembly, and the second parliament was the Assembly of Nobles.

According to these basic principles, the National Assembly was composed entirely of people who are involved in the livelihood and political affairs of Afghanistan. Members were elected from Kabul and other provinces, the term of their election was set for three years (Wardak, 2003). According to the principles of the National Assembly elections approved by the Loya Jirga in 1930, the members of the National Assembly had to meet the following conditions; have the citizenship of Afghanistan, foreigners who have resided in Afghanistan for another ten years after obtaining a citizenship card, be as literate as possible, their age should not be less than 30 and not more than 70 years, be known for honesty and integrity, officers should

resign before being nominated if they are nominated on the job and if they are elected after the election, merchants who were bankrupt due to fault did not have the right to run. Those convicted of a crime were also deprived of the right to run for office (Kakar, 2006). The conditions of the election were stated directly and publicly, that is, the eligible voters met in the constituency and consulted about the candidate in the presence of government officials and the court and made a sharia confession. The members of the House of Lords were all appointed by the king. Approval of the principles and regulations of the subject belonged to the National Assembly and the House of Lords (Wardak, 2003).

The second session of the National Assembly of Afghanistan, which began by the decree of the monarch, the first session of the second session of the National Council of Afghanistan opened on Thursday, June 21, 1934, with the opening speech of Mohammad Zahir Shah in the Great Hall of the National Assembly (Kakar, 2006). At the end of the second term of the National Assembly, the Royal Decree on the occasion of the election of members of the third term under the provisions of the constitution and the election bill of the National Assembly House of Representatives. Elections began and 101 members of the National Assembly were formed in the third round. The first session of the course was inaugurated with the inaugural speech of the King of Afghanistan and the members began their legislative work (Wardak, 2003). The National Assembly, as the highest legislative body of the country during the years of its third term, has ratified the following treaties, agreements, and principles.

- Non-Conflict Treaty between the four countries of Afghanistan, Turkey, Iran, and Iraq.
- Protocol for the extension of the MOU between the Royal Government of Afghanistan and the Government of Turkey.
- Cooperation Agreement between Afghanistan and the Government of Czechoslovakia.
- Cooperation Agreement between Afghanistan and the government of Liberia.
- Trade agreement between the Government of Afghanistan and the Government of Czechoslovakia.
- Afghanistan oil extraction contract with an American company.
- Afghanistan Mines Concession Agreement with Afghan and German Joint Venture.

- Repair and demolition contract between the Government of Afghanistan and the Government of Germany.
- Helmand Sea water-sharing agreement between Afghanistan and Iran.
- Ratification of the Cooperation Agreement between the Royal Government of Afghanistan and the Government of the Netherlands.
- Principles of travel and residence conditions for foreign nationals in Afghanistan.

At the end of the third term of the National Assembly in mid-1939, the Royal Office was issued to elect the nation's representatives in the National Assembly. According to the decree, the elections of the people's representatives were held under the supervision of the executive board and 109 representatives from all over the country were elected to the fourth term of the National Assembly of Afghanistan (Runion, 2017). With the end of the fourth term of the National Assembly, the representatives of the people for the fifth round throughout the country began in accordance with the election bill and the articles of the principles of Afghanistan, and 111 elected representatives arrived in Kabul to attend the National Assembly (Runion, 2017).

The sixth term of the Afghan National Council began in 1946. According to the election bill and following the articles of the government's constitution, 109 elected representatives from all over the country participated in the sixth round of the Afghan parliament (Runion, 2017). The sixth term of the National Assembly coincided with the end of World War II, and after the end of World War II and the change in the balance of power in the world, Mohammad Zahir entered politics for the first time to implement a new program in Afghanistan (Kakar, 2006). Considering the global developments and their effects on Afghanistan, Zahir Shah was forced to enter the political arena. Changes were also unveiled in the work of the National Assembly, as well as changes classically and artificially in the working of the Council (Wardak, 2003). Though, for the first time, the first, second, and third triangular associations were established to review and coordinate in the National Council and to review and investigate the affairs of ministries and government departments.

4. National Council in The Reign of Sardar Shah Mahmoud (1946-1972)

The end of World War II, which brought countless afflictions and suffering to humanity; the rising tide evoked lasting international peace and stability. The desire for a free and comfortable life in the minds of the world. The creation of the United Nations, in particular the ratification of the Universal Declaration of Human Rights, showed that the domination of authoritarian regimes over nations and societies of the world is no longer a natural thing, but is not tolerated and accepted at all, as one of the conditions for UN membership (De Coning, Aoi, & Karlsrud, 2017). The United Nations was also required to accept the provisions of the Universal Declaration of Human Rights and the principles of the Charter of the United Nations. On the other hand, the height of the liberation movements and the intensification of the struggle for human rights changed the intellectual state of the world. Furthermore, forced strict rulers to accept flexibility, compromise, and softness in the face of the long-held aspirations of the people.

On the other hand, inside Afghanistan, the people were fed up with the tyranny of the rulers, and the dire economic situation and the intellectual, cultural, and political climate had raised the question of the continued rule of the royal family through the use of force. Colonialism was weakened, and national liberation movements and revolutionary and democratic struggles prevailed in some countries (Kakar, 2006). The effect of this change and the message of democracy in Afghanistan was that the economic crisis combined with the long political tyranny caused dissatisfaction among the people. This issue changed the face of unpopular rule and demanded that the King be activated in Afghanistan and a new face appears on the stage. It was Mahmoud who came to the presidency on April 9, 1946. Realizing the new national and international conditions, he decided to embark on a trial period of democracy, often referred to as crown democracy (Runion, 2017).

Sardar Shah Mahmoud, who was called the “Father of Democracy”, one of his actions was the National Assembly elections. Which began in the opposite way, that is, during the last two decades, government interference in the elections to the National Assembly has always been common (Rubin, 2004). Appearances were selective and, in fact, appointments, and decision-makers, governors, in collaboration with the vast network of state records, had a strong hand in these appointments. However, for the first time in 1948, secret and free elections to the National Assembly were announced,

and in 1949, when the time came for council elections, the new government intervened less (Runion, 2017). This was the first elected parliament in the contemporary history of Afghanistan to function without any previous experience.

The members of the opposition group of the National Assembly, although the above representatives belonged to different currents of the political form, had a single or close position on the basic issues. The activities of opposition members did not cause significant changes in the administrative system of the government and the economic structure of the country (Kakar, 2006). At the same time, under the influence of the struggle of the opposition groups and their representatives in the parliament, the basic demands of the opposition largely determined the direction of the political struggles of the country's forces in the future. The opposition sought to convene interrogation so that deputies could question the ministers or interrogate the government, and a vote of no confidence in the government. In this way, an attempt was made to create a spirit of parliamentarism and new ideas (Sirat, 1968). Considering, the opposition representatives tried to make the people understand through the council that the government was not holy and could be criticized, they tried to convince the council of the idea that the government was responsible.

The seventh round of the council was inaugurated on 10 May 1949 with the speech of the king, and thus the council began its work. The members of this period were 166 people and were composed of militant and anti-government intellectuals, government officials, and neutral individuals (Runion, 2017). The seventh term of the National Assembly of Afghanistan, as it showed the thoughts and ideas of the country's intellectuals to eliminate the economic and social disorders of society. It has also taken steps towards democratizing the social affairs of society. In fact, it freed the National Assembly from intellectual and consultative abstraction and gave it the nature of decision-making and legislation.

At the beginning of Shah Mahmud's rule, due to the immunity that the people felt in proportion to the previous period, the king gained some prestige among the people. Later, as a result of the activities of the National Club and the conflict in the council between the reformist and conservative members, the situation escalated and a series of events occurred one after the other, which again clouded the political atmosphere with pessimism and distrust (Wardak, 2003). When it came time for the eighth round of council elections, the government renewed the same procedure as in

previous rounds of appointing members by registering and preventing the election of liberal and reformist figures. The principles of the written and secret ballot, which had been applied in the previous period, were abandoned and an attempt was made to announce the candidates desired by the government as members (Sirat, 1968). In short, in the elections of 1952, the government did not have the patience and tolerance for democracy and progressive ideas, and in various ways provided the ground for political repression in the country. In this round, 154 elected representatives became members of parliament (Runion, 2017).

The beginning of the ninth term of the National Assembly coincides with important developments in the political and economic spheres of the country. Which required the National Council as one of the most important advisory bodies of the government to help solve the economic and social problems of the government (Sirat, 1968). The deterioration of the social situation and the general economic crisis forced the government of Prime Minister Mohammad Daud, who had succeeded Shah Mahmud, to make changes in the social life of the people and started development and economic plan (Runion, 2017). Political upheavals in the region and opposition from the Pakistani government also had a negative impact on the country's economic situation. As the political crisis worsened, the Pakistani government severed trade and political ties with Afghanistan. With this economic and social situation, the ninth term of the National Assembly began. In this term of the National Assembly, 173 elected representatives of the people were elected by the provisions of the Basic Principles and the provisions of the National Assembly election bill (Runion, 2017).

The tenth round of the National Council (1958-1960) Under the provisions of the Constitution and the National Assembly Election Bill, 174 delegates from all over the country were elected through the presence of observer committees. The General Assembly of the National Council convened on June 7, 1958, approved a meeting to improve the legislative affairs of the commissions (Wardak, 2003). In addition to the permanent commissions, the documents and credentials of the members of the tenth term of the National Assembly were also approved through a plenary session.

The beginning of the 11th term of the National Assembly in Afghanistan coincided with the emergence of political and economic events in the country, events that had adverse effects on the economic and social situation of the people and put the people more and more in economic captivity (Wardak, 2003). The political events of

the day took on a new face with their nature. The government of Prime Minister Mohammad Daud failed in foreign policy. The severance of diplomatic relations with Pakistan has had a negative impact on the economic situation, especially in Afghanistan's foreign trade. The limitations of Daud Khan's domestic policy, along with the weakness of his foreign policy stance, had created obstacles to the regime's strength. Under such circumstances, the slogans and demands of the propagandists of democratic ideas in the country were increasing day by day Strengthen. Eventually, Prime Minister Mohammad Daud was forced to resign, and Dr. Mohammad Yusuf was appointed Prime Minister in 1963 (Runion, 2017).

As mentioned earlier, after the resignation of Mohammad Daud, Dr. Mohammad Yusuf was instructed by the Shah to form his cabinet. After introducing the cabinet, he took on another important task entrusted to him, which was the drafting of the third constitution, after deliberation and review by a 28-member commission and the Loya Jirga approved it in 1964 (Rubin, 2004). After the approval of the third constitution by the Loya Jirga, the Shah signed it, according to which the transitional government began. Since the election, many laws were drafted by the Transitional Government to conduct general elections following the text of the constitution and enforced by legislative decrees. Another dimension was arranged such as the election law and the press law, both of which had to be rearranged under the spirit and provisions of the constitution (Rubin, 2004).

In addition, according to the election law, judges and members of the Supreme Court and army and police officers were not allowed to run for office or vote (Tookhy, 2020). If a military man wanted to run, he had to resign from military service, and the head of government and government employees did not have the right to run for office. Elections were held after the adoption of the Constitution of 1964, and this was the first election that was unprecedented in Afghanistan (Rubin, 2004). As a result, for the seventh term, the deputies nominated themselves without starting the election campaign, and their supporters personally supported the voters and individual contacts of the voters they attracted the candidate they wanted.

During the democratic period in 1965, council elections began in the country. A large number of people had nominated themselves, as it was mentioned that a fierce struggle began between the candidates (Tookhy, 2020). The Wolesi Jirga was filled with the excitement of parliament. It issued a resolution asking cabinet ministers to

issue statements on their financial situation, but when the same request was made to members, they voted against it. After the approval of the third constitution in Afghanistan in 1964, the parliament of Afghanistan was named the National Council, which consisted of two houses, the Wolesi Jirga and the Meshrano Jirga (Arjomand, 2004).

In general, the 1964 constitution gave parliament, to some extent, the right to participate in the formation of the government and to control its activities (Tookhy, 2020). It should be noted that according to the provisions of this law, the government comes to power based on the vote of confidence of the Wolesi Jirga. According to Article 69 of the Constitution, the government was responsible to the Wolesi Jirga, and members of the Wolesi Jirga could impeach the government. For the administration of each of the council Jirgas, under Chapter 4 of the Constitution, an administrative board is elected and appointed (Arjomand, 2004). The administrative board consists of; Boss, First Vice President, Second Vice President, Secretary, and Deputy Secretary.

In the case of the new constitution and other laws compared to the previous laws, the authority of the representative body in the country was strengthened and expanded both in the field of legislation and in the field of its relations with the government. One of the salient features of this period was the election procedure of one-third of the members of the upper house by the people, one-third by the provincial council, and one-third by appointment (Arjomand, 2004). For the first time in the history of the Afghan parliament, elected representatives attended the Meshrano Jirga. It should also be noted that for the first time, women won the right to be elected to parliament. According to the constitution, the members of the Wolesi Jirga were elected by the people in free, general, secret, and direct elections members of the Wolesi Jirga were elected for a four-year term (Tookhy, 2020).

The government was constitutionally accountable to the council, and council members could question and impeach members of the government by the law. Article 56 of the constitution recognizes the immunity of members, and it is the first time in Afghanistan that members have been able to use their parliamentary immunity to criticize the government (Arjomand, 2004). They could summon ministers and other high-ranking officials to the Wolesi Jirga and ask them questions. They over-exercised this right, and they wanted to show the people, especially their constituencies, that the

council is an important source of power and influence. As a result, the interest of the people in running for the council increased, in the thirteenth round, there was unprecedented competition for the council seat. Excessive spending was incurred in this way, and it was not legal to set spending limits in the election campaign (Rubin, 2004). Members spent most of their time rhetoric and questioning members of the government, and several MPs opposed government programs. Therefore, that their people would not, like previous councils, be regarded as a body under the direction of the government reached the lack of a quorum was another major shortcoming of the council during this period.

During the first term of Noor Ahmad Etemadi's government, the twelfth round of the National Council ended in August 1969 (Lee, 2018). A royal decree was issued for the new National Assembly elections, and an election campaign was launched throughout the country. More than two and a half million people registered to vote across the country. Voting began on August 26, 1969, and ended on September 01, 1969. According to the election process, 213 representatives from different constituencies were elected in the Wolesi Jirga (Akbar & Akbar, 2011). The election of the elected members of the 13th term of the National Assembly by the decree No. 121 of the Kingdom dated April 21, 1969, by the provisions of the Electoral Law of the Council and following the provisions of Chapter 4 of the Constitution except Kabul, Kandahar and Herat in all Afghanistan began on August 26, which ended on the September 01 (Lee, 2018).

5. National Jirga Envisaged in The Constitution of Daud Khan

After the coup d'état and the proclamation of the republic in 1973, Mohammad Daud abolished the monarchy, the constitution of 1964, and the council. He appointed a delegation of 41 people to draft the constitution of the republic, whose work was completed on March 16, 1976, and then on March 29 of the same year, a delegation of 20 people was commissioned to re-read the draft text (Rubin, 2004). Finally, on January 30, 1977, the Loya Jirga, consisting of 325 people, was inaugurated. After 15 days, on February 15, 1977, the new constitution was approved in 13 chapters and 136 articles. In the presence of the members of the Jirga, he mentioned the oath of allegiance and on February 24, 1977, he signed the constitution of the republic and announced its implementation (Rubin, 2004).

According to the constitution of Mohammad Daud's government, the Afghan parliament was called the National Jirga and consisted of one assembly. According to Article 40 of the National constitution, the Jirga represented the will of the Afghan people (Rubin, 2004). Although, according to Article 49 of the constitution, its members were nominated by Daud Khan's party and elected by the people. Which itself indicated the restriction of political freedom in Afghanistan and the dictatorship of the regime's secretary. The constitution set the term of office for four years. It should also be noted that the government was not obliged to obtain a vote of confidence in the National Assembly (Rubin, 2004). Therefore, the National Assembly as the legislature could not represent the will of the people. The ministers had the right to participate in the National Assembly and both the National Assembly could demand and impeach members of the government. Though, Daud Khan failed to establish his planned National Jirga because the current political and economic situation and the coup d'état did not allow him to establish a national Jirga.

6. Parliament During The Rule of Dr. Najibullah

After the fall of the monarchy and the victory of April 27, 1978, (7 of Sawr) Afghanistan had no parliament until 1988, when the parliament was formed on June 9, 1988, after the adoption of the 1987 constitution (Suhkre, 2008). According to the 1987 constitution, the National Assembly consisted of two houses, the Wolesi Jirga and the Senate. The members of the Wolesi Jirga were elected through constituencies based on equal numbers for a five-year legislative term.

The members of the Senate were elected by this constitution in the following order: two people from each province and its equivalent units for five years. Including the members of the provincial council and the equivalent of two people for three years elected by the relevant council. The remaining one-third, including knowledgeable people, scientists, with prestige and national personalities for four years (Lee, 2018).

It should also be noted that Najibullah signed the National Assembly Election Law in Decree No. 234 dated 28 March 1987, which, according to Article 13, provided 229 constituencies for Wolesi Jirga lawyers and 62 constituencies for senators, which, of course, did not take these constituencies into account (Lee, 2018). The administrative divisions of the country, however, were considered by observing an equal number of inhabitants. The election of senators in each province took place

through two constituencies regardless of the population. Article 14 The age of the electors was 18 years, the age of the representative of the Wolesi Jirga was 20 years and the age of the senator was 30 years (Suhkre, 2008). According to Article 15 of the law, officers, generals, government employees, and private entrepreneurs who employed 100 people in their institutions had the right to run for office after dismissal. Article 16 states equality between men and women concerning the exercise of the right to vote and to stand for election (Suhkre, 2008).

B. Parliament of Afghanistan After The 2000s

After more than three decades of war, bloodshed, and destruction, the country has once again taken a step towards reconstruction with the help of the international community. One of the most effective and useful measures after the Bonn Agreement in Germany was the formation of the parliament. After the adoption of the new constitution in 2003, parliamentary elections were held on September 17, 2005. At the inauguration ceremony of 351 elected and appointed members of parliament, they took an oath of allegiance to the great Qur'an, the constitution, and other laws in the country (Pasarlay & Mallyar, 2019).

At the beginning of the inaugural session of the National Assembly, Dr. Azizullah Ludin, Secretary-General of the Secretariat of the National Assembly, spoke: "The wars of three decades were completely imposed on our nation by foreigners, and today, fortunately, the first session of the National Assembly opens in an atmosphere of peace." Then Afghan President Hamid Karzai addressed the opening ceremony of the National Assembly. "I hope that the members of the National Assembly will put the service of the people at the top of their agenda. With the formation of the National Assembly, the main organ of the Government of Afghanistan was completed in the light of the Constitution of the country. I would like to mention the men and women who sacrificed their sweet souls to make this historic opportunity possible for us." Karzai added: "Strengthening government agencies, expanding the rule of law and ending intervention, terrorism, lawlessness, corruption and overcoming poverty are very difficult tasks that we cannot do without coordination between government agencies and mobilization of domestic and international facilities." Solve existing problems (Pasarlay & Mallyar, 2019).

In addition to all cabinet members, some jihadi leaders also attended the ceremony. On the third day of the Wolesi Jirga meeting, which was chaired by Judge Habibullah Ramin, the interim Speaker of the Wolesi Jirga, the members of the Wolesi Jirga discussed the election of the Speaker. After the debate, Abdul Rab Rasul Sayyaf, Mohammad Younis Qanuni, Shokria Barakzai, Qadriyeh Yazdanparast, Safia Siddiqui, Noorulhaq Ulumi, and Seyyed Ishaq Gilani ran for the post of Wolesi Jirga Speaker (Wahab & Youngerman, 2007). Later, seven of the mentioned candidates, while introducing themselves to the members of the parliament, also gave information about their goals. In the first round of voting, which was held in secret, Mohammad Younes Qanuni won the highest number of votes with 108 votes. In the next round of voting between Mohammad Yunus Qanuni and Abdul Rab Rasul Sayyaf, Mohammad Yunus Qanuni was elected Speaker of the Wolesi Jirga with 122 votes (Pasarlay & Mallyar, 2019).

In the parliamentary and provincial council elections in Afghanistan, which were held on September 18, 2005, 5800 candidates competed for 249 seats in the Wolesi Jirga and 420 seats in the provincial councils (Ghufran, 2006). According to the new constitution, the National Assembly of the Government of the Islamic Republic of Afghanistan, as the highest legislative body, is the manifestation of the will of its people and represents the people. Each member of the council, when voting, puts the public interest and the best interests of the Afghan people at the center of judgment.

The National Assembly consists of two houses, the Wolesi Jirga and the Meshrano Jirga. No one can be a member of both houses at the same time. The members of the Wolesi Jirga are elected by the people through free, general, secret, and direct elections. The term of office of the Wolesi Jirga ends on the first day of the fifth year, after the announcement of the election results, and the new council begins to function. Elections of members of the Wolesi Jirga shall be held within thirty to sixty days before the end of the term of the Wolesi Jirga (Pasarlay & Mallyar, 2019). The number of members of the Wolesi Jirga in proportion to the population of each constituency is a maximum of two hundred and fifty people. A person who is elected as a member of the Meshrano Jirga loses her/his membership in the relevant council, and another person is appointed in her/his place under the provisions of the law (Thier, 2006).

A person who is nominated or appointed to the National Assembly, in addition to fulfilling the conditions of the electorate, has the following characteristics; Be a citizen of Afghanistan or have acquired the citizenship of the Government of Afghanistan at least ten years before the date of nomination or appointment; Has not been convicted by a court of committing crimes against humanity, crime or deprivation of civil rights; The members of the Wolesi Jirga have reached the age of twenty-five on the day of their candidacy and the members of the Meshrano Jirga have reached the age of thirty-five on the day of their candidacy or appointment (Thier, 2006).

Each of the two houses of the National Assembly shall form commissions to study the issues under discussion under the principles of internal duties. The Wolesi Jirga has the authority to appoint a special commission on the recommendation of one-third of the members to investigate and study the actions of the government. The Wolesi Jirga consists of 18 commissions and the Meshrano Jirga has 16 commissions (Mujhda, Naweedi, & Khan, 2006). Depending on the need, the commissions can invite social institutions, including national and international non-governmental organizations, to their meetings to be heard and answered. The internal procedure of the Meshrano Jirga has stated the duties of the standing committees of this parliament as follows; Examining the drafts referred by the Speaker of the Jirga; Proposing amendments regarding drafts; Introduction of benefits; Preparing and submitting reports and orders to the Jirga (Thier, 2006).

Both houses of the National Assembly meet separately at the same time the meetings of both houses can be held jointly in the following cases; When the legislative or annual meeting is inaugurated by the President, If the President deems it necessary (Pasarlay & Mallyar, 2019). Meetings of the National Assembly are open unless the Speaker or at least ten members of the National Assembly request that it be secret and the Assembly accepts the request. The quorum of each of the two Houses of the National Assembly shall be completed by a majority of the members present at the time of voting, and decisions shall be taken by a majority vote of the members present unless otherwise provided by the Constitution.

The National Assembly convenes two ordinary meetings each year. The working period of both council meetings is nine months each year. If necessary, the council can extend this period; extraordinary meetings of the Council may be convened

on holidays by order of the President (Mujhda, Naweedi, & Khan, 2006). According to the Constitution of Afghanistan, the National Assembly has the following duties.

- Approving, amending, or repealing laws or legislative decrees,
- Approval of social, cultural, economic, and technological development programs,
- Ratification of international treaties and conventions or termination of Afghanistan's accession to it.

The Wolesi Jirga has the following special powers.

- Deciding on the impeachment of any of the ministers under the provisions of Article 92 of this Constitution.
- Deciding on development programs and government budget
- Approving or rejecting the appointments by the provisions of this Constitution. Articles 90-91 of the Constitution.

III. ELECTION OF MEMBERS OF PARLIAMENT

The spread and fertility of democracy in a country require that all people have a share in all issues related to their personal and social life and destiny. They will be asked to comment, but the realization of direct democracy in large countries due to the high population and their daily troubles is difficult. Switzerland is the only country in which direct democracy is still practiced, but in other countries, direct democracy is exercised only in exceptional cases through a referendum (Nohlen & Stover, 2010). It should be noted that elections are different from referendums. The most important difference is that the timing of the referendum is not determined, and the goal is to get a yes or no or positive and negative answer on a particular issue. However, in elections, the goal is to appoint representatives, referendums are used for special cases and very important issues.

Now in the 21st century, in most countries, the principle is that people do not directly participate in political decisions with their destiny. The right to legislate and decide on cohabitation rests with the representatives, who by law should be free to do so. Let them be elected by the people and decide for themselves whether it is the parliament or the legislature that we are familiar with a series of issues related to. According to Al Musbeh, M. Elections, are a set of operations by which the citizens of a country participate in the formation of political institutions and the appointment of those in charge of exercising political power (Al Musbeh, 2011). That is, elections mean selection techniques and different ways of appointing representatives by electoral laws. It is a set of operations and tools by which the will of the citizens can be intervened in the formation of political institutions and the appointment of those in charge of exercising political authority. It should be noted that there are currently four main types of elections: Presidential elections, Election of representatives of legislative assemblies, Election of representatives in local councils and municipal councils, Election of union representatives, and academic centers (Al Musbeh, 2011).

The English word Election comes from the Latin root of the word meaning to choose and elect, and the history of this interest of the people in choosing their leaders

and representatives dates back to several thousand years ago (Baron & Diermeier, 2001). The ancient Greeks and Hebrews fought for the right to choose. The first rulers of the land of Palestine and the military officers of the armies of ancient Greece were elected by the people. The Anglo-Saxon conquerors introduced the practice of free choice of social leaders to Britain almost 1,500 years ago. Thus, the right to vote and to elect local agents became part of British thought and was brought to the Americas by the first immigrants (Posada-Carbo, 2016).

Although from ancient times, there are signs of people's involvement in the election of officials. It must be said that the basis of the idea that established the technique of election as the most justified and legitimate means of gaining power and the most common way to exercise the will of the people is new. Considering before that, the rulers of societies were also considered as natural data. That is, just as the climate, diseases, shape, and color of individuals were not selectable, rulers in most societies were imposed on them by coercion against the will of the people (Nohlen, D., 2005). In short, the principle of inheritance was the key to gaining the throne and transferring power, not a choice.

As can be seen in British political history, the first cornerstone of the election, in the modern sense of the word, was laid in this country. At the beginning of the transformation, the absolute monarchy, under the pressure of the aristocracy, landowners, nobles, clerics, and military, transferred some of its power to them, at least in the field of finance and tax consulting (Strom, 1995). Then, due to the change in the means of industrial production and the development of trade, and the strengthening of the urban bourgeoisie, the growing demands of this growing class, to participate in such decisions the British Court agreed to accept and recognize this new and dynamic social force (Posada-Carbo, 2016). Representatives of the industrial, commercial, intellectual, and free trade bourgeoisie also attended the British Parliament. This development raised the issue of electing representatives for the first time, and the basis of the elections, of course, was laid in its simple and primitive form in this country. From that time on, the methods of selection and related techniques gradually evolved and formed a coherent military as a matter of chance and transience, and gradually entered the legal network of most countries in the world. The legal and political establishment of elections in its final form took place in the seventeenth and eighteenth centuries with the acceptance of the theory of representation and the

creation of representative regimes and following the theory of national sovereignty (Stern, 2014).

The formality and legal act by which the citizens of a country elect representatives or rulers following the rules and legal conditions is called a vote (Cain, Ferejohn, & Florina, 2013). In addition to this political-legal act, the voter participates in the management of the political affairs of his community by electing a representative or representatives and rulers. Restriction of votes takes place when only certain individuals are allowed to vote. Restrictions on voting in elections include restricting the right to vote on financial, merit, sexual, and racial considerations, which used to be common in the law. Today, although such restrictions have been lifted in most parts of the world, there are still traces of it in some laws. (El-Wakil & Cheneval, 2018) argues, voting takes place when participation in elections without the limitation of taxation, qualification (literacy), gender, or race belongs to all citizens. There are no conditions because, in general elections, there are various restrictions, and this procedure is normal (El-Wakil & Cheneval, 2018). The exclusion of some people, if it is done for the public interest and without political motives, is not against the principle of universality according to the legal doctrine.

A. Voters Eligibility

Election laws give eligible citizens the right to vote in general, presidential, and parliamentary elections. This right is subject to certain restrictions and requirements. In addition, governments are required to provide voting opportunities in various ways. To be eligible to vote in an election as a resident or non-resident, you must meet the following requirements.

- Citizenship is a basic condition for participating in elections, which is provided in all the laws of the countries of the world, otherwise, it has not been heard even in one case. Before a person can vote, he or she must have national citizenship (Rehmert, 2020). In some countries, a person has the right to vote after obtaining citizenship, but in some countries, it takes some time after obtaining citizenship to have the right to vote.
- Age, the voter must have reached a stage in life where he or she is well aware of his or her social responsibilities and has the authority to make reasonable

judgments and comments on political matters. This age is most consistent with the age of growth in civil affairs in different countries varies from at least eighteen years to a maximum of twenty-three years. The low and high age of the voters is also commensurate with the regime (Rehmert, 2020).

- Psychological Readiness, awareness in terms of age is not the only criterion for wise political perceptions. Therefore, in addition to the age requirement, the voter must be mentally and emotionally healthy enough to be able to distinguish between good and bad politically with a level of common sense, and his or her perception of issues is compatible with his or her interests and those of society.
- Legal Capacity, Conviction of a person to some punishment, the consequent punishment of which is deprivation of social rights, especially voting, will result in deprivation of citizenship and electoral qualifications (Quinn, 2005). This restriction is not against the principles, especially if it is not based on political plans.

B. Conditions of the Elected

In general, candidates must have the following characteristics which are, Awareness, Piety, Political insight, Management, Determination, Brilliant record, Sense of responsibility towards the nation and homeland (Andre, Freire, & Papp, 2014). Now, the electorate is more limited in practice than the voters, and most laws on age, citizenship, morality, and the like are stricter on the elect. Which include the conditions of the elected by searching the law of different countries are.

- Age, In the context of the laws of the countries, different limits are stated. Most countries have determined the age of the elected more than the voter. Only a handful of countries, such as Australia, Canada, Finland, and New Zealand, have combined the age of the elector (Naurin, 2011).
- Citizenship, the condition of citizenship in all laws is mandatory and necessary for the elected. In most cases, citizenship must be subject to birth. If people have acquired their citizenship, they must necessarily live in the country for a relatively long time to be well acquainted and absorbed in the society and culture of that country. The period of residence after citizenship in France is

10 years, in the United States for the House of Representatives 7 years, and the Senate 9 years (Naurin, 2011).

- Ethics, the good record of a candidate is one of the things to which most of the laws of the countries are particularly sensitive. For someone to be honored by the citizens, he must be considered superior to ordinary citizens in terms of behavior and actions (Naurin, 2011). Committing even the most heinous crimes can deprive a candidate of the right to be elected.
- Jobs limitation, just as the laws of some countries deprive individuals of the right to vote based on their job and position. In most countries, the electoral laws prohibit some individuals from being elected. The main purpose of these regulations is to protect the people's representatives from the pressure of government power or private interests (Eggertsson, 2001). If the parliament is made up of people who are subordinate to the government, the separation of powers and the independence of powers will not make sense. Of course, in some countries, government employees, judges, and the military do not have the right to be elected at all, but in some other countries, it is forbidden to be in a position and as well run for the candidate. If they want to run, they must resign from their position, and then they can run for election.
- Literacy, it is clear that anyone who wants to represent the nation cannot be illiterate. Many countries have set a literacy requirement for a candidate. Some laws, if they do not reflect such a requirement, do not mean that the illiterate will be elected, practically no one will vote for them (Naurin, 2011). Afghanistan's election laws do not stipulate literacy; it should also be noted that in an Islamic society, in addition to the legally prescribed conditions, the following qualities are necessary for a member of parliament. having piety, Islam, knowledge of Islamic laws, and divine rules, disregard for worldly goods, justice, sincerity, and perseverance, and finally, adherence to worship.

C. Election's Formality

Elections have different stages, which can take months, and each of them has a different nature from the other stages. In every country, elections are held with formalities and arrangements. These arrangements must be made in such a way that the conduct of elections is accompanied by complete freedom and guarantees the legal

rights of all individuals. There is no room for government interference and change in the people's votes (Baron & Diermeier, 2001).

From the executive point of view, the election consists of a set of operations provided by law. The announcement of the candidacy, the reading of the votes, and the announcement of the result, in the end, should be done by the goals of the elections (Baron & Diermeier, 2001). Although, the method of conducting the elections differs from country to country, the basic condition is that the elections in the true sense of the word be held under the provisions of the law and freedom of vote and action. Elections generally involve the following steps.

1. Electoral Constituency

The first step in conducting elections is to divide the country and the population of the entire country into constituencies. This will facilitate the conduct of elections and create a proper balance between the parliamentary seats and the population of each constituency that reflects public opinion (Rehfeld, 2005). How constituencies are run varies with the degree of population density and the electoral system, as well as the number of parliamentary seats. Most constitutions refer to the number of seats and stipulate what constituency each representative should be elected from. In some cases, the constitutions are silent on the matter, or they leave such a task to organic laws or election laws. The number of constituencies depends on the total number of the population and the method of the elections (Rehfeld, 2005). If only one representative is to be elected from each constituency, the number of constituencies will increase. However, if you can choose a few people in each constituency, of course, the number of constituencies will be more limited. Article 11 of the Afghan Election law on the designation of constituencies states; “The constituencies of the provinces and districts shall be determined for the election of members of the Wolesi Jirga, Provincial Councils, and District Councils: 1- The constituency for the Wolesi Jirga is the province. Considering the nomads, the whole territory of the country is considered a domain. 2- The constituency for the provincial council in the province. 3. The constituency for the district council is the district. However, the constituency is not fixed, either in terms of number, or in terms of dimensions, nor terms of population.” (Tookhy, 2020). The importance of how constituencies are divided and their role in the election results is one of the constant challenges between different political parties

and groups. Many rulers during their years in power try to divide constituencies in such a way that their favorite parties and factions in the elections get the necessary political exploitation.

2. Announcement of Candidacy

Before voting, the candidate must introduce him/herself and submit his/her candidacy application in writing to the election authority. In some countries, candidacy rules are considered sufficient by the official authority, either by the candidate or by his/her supporters (Rehmert, 2020). In some countries, the announcement of the candidates alone is not sufficient to register, find and complete the questionnaire and complete the work in person. In Afghanistan, however, the approval of some eligible voters and the deposit of a relatively large sum of money is also a condition of volunteering. Article 35 of the Afghan election law provided conditions for the volunteers (Tookhy, 2020). These conditions are as follows.

- Candidates for the presidency, Wolesi Jirga, provincial councils, and the district councils are obliged to inform the commission in writing of their decision in the elections at the time set by the commission.
- Candidates are required to submit the following information to the Commission when applying for a registration-specific name and address.
- Candidate registration card as a voter or other document that proves the candidate's registration as a voter. The names of the registration card number as voters and the signatures of the persons residing in the relevant constituency who confirm the candidacy of the person on the ballot paper, in the following order.
 - To nominate 10,000 presidential candidates.
 - 300 people to nominate Wolesi Jirga candidates.
 - 200 people to nominate candidates for the provincial council.
 - 100 candidates for district council candidates.
 - For the nominee candidate in the Wolesi Jirga 300 people.
 - Letter of commitment and certification of eligibility and competence of the candidate and his commitment to observe the principles of behavior and confirm his/her resignation. If necessary, from the duties outlined in paragraphs 1 and 2 of Article 15 of the Electoral Law and also

acknowledging that the candidate has non-armed forces. It is not official and does not belong to such forces. The Wolesi Jirga candidate must also pay 10,000 Afghanis on loan (Tookhy, 2020).

3. Ways to Determine and Identify Voters

One of the most important measures to conduct a fair and sound election is to estimate the exact number and characteristics of those who can legally exercise their right to vote (Baron & Diermeier, 2001). In most countries, the election administration prepares voter lists for the constituency within a reasonable time before polling day begins, and the correction of such voter lists is inevitable for future elections. In some countries, the Ministry of the Interior does this, and in others, the people go to the relevant authorities and register. It is noteworthy that propaganda and election campaign are also among the major stages of the election.

4. Voting

One of the most important stages of the election is the voting process by the election officials. On the day of the election, anyone whose name is registered in the voter registration office will go to the same polling station and receive the ballot paper in which the names of the candidates are mentioned and put a sign in front of the name of the person or persons they want and put it in the ballot box casts. Voting is confidential and no one has the right to check it between placing the sign and placing the ballot in the ballot box (Andre, Freire, & Papp, 2014). Voting usually begins at a set time and ends at a set time. After voting is over, the counting of votes officially begins. The rules and regulations emphasize that the reading of votes until the result is done on a limited basis. Through counting and determining the winner, a document will be prepared that the selected person can submit to the responsible officials as the official document of his/her selection.

D. Electoral Systems

Elections are a process that has different stages, this process can take months and each stage has a different nature from the other stages. Each of these stages has its own rules and regulations, the set of which is called the electoral laws of countries. The electoral system that determines the laws related to the last stages of this process

is the counting of votes (Benoit, 2007). That is, the purpose of the electoral system is to adopt a method in which the results of the elections represent the thoughts, parties, and pressure groups to provide a true picture of the will of society. Therefore, the electoral system is to organize methods to achieve this goal.

E. Powers and Duties of Parliament

As mentioned earlier, historically, the legislature was initially nothing more than an advisory council whose members were appointed by the government from among the various classes, the council later evolved into a democracy. Historically, the task of the Advisory Council has been to exchange views on taxation, in which case it has been a consultative party to the government. In distinction to the government's perception, obtaining the prior consent of the representatives of the nation, especially in times of crisis and war, to facilitate the collection of taxes from the people and conscription and other issues, was considered necessary. The council agreed to monitor the consumption of the tax paid by the nation (Mattson & Strom, 1995). In the course of history, this monitoring went beyond the financial and tax affairs and extended to the actions of the government and its performance. The affairs of the country also led to the consolidation of the legislature's authority over legislation. Today, the most important tasks of the parliament in countries are many and different, which can be legislating, overseeing, and auditing the work of the executive branch, overseeing the financial affairs of the country, and judicial duties.

1. Legislation

Lawmaking is the main task of parliament; that is, what falls within the definition and scope of the law is the rule within the scope of parliamentary powers. In representative regimes and indirect democracies, parliament is the most important element for exercising public will through the enactment of laws and regulations (Cannadine, 2007). The importance of the law is that the first manifestation of the ruling will is a framework consisting of rules and regulations, limits, and boundaries in which all political, administrative, military, security, cultural, and economic activities must be exercised.

Legislative competence (parliament) is general, and the legislature has the right to discuss, negotiate and think in all areas and issues related to the government,

country, and finally to make regulations. This general competence is in practice limited to the limits and boundaries encountered in different regimes (Cannadine, 2007). The main limitations are as follows.

- Bills, regulations, procedures, and other regulations and rules, which are either to supplement the law or to provide its executive grounds, are done by the executive branch (Gifford & Salter, 2012).

Parliament, in general competence and including legislation, should propose all the necessary powers from the time of its formation to negotiate and debate, and finally make a final decision (enactment of the law). However, in some regimes (parliamentary regimes) most of the legislative initiative, such as preparing bills and proposing them to parliament and defending the concept and how it is, is the responsibility of the executive branch (Gifford & Salter, 2012). The executive branch cooperates with the assemblies at this initial stage and therefore removes and limits its competence.

- In countries where semi-direct democracies are established, in addition to the parliament, they also legislate through referendums, the legislative power of the parliament is limited. In Switzerland, for instance, if 50,000 of its nationals or eight cantons apply for approval, the government must put it to a referendum. In Spain, the head of state can leave a matter of priority to the public interest. In France, it is the president's right to use the referendum at the suggestion of the cabinet (Gifford & Salter, 2012). It must be said that matters of budget and financial laws and other matters, which are approved by the parliamentary assemblies with urgency and absolute majority, are excluded from the referendum.
- Another case of limitation of the competence of the parliament is the declaration (state of emergency). Sometimes domestic or international political events or other factors cause a crisis, and the situation arises in such a way that the parliament cannot act normally. In this case, declaring a state of emergency and urgency is inevitable. Article 16 of the 1958 French Constitution stipulates that if the institutions of the Republic, national independence, territorial integrity, or the implementation of France's international obligations are jeopardized, the President may, after consultation with the Prime Minister, the Speakers of both Houses and the Constitutional Council, declare urgency and

replace the leadership of the government, the legislature, and other public forces and take the necessary measures under the conditions (Turpan, 2012).

- The principle is that it is not possible to transfer parliamentary legislative powers to persons or institutions outside parliament. Because by accepting the principle of separation of powers, each of the three powers has its territories, and if the powers of the branches are given to the others, there will always be a danger of mixing and concentrating forces and creating a dictatorship (Cannadine, 2007). In practice, it happens that the political atmosphere of the parliament does not allow a large number of representatives and groups, each of which confronts each other according to their inclinations. In particular, the parliament is never equipped with scientific and technical tools as much as the executive branch and does not have the facilities of the executive apparatus. Therefore, it requires that exceptional legislative power be given to the Council of Ministers and executive bodies, of course, with subjective and temporal conditions and limits. In Belgium, the constitution gives the presidency the right to take necessary measures in times of crisis under the headings of special or extraordinary powers, part of which is related to the field of legislation (Popelier, 2020). In the United States, Congress sometimes delegates some of its decision-making powers to the president. Under the US Constitution, all legislative powers are vested in Congress. The Constitution, in comparison with the powers of the president, has elaborated this competence of the Congress in Article 1 of the Constitution in 17 clauses (Pollack, 2001). Therefore, including the authority to regulate trade, print money, support the armed forces and declare war, which is among the powers of parliament.

2. Supervision of The Government

Another function of parliament is to oversee the performance of the executive branch, and this is like legislating one of its main functions. It is better to say that politically the oversight power of parliament is superior to that of the legislature. As Stuart Mill puts it; "The job of a legislature is not to govern but to oversee the government and monitor its actions, especially if those actions are being challenged. Parliament should reprimand those members of the government who commit such acts and replace them with new ones." (Thompson, 2015).

It should be noted that the precondition for any oversight is awareness and knowledge for the parliament to be able to perform this serious task. It is necessary to have full knowledge of all aspects of public life in advance. How this information and how information reaches the parliament or the parliament itself collect it through the commissions, as well as other monitoring tools and various factors that affect the efficiency of parliamentary oversight. The first form of parliamentary oversight is the intervention of this body in appointing members of the executive branch (Beetham, 2006). The manner and extent of the intervention vary according to the relationship between the legislature and the executive and generally, takes three forms, Presidential Regimes; Parliamentary Regimes; and Regimes such as the former Soviet Union and mass democracies. In the intervening parliamentary sessions as the supreme institution, exercised all political and legislative governmental powers. Therefore, the responsibility for running the country lay with the Council of Ministers (Wahman, Teorell, & Hadenius, 2013).

In a presidential system, because the president is elected by the people, parliament has no role in appointing the president, only the president's colleagues are involved. It is also justified that the ministers in this regime have only an administrative aspect, so it is not against the separation of powers (Szilagyi, 2009). At the same time, in parliamentary systems where there is an inherited monarchy, it has no role. Since the attainment of this position is based on custom or the constitution and according to the rules of inheritance of the dynasty of sultans. In the case of the king's succession, parliament is not ineffective, as the case may be, by the constitution. However, in the parliamentary system, because the ministers are accountable to the parliament, they also have an active role in determining them (Andeweg, 2020). Parliaments in countries have a role to play in appointing some other executive and judicial staff in addition to ministers.

One of the important cases of parliamentary oversight of the executive branch is the responsibility of the cabinet to the parliament in a parliamentary regime. This is the parliament can question and interrogate the ministers both individually and collectively (Andeweg, 2020). In other words, in the parliamentary system, there is both political and legal responsibility of the cabinet, but in the presidential system, ministers are accountable to the president. In this system, the president has the only legal responsibility to the parliament. In a parliamentary system, parliamentary

oversight is through parliamentary debates in which the executive informs the parliament of its activities at regular intervals (Eggertsson, 2001). Reminders of ministers and parliamentary scrutiny are other ways parliament monitors government.

Principles of the judiciary are primarily responsible for handling complaints and resolving disputes. However, in some constitutions, the people are given the right to submit their objections and complaints to the National Assembly. This is considered to be the manifestation of the public will and response (Andeweg, 2020). This complaint and the subsequent action by the parliament is not a judicial review but arises from the same right of oversight that the parliament has over the affairs of the country.

3. Supervision of The Country's Financial Affairs

One of the most important laws passed by the parliament is a government budget and the powers of the legislature in the field of fiscal and tax laws. Especially the approval of the government budget is so important that many experts and scholars of public law separate it from legislative powers are discussed. The preparation of the budget document is done by the executive branch because it is the executive branch that has all the facilities to forecast expenses and revenues (Anderson, 2009). Technically it can estimate the complex and delicate issues of reflecting the figure of its activities. Politically, the budget is the highest means of implementing the policy of distributing national revenues in the field of revenues and expenditures.

The job of parliament is to review and control the proposed budget and to amend and approve it. Certainly, governments may not consult with delegates during the budget phase and inform them of the quantity and quality of budget formation. Therefore, in most countries, delegates are denied the right to bid on the budget. The annual budget is the responsibility of the government, and the authority approving it is the parliament (Horne & Le Sueur, 2016). Through paying attention to the importance of the budget, which supports all current activities and shows the greatness and breadth of executive actions. It is obvious that the people's representatives should have the last word in this regard. The history of the events that led to the formation of parliament in the modern sense of the word itself shows the effects of income and expenditure and financial and tax issues on the formation of governing institutions and how governance is exercised.

4. Sub-Duties of Parliament

In some countries, legislatures have been given the power to refer the president or prime minister, or ministers to the judiciary for the prosecution of crimes against the government such as treason. Preferentially, if the representative commits a crime and the judiciary demands that he/she be stripped of his or her immunity, parliament will decide (Rechards, 2019). One of the other duties of parliaments in countries is that have taken special measures to ratify international treaties and the constitutions of countries. In some countries, all foreign contracts must be approved by the legislature. Some countries only require the approval of parliament by treaties that create financial obligations for the government. In the United States, international treaties are ratified by the Senate, and treaties that make financial commitments require the approval of the House of Representatives (Ahmed, 2016).

In some countries, laws are interpreted by parliament, and in many countries, courts have the right to interpret. Article 121 of the Constitution of Afghanistan states: "It is the jurisdiction of the Supreme Court to review the conformity of laws, legislative decrees, international treaties and international treaties with the Constitution and their interpretation at the request of the government or courts under the provisions of law." (Lau, 2016).

In addition, the constitutions of the countries make the approval of the parliament a condition for declaring war and a state of martial law, a state of emergency, or the deployment of military forces abroad. Discussion and decision-making on important issues of the country are also important competencies of the parliament.

F. Independence of Parliament

For the parliament to be able to perform its duties normally, it is necessary to ensure the independence of the parliament in the following ways.

- Administrative Independence, the distinct personality of the parliament, and the type of activities of this apparatus require that it be administratively not subject to any other apparatus. The administrative organization of the assemblies, which is serving and facilitating the main officials of the legislative work, is separate from the administrative organization of the government. Also, must function under the supervision of the chairman and the relevant board of directors (Petit & Yong,

2018). Each country has chosen a special way to differentiate the administrative structure of the parliament from the administrative organization of the country. In countries such as Belgium, Denmark has full administrative independence and special salaries for the parliamentary apparatus, so that the administrative body of the parliament is something completely separate from the bureaucracy of the executive branch.

- Financial Independence, the legislature should have the authority to prepare, approve and implement its budget, which is common among public law scholars. It is essentially financial independence from the manifestations of sovereignty, and parliament, which is a clear example of sovereignty, should have such independence. Each council has the right to determine and predict its spending limits. The official in charge of preparing and arranging the budget shall be appointed by the rules and internal procedures of the assemblies (Anderson, 2009). After preparing and adjusting the budget and forecasting the expenses, the relevant action should be reflected in the pillars of the national budget and the necessary credit should be allocated from the government revenues. This is usually done in the last stages of preparing the annual budget of the country. In some countries, the law on maximum powers is given to the parliament, the total amount of credits requested is announced to the organization responsible for preparing the country's budget. This figure is included in the general budget without discussion (Denmark, Italy, Egypt, Belgium) use this method (Laver, 2006).
- Independence in Setting Internal Procedures, Parliamentary procedures are formal rules and regulations in which, in civilized societies, parliamentary assemblies or any institution where there are assemblies and issues are discussed. Collective decisions are made in a democratic atmosphere, and things are conducted in an orderly manner. According to (Cannadine, 2007) The existence of parliamentary procedures enables councils to function more effectively in civilized societies. Historically, these formal rules and regulations have evolved in the form of interaction and have been passed down from one generation to another and from one parliamentary institution to another (Cannadine, 2007). Today, in most countries of the world, parliamentary procedures have taken written form. In any country, after the election of the representatives and the formation of the parliament, in the first minutes on the first day when the elected members of the people gather under one roof, the first thing they will feel the urgent need will be

a procedure. That is, who will chair the meetings? Who should record members' suggestions in a book? Who will chair the plenary sessions in the absence of the chairman? How and how many minutes should members be given when speaking? Etc. Parliamentary procedures are also of great value and importance in another area, which are the consolidation of the powers of the legislature, the executive and the judiciary, and even the powers of the parliament to confront the executive branch (Laver, 2006).

A significant part of parliamentary powers and issues related to the parliamentary procedure is provided for in the constitution. Therefore, because the constitution is such that not all issues related to the parliamentary procedure can be included in its provisions, many areas of parliamentary procedure remain in the hands of parliament. An informed and vigilant parliament can delegate these additional powers by setting up a comprehensive and good procedure (Laver, 2006). Having a comprehensive parliamentary procedure is not only useful for the parliament of a country, but familiarity with these procedures is also useful in other areas outside the parliament. In societies where there are good and comprehensive procedures in parliament, the set of parliamentary procedures is gradually having beneficial effects in other areas of social, political, and even commercial activities (Laver, 2006). In every institution where there is a meeting, such as social organizations, trade unions, political parties, government agencies and business organizations, and international organizations today, in practice, use parliamentary procedures to ensure order and consultation in the work of their meetings.

G. Parliamentary Immunity

According to the general principle, all people of the country are equal under the law, and in appealing to the court. No one has any privilege over the other, but contrary to this principle and to observe other principles. Some people use immunity, including judges, political representatives, and finally members of parliament. The parliamentary immunity enjoyed by members of parliament is because members can perform their duties in complete freedom and independence (Titi, 2017). Whenever, if they are accused of committing a crime, they must first be deprived of their immunity and then prosecuted.

Parliamentary immunity is essentially a legal cover to protect a representative from prosecution. The rule of immunity may seem discriminatory or privileged, but it is a means of defense so that the representative can maintain the freedom to perform the duty of representation in speech, writing, and action (Titi, 2017). Parliamentary immunity has two aspects.

- lack of responsibility is a kind of substantial immunity, which means that the representative should not be prosecuted for his speech, writing, construction, decisions, and stances. No one has the right to prosecute the representative in the performance of his duties as a representative. The representative speaks in public or private meetings, criticizing government actions, questioning, or interrogating ministers, opposing government bills in commissions, or making dissenting legal proposals (Titi, 2017). Also in pre-order speeches, he may criticize ordinary people or socio-political figures or make some revelations or expose irregularities. All these actions provoke hostility against him, and he may be constantly exposed to complaints, harassment, convictions, and so on. The principle of irresponsibility is to properly show the difference between the role of the representative and other people, and at the same time to protect him from the bite of revenge, enmity, etc.
- Non-aggression, for the government not to be able to persecute its opposition members arbitrarily, and to prevent them from participating in parliamentary sessions and performing their duties as representative, members of parliament have the principle of non-aggression (Titi, 2017). According to this principle, members of parliament cannot be prosecuted for crimes unless the parliament has previously revoked the parliamentary immunity of the representative of the perpetrator and made his/her available to the judiciary for trial.

In general, the legislature, often known as parliaments, is the highest legislative body in a country that represents the needs of the people. Through completing basic chores, they play a significant role in the life of their country. The successful performance of these basic duties necessitates the presence of an organ that is effective, efficient, and strong. The constitution's clear provisions define parliament's power and authority, the existence of institutionalized political party culture, the proper system for electing members of parliament, the clarification of parliament's working procedures, and constructive relations between parliament and the executive. It aids in

the formation and maintenance of a stable and functional legislature. In the absence of these requirements, the parliament will fall short of the public's expectations and will be ineffective in overseeing the executive branch's performance.



IV. CAUSES AND EFFECTS OF LACK OF SPECIALIZATION

A. Lack of Specialization in Parliament

According to national and foreign Scholars, some of the most important challenges facing the Afghan parliament include the existence of a divided parliament that stems from the electoral system. A vague legal framework that encompasses the duties and powers of parliament; the government's failure to hold parliamentary elections on time. Lack of accountability of the parliament to the people, the efforts of the executive branch to bypass the parliament and ignore its decisions, and the lack of personal and institutional capacity in the parliament (Pasarlay & Mallyar, 2019). These challenges have overshadowed the independence of parliament, damaged its credibility in the public mind, and had a negative impact on the performance of parliament over the past decade.

One of the biggest challenges in the Afghan parliament is the fragmentation and lack of common positions and frameworks of this institution. Since the first post-Taliban parliament was inaugurated in 2005, it has never functioned as a cohesive body. Instead, there are approximately 249 people and 249 different voices in parliament. The results of the three parliamentary elections show that candidates with different religious, ethnic, and political backgrounds have been elected to the Wolesi Jirga (Pasarlay & Mallyar, 2019). Although this diversity is not undesirable, the problem is that individuals with such diverse backgrounds have not been able to unite and form coalitions beyond their individual, religious or regional interests. Thus, the Wolesi Jirga is sometimes described as "a fragmented institution, and a place where multiple parties operate with a vague and often indistinguishable membership and framework." According to some estimates, 22 to 33 different political parties have representatives in parliament (Pasarlay & Mallyar, 2019).

The non-transferable single-vote electoral system has failed to create the desired kind of representation. This led to the formation of an incoherent and undisciplined parliament and the failure to form a functioning political alliance that could be organized to hold the executive accountable. According to Mallyar, Z. This system

prevented the creation of an organized parliament because candidates were not allowed to belong to political parties in parliamentary elections. As a result, a single non-transferable vote increased dispersion in parliament, leading to an unstable parliamentary election, with factional politics and irresponsible personalities. Therefore, never be able to gather under one banner of a single ideology and policy. Looking at the performance of the current parliament and the previous parliaments, the question arises what percentage of the MPs who entered the parliament to perform the task of legislating and monitoring the proper implementation of laws have been able to play their role in performing the intrinsic duties of representation? And, of course, what percentage of the delegates were indifferent to the performance of their duties? For effective rails and policies in the country, the presence of specialized representatives in the scientific dimension can certainly be effective and efficient. Moving within the defined frameworks of the system is another feature that can be effective in forming a capable and specialized parliament (Pasarlay & Mallyar, 2019). MPs can help the parliament if they prioritize the national interest. Experience has shown that whenever the MPs think of partisan interests, the people are challenged and harmed. Therefore, if most of the parliament is made up of people who contribute to national authority and sovereignty, there will be a better success than a parliament that seeks the sovereignty and authority of the political currents.

Merit is a condition for appointing people to a position. Higher education and related work experience are the most important principles of meritocracy and professionalism. The requirement of higher education is based on the fact that theoretical knowledge helps people in the executive decision and related work experience adds to theoretical knowledge and gives people the ability to perform effectively (Roumina, 2016). In a meritocracy system, expertise and professionalism are the most important management criteria. Ethnic and partisan affiliations, economic status, and kinship are not the criteria for selection and appointment. However, the prospect of executive performance and increasing productivity is the most important criterion for appointments and promotions. There is no doubt that meritocracy guarantees the effectiveness of departments, but the implementation of such a system is always challenged.

1. The Need for Specialization in Afghanistan

In the current situation, unlike in other countries, the provision of public services and the non-implementation of national projects in Afghanistan are not due to a lack of financial resources, but corruption, cannibalism, and lack of capacity in government offices are the most important factors holding back the implementation of these projects (Pasarlay & Mallyar, 2019). Nowadays, the political, economic, and social situation in Afghanistan is more fragile than ever. Ethnic prejudice has reached its peak, poverty and unemployment have risen, and the gap between the government and the citizens has come to an end. On the other hand, insecurity is increasing not only in all parts of the country but also at close distances to the citadel. Citizens lack financial and personal security, and private investment is declining. Even though, the government has failed to implement national projects and is unable to provide the necessary services to citizens. No ministry or agency in Afghanistan has ever been able to spend its planned development budget due to a lack of funding.

On the one hand, if the government were able to use its development budget, the level of public service delivery would be improved. Reducing the gap between the government and the citizens, and besides, creating employment opportunities for hundreds of unemployed and poor youths. Most of Afghanistan's development budget is funded from external sources and is time dependent. Therefore, if the government fails to spend the budget on time, it is often refunded and spent in other countries in crisis or other cases (Adeney, 2008). In the current situation in Afghanistan, having financial resources and not being able to use them to improve the situation of the citizens is the greatest persecution against the citizens of this borderland. With this in mind, implementing a meritocracy system is the only way out of the current challenge in Afghanistan. To ensure the security of citizens, eliminate unemployment and provide better services, providing a meritocracy system is a must.

2. The Basis of Specialization

People's social status is a combination of their intelligence and effort. Evetts, J. argues the social system is moving in a direction in which the masses of people, executives, and elites are ousted from power who have distanced themselves from the feelings and needs of the people. Professionalism is a system in which managers and

employees are selected because of their merit. Professionalism is the use of the moral energy of the elite and elite of society (Evetts, 2003).

Elitism has been proposed as a powerful social theory by Karl Marx, Wilfred Pareto, Gatanomuska, and Robert Michels. The common view of this group of thinkers was based on the premise that governance in society is in the hands of a small group of elites (Tan, 2008). Elite is derived from the word "Eligere" meaning to choose. The first concept is used to explain the quality of goods and commodities that have a certain characteristic and superiority over other goods. Elite in the most general sense refers to a group of individuals who hold high positions in any society. In more detail, the elite consists of a group of people who excel in a particular field (Best & Higley, 2010).

Includes all individuals and persons, who have unique characteristics or have excellent talents and abilities in their field of work or some activities. It considers the elite to consist of the people who have the most access to and control over values. Although the idea of the elitist debate can be found in the ideologies of Plato, Machiavelli, and others; the word "elite" was used in the seventeenth century to describe the quality of goods and commodities, which have characteristics and superiority over other goods. In the eighteenth and nineteenth centuries, the elite referred to individuals and social groups who enjoyed superior social, political, and spiritual status over others (Tan, 2008).

Since the category of specialization is closely related to the concept of elitism, it can be said that elitism and specialization both seek to leave matters to elite and prominent people. The foundations of professionalism and civilization are common in society, and the three common characteristics of seeking knowledge, seeking justice, worship, and love are the commonalities for organizing a meritocracy system (Evetts, 2003). One of the characteristics of specialization at the national level is having a strategic mindset, avoiding cross-sectional and island thinking, and thinking and flowing the intellectual space at the decision-making levels. Having knowledge and insight at every level is essential to working in a meritocracy system.

3. Obstacles to Specialization

Political affiliations, ethnic affiliations, and personal relationships are the most important obstacles to specialization. According to popular culture, the ruling team tries to move people close to it to the top of the important institutions of the country

or the parliament. Regardless of their expertise and competence, managing the administration on the one hand and their ethnic, regional, and party considerations on the other have also been considered. More than 90 percent of the cabinet and leadership members of government and ministers who have just been introduced to parliament for a vote of confidence do not have the expertise and education associated with their duties, as do members of parliament (Pasarlay & Mallyar, 2019). Most are appointed or selected based on team and ethnic relationships and lack relevant expertise and experience.

However, in Afghanistan, the appointment and selection of individuals are not based on expertise and competence, and most personal relationships and ethnicity are considered valid. Individuals who provided financial support to the ruling team at the time of the election or who were members of the election campaign team have been appointed to high-ranking executive positions without regard to expertise or competence. The reason for the deteriorating security situation, the lack of spending on the development budget, the widening gap between the government and the citizens, and hundreds of such cases, are becoming clear. It can be seen that most members of parliament do not have the expertise or work experience in the administration or even in the sector in which they are appointed (Akbar & Akbar, 2011). Unnecessary to say, these people may not have any expertise or competence, but they are not experts in the field they have been assigned. Even though the unprofessionalism of the members of parliament has paralyzed the efficiency of the relevant department, it has promoted corruption, ethnic and regional agenda. The continuation of this situation has plunged Afghanistan into the abyss of collapse and has left the government even more frustrated. According to (Adeney, 2008) to overcome this challenge, it is necessary to implement a meritocracy system and review the policy of appointment in parliament. The parliament should prioritize the interests of the people and also citizens should select specialized and experienced people to be members of this parliament. Otherwise, the continuation of this situation will have critical consequences for Afghanistan (Adeney, 2008).

Even though half of the population is women, it seems that in the best case of the post-Taliban parliaments, their share was only 67 out of 249 seats (Mehran, 2018). Now, in the 21st century, many parliaments have turned to professionalism. As the number of experts in parliament increases, so does social cohesion. It is common in

the country when they want to elect a person, first of all, they ask what important positions he has held before, and in his opinion, this thought, and vision should change. The presence of experts in various fields increases the quality of legislation and supervision; an issue that has faded in the country over the past few years.

B. Causes of Lack of Specialization

1. Educational System and Political Development

Paying attention to the role of educational systems in the occurrence of political and social developments has been among the issues that have occupied the minds of political science and education theorists since ancient times. Coleman, J. S. argues that the emergence of any political change in society requires the provision of prerequisites, the preparation, and components of which can be expected from the education of that society. Political transformation is inherently characterized by the emergence of those characteristics, including the missions of the educational system (Coleman, 2015). According to (Fagerlind & Saha, 2016) education, as the guardian of the political system and an effective factor in political development, has three functions: The main factor of political socialization of adolescents and youth in the national political culture, The effective factor in the selection and training of political elites and, The main factor in Political cohesion and national political awareness (Fagerlind & Saha, 2016). In this regard, researchers believe that the education system takes precedence over politics and political development. According to them, government or political policies or decisions are part of the education system and consider education as the basis of democracy and political development of the country.

c) The effect of the education system on political development

The education system is the main tool for changing attitudes and transforming the social structure and determining new political patterns and can play an important role in developing and transferring skills related to political participation (Coleman, 2015). According to the proponents of the primacy of the education system over political development, what kind of education is and what it seeks, can determine the type of government and politics. If the education system is based on respect for individual rights, the growth of individual differences, the organization of existing human development programs, and the promotion of individual and collective

discipline. Such an education system will automatically become a democratic political system.

Today, people are witnessing a general movement to democratize all social and human programs and structures by observing the limitations and cultural characteristics of societies. Creating a democratic system requires people who have practiced and experienced democratic insights and attitudes (Evetts, 2003). This is not possible unless educational institutions are started and children are involved when it comes to issues such as the central school, the school mayor, the appointment of educational councils, and so on. They have learned to vote, and dissenting theorists experience their views and generally learn democratic ethics and behavior. In addition, the student shares his destiny from the beginning. Also, if we implement the teaching method in school according to the interest and motivation and the total opinions of the students, it will have a better result, because in this case, the students will feel more responsible. At the same time, a platform for the development of democratic and democratic relations will be created, which will be crystallized in the political life of the society and the type of government and political relations of the society. This will not happen unless there is a decentralized education system (Coleman, 2015).

Thus, a decentralized education system provides the skills and opportunities that are necessary for political participation and democracy. The school is responsible for teaching and transmitting values such as respect for others, respect for truth, justice, and human dignity to justify its existence and ensure the survival of society. Learning these values in school is not limited to social and civic education programs. Students learn these values from the school organization, teaching style, how the school is run, and its social space (Coleman, 2015). Classroom space is also an important factor in the growth and development of democratic political education. It strengthens free discussion and participation and is directly related to the high level of student awareness and greater support for democratic values, which is the case in the planning system.

d) Problems of education in Afghanistan

Education in Afghanistan is facing many problems and this problem has affected the behavior, speech, and actions of most people of this country. If the problems caused by education can be like how citizens interact with each other, the development

process, ways of coping with the crisis, and so on. Easily understood, because education affects all institutions and systems of society and the development of countries in all dimensions requires attention to education (Abdulbaqi, 2009). All countries have the human and energy resources needed for development and progress, but what is necessary for this; is a convergent mind for the prosperity and development of countries, which also lies in the elementary period. Prevention of some social harms should be formed in the elementary school to see the observance of rules and regulations, as well as the reduction of crime in society.

The purpose of education in Afghanistan is to raise a generation that is interested in their national identity. Aware of individual and public laws and is proud of being a veteran in the culture, originality, and defense of its homeland knows life skills and social customs. How to live and especially how to know how to live together in the face of problems, and always know the law and its implementation as the principle. Education in Afghanistan is facing a shortage of teachers on the one hand and an inadequate distribution of teachers on the other. Inadequate distribution of professors can be seen not only in schools but also in universities (Khwajamir, 2016). There are also problems with the quality of education, and part of the weakness in the quality of education has to do with how teachers are recruited, trained, and retained. Most teachers have not received the necessary training for the teaching profession and have rarely revised their information, knowledge, and teaching methods during their service in the in-service classes. According to (Coleman, 2015) Human capital is the most important asset of a nation, and everyone should enjoy equal opportunities for individual growth and prosperity. This should not be backed by a small number of greenhouses, and a great deal of undiscovered talent is wasted on the crisis ship of ordinary schools, similar to this disorder (Coleman, 2015). In the education system for many schools in different provinces can be seen that no attention is paid to them. In contrast, most education departments focus on a handful of schools in city centers. This lack of attention at the macro level has caused the share of knowledge production in Afghan schools to be so low.

As a result, increasing attention to the type and expansion of education is an undeniable necessity, and insufficient attention to it will ultimately create many bottlenecks and problems for the economic and social growth and development of society. Must not forget that development in any society starts from a developed mind,

and as long as the focus of resources and activities is not on educating people. One cannot expect to achieve sustainable development goals by spending huge amounts of money in other areas. Therefore, the responsible action of individuals and communities is all necessary to create the necessary platform to improve the state of education in the country (Khwajamir, 2016). It is hoped that in the not-too-distant future, teachers and students in this country will taste the fundamental change in the education system.

2. Political Participation

Participation in the modern world is necessary and inevitable; in such a way that even the most closed political systems in the world and the few totalitarian systems that continue to exist do not find themselves without the participation of their people, albeit formally, in various fields, especially political participation. Hence, in principle, participation and its importance for all societies and countries at various levels and forms are beyond doubt. As Nohlen, D. points out, today democracy as a form of governance has taken on a global dimension, and it is clear that political participation in democracies is vital (Nohlen, D., 2005).

This has been accepted by all experts, especially after the change of view of the way of governing in the twentieth century and the hegemony of democracy as a model of governance. This word has become extremely important; in a definition of political participation, McCloskey says; Political participation is the voluntary activity of members of society in electing governors, MPs participating directly or indirectly in policymaking (Nikpour & Safaie Reyneh, 2019). Political participation is a behavior that influences the results and output of government decisions. From Weiner's point of view, political participation includes any successful or unsuccessful, organized, or unorganized, intermittent or continuous voluntary action to influence public policy choices or the selection of political leaders at various levels of government, whether local or national, by legal or illegal means. To be included in political participation (Weiner, 2015).

Political participation is a combination of attributes that means people's involvement in political affairs, governance, and following the process of human socialization. Interference in political management affairs entered the political literature of political theorists (McLeod, 2001). It is only through participation that

political power is handed over peacefully, and the extent of a country's political development depends directly on this component.

a) Scope and levels of political participation

When we talk about political participation, we must realize that participation and its political dimension, include various levels and types that must be acted upon. Bakhshayeshi Ardestani in his book *Introduction to Comparative Political Systems* generally divides political participation into two types, which are Spontaneous political participation, and mobilized political participation. He considers the dominance of each of these two types of participation to depend on the nature of the political system governing that society. Believes that developed political systems require the active and spontaneous participation of the people, that is, a partnership that naturally arises from the heart of society. Passive or mobilized politics is a type of participation that is stimulated by governments in certain circumstances and times, the masses and the people mobilize in political life (Sattari & Bakhshayeshi, 2021).

In a conclusion from the above discussion, it can be seen that political participation is a complex and multidimensional concept that is not limited to one species and one level. Political participation, while a quantitative concept, is also a qualitative concept and can provide a deep understanding of a society and its political characteristics.

b) The structure of Afghanistan's Socio-Political power

One of the fundamental and recurring challenges in Afghanistan is the instability of the political power structure. In other words, there have always been signs of crisis, instability, and political imbalance; this has created many dangers for the country. Obstacles to establishing an efficient administrative structure for Afghanistan's reconstruction are a wide range of domestic and international factors (Geller & Alam, 2010). External barriers, foreign policy intentions in the reconstruction project, and the allocation of economic aid, along with a wide range of internal factors, have created grounds for instability in the political structure in Afghanistan. Although security has already been established with the help of external forces, this will not continue due to internal challenges.

Under the current circumstances, if Afghanistan achieves proper stability and balance, it is natural that it will be able to solve many of its political and structural

problems. Therefore, evidence shows that social components and geopolitical indicators, along with issues such as the role of interventionist forces in Afghanistan's domestic and foreign policy, can be considered among the issues that reproduce the process of instability in the structure of Afghanistan's political power (Joya, 2011). Such a process makes it difficult for the government to control the social environment. The participation of regional countries in the security process in Afghanistan can be considered as an issue and component that increases structural instability. A country like Afghanistan has unpredictable internal conflicts and social risks. This is the cause of recurring and escalating crises; ethnic dispersion exacerbates such a trend. In general, the indicators of Afghanistan's social power can be considered as follows.

- Social and ethnic dispersion; is another important feature of the ethnic population in Afghanistan that has been instrumental in the crisis and war in this country. Its connection to the security of neighboring countries is the issue of ethnic dispersion and the spread of neighboring ethnic groups into Afghanistan (Hanley, 2011). This ethnic situation almost sensitizes neighboring countries to Afghanistan's security or insecurity. Political, security and structural instability in this country are also among the influential factors in the internal environment of Afghanistan.
- Affected by International Crises, although the international components are relatively stable, in many cases, these issues are also affected by the social situation and the internal forces of Afghanistan. Groups that were able to consolidate their position in Afghanistan in the 1990s are seen as forces that reflect the instability of the political structure (Lamer & Foster, 2011). On the other hand, they should be considered as factors and components that are intensified under the influence of international developments. In such a process, international developments can play a role and impact Afghanistan's internal environment and strategic processes. The Bush administration's counterterrorism strategy, for instance, has had a significant impact on the shifting political power in Afghanistan. Among the countries influencing Afghanistan's social and structural climate, Americans have a more decisive role to play than other political entities (Hussaini, 2021). In other words, the country was able to improve its position after the events of 9/11 in Afghanistan. From 2001 onwards, the US government played a pivotal role in shaping

Afghanistan's political power. This has been achieved through state-building and processes that aim to establish a democratic government in Afghanistan.

3. The Role of Social Values in The Political Structure of Afghanistan

Social values in any society play a pivotal and decisive role in its political and strategic behavior. In other words, a direct relationship can be established between values and structure. This means that values can influence the social environment of the country and the relations between the political actors of that country (Kepel & Ghazaleh, 2004). Peace and stability, global security, civil welfare, the formation of national identity, and the establishment of an inclusive government are the main needs of Afghan society. Achieving these needs can be discussed with different political models. Some political groups in Afghanistan see the achievement of these goals in the light of the use of hard power and public intimidation (Sultana & Aquil, 2009). According to them, security is the most central and at the same time, the most fundamental need of the Afghan society, if it is met, other needs can be met. The reigns of Amir Abdul Rahman Khan and the Taliban are clear examples of such political groups being considered.

c) Pluralism in the political structure of Afghanistan

The explanation of the democratic structure in Afghanistan begins with the value presupposition that ethnic pluralism in Afghanistan is not only a cause of divergence and a cause for successive crises but also carries the potential that can organic cohesion of Afghan society (Meininghaus, 2007). In other words, in a democratic structure, pluralism is itself a value but also a potential for getting rid of the same mechanical structures that can provide the grounds for the development of this country at an acceptable level. Building a republican government, in democratic terms, means giving in to a system in which sovereignty belongs unconditionally to the citizens. This is also enshrined in the Afghan constitution; National sovereignty in Afghanistan belongs to the nation, which exercises it directly or through representatives.

d) The role of religion in the political structure of Afghanistan

Afghanistan is a traditional country in which religion has a fundamental and decisive role. Political jihad in Afghanistan is based on a religious component. This is emphasized in the social institutions and political structure of Afghanistan in the post-Taliban era (Rubin, 2004). The constitution was the first legal step to reform the

institution of religion in Afghanistan and to change the perception and interpretation of religion in this country. Certainly, with the holding of the Loya Jirga, the constitution in which the representatives of the people were present, and the structure of the country was established, a pact was passed between religion and democracy, with indicators based on international pacts, treaties, and conventions. Human rights and reconciliation were established, and the possibility of their alignment was announced. The Afghan constitution states that while an Afghan can be religious, he or she can be a democrat and a party to an international treaty (Ehsan, 2017). According to this law, adherence to the International Covenant was never considered in conflict with religious doctrine but was considered a peaceful and equal relationship for them.

e) The role of parties in the political structure of Afghanistan

Although the formation of a political party is a difficult task in Afghan tribal society, in the political relations and developments of Afghanistan after the 1960s, the ground for political formation in the form of a political party has been provided. This is enshrined in the Afghan constitution (Larson, 2015). A political party within the meaning of this law [a law enacted by the Provisional Government] is an organized population of natural persons who, under the provisions of this law and the articles of association, work to achieve political goals at the national or local level (Levy, 2004). It was according to the law of the parties as well as the orders of Hamid Karzai that many of the agents of the previous parties began to repair and rebuild their party and ostensibly turned the military form of the party into a political one. So far, more than eighty political parties in Afghanistan have been licensed to strengthen the process of partisan culture and to institutionalize the norms accepted under the new conditions.

This trend is increasing day by day, one of the new political issues that have arisen after the Bonn Agreement in 2001. However, the formation of a new Afghan government by the US government in this multi-ethnic country is the phenomenon of partisanship (Larson, 2015). The interesting point in the establishment of some political parties in Afghanistan is that many of these political parties never have a party program and aspirations. The names, identities, and programs of some of these political parties do not originate from the culture, social, political, and economic relations of Afghanistan (Bezhan, 2013). Certainly, some political elites borrow the political agenda and form of their parties from the scientific category of external

sociology, which has nothing to do with the culture of Afghan society. For this reason, the body politic never benefits from these parties and these parties have no connection with the lower classes of society. Declarations, reports, and resolutions are collections of remembrance of an old foreign political culture that is presented without regard to the heterogeneous conditions of Afghanistan.

4. The Government and Distribution of Political Power in Afghanistan

The bureaucratic and organizational weakness of the government in Afghanistan has made the government in this country unable to control the organizational authorities and social forces outside the government so that they can use the government as a tool (Erfan, 2021). Former Mujahideen commanders include many prominent clerics, tribal and tribal leaders, groups that wield considerable influence over government departments. They play a decisive role in allocating resources, setting priorities, policies, elections, and government appointments.

Individuals and groups affiliated with them are largely exempt from punishment, and the government is unable to prosecute them. In government offices, powerful people always use government privileges as tools to strengthen their personal, ethnic, religious, political, and financial positions, and transfer government positions to others in the form of sales, gifts, etc (Sahar & Sahar, 2019). Government duties in Afghanistan are mostly performed by intermediaries and relations and are distorted by very clear kinships. Government duties and jobs are in the form of gifts, which are given by each of the ministers, governors, and competent officials. Authorities are abusing their power to obtain financial resources, in other words, they sell government duties and positions.

The Afghan government suffers from many shortcomings and lacks independence from social forces and the ability to perform its duties and responsibilities. Suffers from corruption, inefficiency, etc. In general, indicates an unfinished government-building project in Afghanistan (Khan, 2018). The main features of this government can be listed in the following cases.

- The personal nature of command and control in Afghanistan is based on personal relationships and organizational characteristics do not play many roles in it. Strong personalities may not have a special place in the administrative hierarchy. Though, because of their relationships with powerful groups and

individuals, everyone obeys them; ignore their legal mistakes, and deal with them personally (Khan, 2018). People who cannot communicate in groups, ethnicities, etc. He is never treated by his administrative position, and everyone tries to take him out of the competition. Therefore, people obey individuals, not the organization.

- The role of kinship in the distribution of powers the transfer of government posts and privileges in Afghanistan has a long history. In many previous regimes, many government privileges were reserved for specific tribes and families. In the government, this phenomenon is also common, the use of ethnic and family ties has a wide role in the transfer of opportunities, facilities, privileges, and elections. Expediency in the distribution of power in elections in the government or parliament is mainly based on ethnic, political, and religious interests, and merit does not play a significant role in it (Sharan, 2011). Reviewing the ethnic and political backgrounds of Afghanistan illustrates this well, and shows that government deputies, ministers, and MPs are all appointed based on their power, not by their abilities.

Expediency appointments and political dismissals and appointments in Afghan government departments have caused many government officials, who have been nominated by powerful individuals and groups, to owe their position to their supporters, rather than to their government organization have loyalty, are loyal to those who support them (Erfan, 2021). As a result, many Afghan government employees lack loyalty to their superiors and feel independent and needless. In many cases, they consider themselves the representative of a group, ethnic group, and special individuals in that department and resist various organizational orders in various forms. There are many cases in which employees extort money from government agencies based on this affiliation. They disobey orders and obstruct administrative reform because dealing with any of these people, opposition, and enmity with a group, current or powerful people are considered as a result, different groups are mobilized to prevent any reforms (Sahar & Sahar, 2019). Therefore, organizational disloyalty is normal, and all kinds of disruption are one of its natural consequences.

Corruption in the Afghan power structure; use of public facilities, opportunities, and assets for private and personal gain is very common in Afghan government departments. Although corruption in Afghanistan has a long history and none of the

previous governments have been able to eradicate corruption in government departments (De Lauri, 2013). Many people believe that corruption in the new government has become too widespread and has grown exponentially. The weakness of the central government, the lack of coordination in the military strategy of international battles, the sheltering of insurgents in Pakistan's tribal areas, and their reorganization have increased the diversity, scope, and scope of insurgent activity (De Lauri, 2013). This is one of the serious obstacles to peace and stability in Afghanistan. These insurgent groups, now known as the new Taliban, include many groups of government dissidents, each of whom is somehow contributing to insecurity in Afghanistan.

C. Effects of Lack of Specialization

When there is no specialization or lack of it in the government or parliament, society will face problems. In this part, we are going to discuss three major issues which happen when the parliament or the government of Afghanistan faces a lack of specialization.

1. Political Instability in Afghanistan

Political stability is one of the most fundamental issues in the field of political science, international relations, and international security. With the spread of democracy and human rights and, by its nature, the introduction of the rules of the democratic game, as well as the introduction of modernization and development after World War II, political stability was centralized in Third World countries and intellectual and political elites presented different theories (Sky, 2007). Afghanistan is a country that has experienced less political stability throughout history. With the end of World War II, two issues became of fundamental importance to Third World countries; the first was the issue of gaining independence. Third World countries all tried to escape the clutches of western countries, that is why they turned to different ideologies. Marxism was welcomed in various Third World countries due to its anti-colonial elements, but at the same time as gaining independence, the issue of modernization was also raised. Countries tried to achieve development through different models (Saghafi-Ameri, 2011). Development in Afghanistan dates back to the time of the constitutionalists, the Marxists brought a new paradigm and failed.

After that, the jihadists returned to the tradition and tried to present a new model of modernization. In the end, they found no other stimulus for modernization other than violence. The Taliban, like the Mujahideen, used violence to its extreme to change the fabric of society, but in the end, they all failed.

In other countries, one of the causes of political instability is modernization. Several new forces and groups are emerging in modernization, and these new forces and groups want political participation. When there are institutions to attract political participation, new forces and groups do not cause political instability. Whenever, if the country faces a lack of political institutions, there is political instability (Joya, 2011). Usually, in third-world countries, there are no political institutions that attract the political participation of the people. Therefore, modernization creates political instability by forming new forces and groups (Saghafi-Ameri, 2011). Has there been a renewal of new forces and groups in Afghanistan that are causing political instability? As mentioned above, modernization in Afghanistan, although has gone through different stages of them has failed. That is, they failed before it led to transformation and the formation of new forces. That is why this issue has not caused political instability In Afghanistan, however, modernization has not caused political instability, but the lack of an institutionalized political institution (Parliament) has caused political instability.

Afghanistan has multiple ethnic groups within it, and each group wants a share of power, it needs to have an institutional body that can share power between ethnic groups. However, there was no political institution that could divide power according to the influence of ethnic groups, but the political institution monopolized power in a particular ethnic group. It goes without saying that in many cases political power was not only in the hands of a particular ethnic group, but in many cases, political power was in the hands of a small number of individuals (Saghafi-Ameri, 2011). Therefore, other ethnic groups are fighting for political power. Saghafi-Ameri, N. argues that; The lack of common rules of the game for political power has led to these violent struggles. Violent political struggles not only destroy political stability but also prolong the life of political instability.

In third world countries such as Afghanistan, where the democratic system has not been established and common rules have not been defined. Political actors undoubtedly resort to violence and use violence as the only means of gaining power.

This is also due to the lack of an institutionalized parliament and political institutions. According to Max Weber, the government is the only organization that uses legitimate violence in a specific territory. Therefore, it is the government of the organization that collects violence from the community and monopolizes it (Greene, 2017). In Afghanistan, the lack of an institutionalized political institution has allowed violence to remain widespread in society and for anyone to use it in any way they wish.

Even though, the lack of an institutionalized parliament and political institutions leads to personal power. The personalization of power is political corruption, this has also led to political instability in Afghan society (Joya, 2011). Violence must be intensified because every person wants to gain political power through the means of violence. Besides them, there is a confrontation between people for political power. Ultimately, every person who gains political power makes the most personal use of power. This issue undoubtedly spreads corruption in society and eventually, political instability prevails the society. Therefore, society needs a strong political institution that can collect violence from the level of society and monopolize it (Sahar & Sahar, 2019). This political institution must also be able to define common rules by which actors seek to gain political power according to the same rules. This institution should have such power that it can punish political actors if they do not follow the rules.

The existence of a political institution also causes power to be taken out of its form and given to the institution. In the current situation, the country indeed has political institutions such as the executive, the legislature, the judiciary, and various other institutions, but these institutions have not yet been able to establish themselves in the institutionalized society. Therefore, it does not have efficiency and function in society (Joya, 2011). The weakness of these institutions has prevented them from collecting violence from the community, which is why the level of violence in the society is higher than in other countries.

2. Law-Breaking

The need for law is one of the necessities of human life; human freedom depends on obedience to the law; true freedom is where the law is. The development of society and the country is not possible except in the shadow of the law. In a society where the law does not prevail, that society suffers from chaos (Susan Farooqi, 2019). This is a feature of the law that applies equally to all, and no one in society is and should not be

above the law. In the light of legalism, tribalism is marginalized and replaced by meritocracy in dismissals and appointments. The law helps to reduce corruption in society and to ensure justice and equality in policies and approaches. The law guarantees the sovereignty of the people and institutionalizes citizenship rights within the framework of modern political structures. The law brings security and gives hope to the people and paints a clear vision for the future for the citizens (Tamanaha, 2001). In an atmosphere of lawlessness and chaos, despair overshadows people's lives and makes them disbelieve in the future.

One of the major challenges to establishing stability and security in the country is the uncertainty of the value and place of law in the conscience of individuals and the structure of society and politics. Although in appearance everyone is in favor of the rule of law and suffers from non-implementation of laws in the country. In reality, the main problem is that the law is not institutionalized, and the rule of law is on the social character and management of the country (Susan Farooqi, 2019). Though it has been said that today there are various laws at different levels of the existing institutions of the country, considering the general values and criteria that the constitution states as the mother law. Therefore, unfortunately, these laws are either right or wrong or never or very little implemented. In other words, "Law-breaking" is one of the conventional attitudes and methods of society. Another important issue is law enforcement; good law if not enforced; will not cure any pain of society (Tamanaha, 2001). Whenever, if people want to have security and think about the progress and development of the country, must take the implementation of the law seriously, and the government, as the law enforcer, must fulfill its responsibility in this regard.

Regarding the causes and grounds of non-compliance with the law or evasion of the provisions of the law, it is said that the lack of adequate and effective supervision over the proper implementation of laws has an important role in the reprehensible phenomenon of law-breaking in society (Tamanaha, 2001). According to studies on the phenomenon of law-breaking, people, regardless of the constitution and the ordinary law, with special tools or tools with daring to cross the limits defined in the law. In general, it can be said that the phenomenon of law-breaking or passing the law has various reasons. All of which are not judicial and legal, some of which are purely economic or social, and political. The spirit of breaking the law and not paying attention to it; is unfortunately very high at different levels of society, from the family

to the administration, and the upward trend of this audacity is born of various factors (Susan Farooqi, 2019). It is unfortunate to say that the political confrontations in the worst way possible by the trustees. it has not only caused them to perform their duties and commitments to their main responsibilities; to some extent but also the increase and continuation of political clashes have led to the rule of law.

Avoidance and desecration of the law should be easily opened in favor of profiteers and lawbreakers. To fight against law-breaking, it seems that cultural, economic, and social reforms should correct the wrong path. Try that professionalism should take the place of relationship governance, and that qualified people should have access to positions and responsibilities (Tamanaha, 2001). In Afghanistan, there is of course the constitution and other laws that guarantee the rights of the people and define political authority and propose specific legal solutions to coercion and harassment. These rules may also have weaknesses, but the problem is that the same law is not fully implemented (Susan Farooqi, 2019). One of the main problems of the Afghan people is the lack of implementation of laws by responsible institutions. Evading the law, or in other words, breaking the law has become a common behavior in government offices. As a result, corruption is rampant and cannibalism has become a culture, and insecurity is becoming more complex every day.

Officials at the top of the three powers should know that measures such as expert rather than emotional fight against all kinds of violations and crimes. Reduction of bureaucracy, strict implementation of laws, effective and comprehensive monitoring of relevant agencies, the convergence of forces in the strict implementation of the constitution, and the strict application of rules at different levels of government and its promotion in other levels of society, has a major role in preventing law-breaking in government and a kind of value and moral collapse in society (Sadat, 2004). If the law has not created trust in Afghanistan, if it has not brought security, and if it has not been able to provide justice, it is because have difficulty enforcing the law. Law enforcement agencies do not take law enforcement seriously, and regulators have failed to perform their duties properly (Susan Farooqi, 2019). That is, in the vortex of lawlessness, society experiences all kinds of political, legal, and social unrest. The authority and legitimacy of the political system depend on the implementation of laws, a government that fails to implement the laws in society, its political legitimacy is questioned in public.

3. Brain Drain

Brain drain is a historical and international phenomenon; as some scholars believe, migration is intertwined with civilization, and civilizations are born of migration. If we want to go back in history for a moment and look at the different angles of migration and civilization, we will find that migration has been going on since the beginning of man. These migrations have been due to economic, security, political, social, cultural, and literary unrest (Shah, 2011). The world's greatest thinkers: Such as Prophets, Sufis, Poets, Writers, Scholars such as Aristotle, Voltaire, Marx have migrated to overcome the current disorder and achieve the desired conditions of life. It can be said that the phenomenon of brain drain was not specific to Afghanistan; rather, all countries of the world are struggling with this problem. Migration and brain drain has increased and increased in different periods, especially during the rule of Mohammad Ashraf Ghani. The word "migration" has taken its upward trajectory and will inflict exactly these irreparable human and economic losses on a country called Afghanistan (Rahimi, 2017). Afghanistan is one of the countries with the highest level of immigration to neighboring countries, American and European countries.

In recent years, some high-ranking officials, including President Mohammad Ashraf Ghani, have claimed that the migration of Afghans, especially in recent years, in most cases, after failing to provide security for the people, especially after young people have fled the country. It was not out of compulsion, but out of passion (Rahimi, 2017). Although all asylum seekers reject this claim, many people would like to invest their capital, knowledge, ability, and expertise in an innovative project in their country to save themselves from unemployment and not to ruin their families. The activism of fundamentalist groups in the country exposed families and young people to serious and unbelievable dangers in the country and forced them to leave their homes.

Unemployment, lack of security, cultural heterogeneity, lack of meritocracy, lack of a sustainable economy; dependence on foreign and international aid, imbalance of wealth, low freedom of thought and expression, ineffective educational methods in educational centers and universities, tyranny, inheritance of government seats and work by political parties and leaders, in the marginalization of the people in major political and decisive decisions, the lack of political and social immunity in academic

centers for the expression of elites, and the despair of the people and youth for a better future are the main reasons for the brain drain from Afghanistan (Rahimi, 2017)

Another reason for encouraging people and youth to leave Afghanistan, along with insecurity, economic, political, scientific, and cultural problems, is the experience of recent years. Since 2001, when the Taliban government was overthrown, many Afghans who had lived in Europe for many years have returned to Afghanistan, and even though many of them did not have the education and skills, only because they were in foreign countries, they became fluent in foreign languages and got good job opportunities (Yazdi, 2008). These experiences and hundreds of other anomalies have led many young people who have traveled to Europe and other countries today to think that going to Europe gives them prestige and character so that they may be better off if they are ever forced to return.

V. CONCLUSION AND RECOMMENDATION

A. Conclusion

In contemporary political systems, the parliament or the legislature constitutes one of the three basic foundations of the political system. Since the political system of democracy has been considered the most desirable political system so far, which has valuable experiences in the field of political participation of the people and the provision of services, and the establishment of a democratic system. In such a political system, parliament is considered the crucial criterion for measuring the democratic and popular nature of that political system. In other words, the nature of the political systems of each country and the legitimacy of each government depends on how the elections and the formation of the parliament of each country.

In a political society whose political sovereignty is based on the will of the people, the existence of a popular and legitimate parliament is considered to accelerate the rule of law and the high transparency and efficiency of the political system. Therefore, if there is an authoritarian regime; in the authoritarian regimes called the parliament or the House of Representatives, that structure is a dependent institution and a false symbol of the illegitimate structure. Therefore, cannot be used as the parliament or the House of Representatives. Parliament is the special representative of democratic systems, which represents the will of the people through active, free, and transparent political participation in the electoral process.

Regarding the basic duties of the parliament, the constitution of each country introduces and states the duties of the three powers. It is fact that the duties and powers of the legislature are also mentioned in this framework. Therefore; mainly the parliament or the legislature has two main tasks; first, to approve and revise the laws of the country, and second, to monitor the performance of the executive branch and executive bodies. The existence and independence of the three forces depend on the implementation and realization of the duties and competencies of each force. Moreover, to the extent that the legislature or parliament demonstrates its competence and ability in the above-mentioned tasks, the same pact guarantees the transparency

and democracy of a political system. In other words, respect for the will of the people or the political participation of the people is not limited to the time of voting. Rather, there must be a mechanism to perpetuate this presence and participation of the people. The accurate, healthy, and transparent functioning of the parliament can guarantee the ground for this presence and protection of the will and votes of the people.

People are appointed to positions based on their merit. The most crucial principles of meritocracy are higher education and associated work experience. Higher education is required because theoretical knowledge aids in executive decision-making, and related work experience complements theoretical information and enhances people's capacity to execute effectively. Expertise and professionalism are the most crucial managerial qualities in a meritocracy system. The most significant factor for selection and appointment is the perspective of executive performance and growing production, not ethnic and partisan ties, economic standing, or kinship.

There is little doubt that meritocracy ensures departmental effectiveness, but putting such a structure in place is never easy. The fact that most members of the MPs have expertise or work experience in the government or perhaps in the sector is well seen as the reason for the deteriorating security situation. The lack of development budget, the widening gap between the government and the citizens, and hundreds of other cases it hasn't been. These individuals may or may not have any experience or qualifications, but they are unquestionably not specialists in the sector to which they have been assigned. On the one hand, the unprofessionalism of the cabinet members has paralyzed the efficiency of the relevant department, and on the other hand, it has promoted corruption and ethnic and regional agenda. The continuation of this situation has pushed Afghanistan to the brink of collapse and has made the government more failing.

Afghanistan, as a geopolitical unit, has a history of having a parliament. Although the existence of parliament in the political structure of the country has not been so brilliant, at least in the political literature of the country is unprecedented. A brief look at the history of the parliament in the country indicates that this civil and modern institution, like many other modern and civil components and phenomena that have entered the country, has not been properly placed in its true place and status during the past years. For this reason, it has not had a proper and effective return.

As it has been said, the existential philosophy of the parliament in every country and the political system indicates that the society and system are democratic. However, the previous regimes of the political system in the country were, unfortunately, undemocratic regimes. Therefore, if there was a structure called the parliament or a system called the separation of powers, it was often a formal structure and title, not real. For this reason, the method and system that was also called parliamentary elections in the country were formal and far from the criteria of being democratic.

The historical criticism that can be made of the existence of a structure called the parliament in the country in the first stage is that; this institution did not have the necessary independence. The representatives who entered this parliament were not elected through the free and independent participation of the people. Most of those who entered the parliament had to pass through the filter of the high-ranking elites of the time and were trusted by them. Another issue that called into question the independence of parliament was the direct and indirect involvement of the executive branch in the legislature.

A brief overview of the history of parliament and how representatives were elected in previous regimes reveals this fact. For instance, during the rule of the imperial regime, those who were loyal to the system and the interests of the imperial family entered parliament. In the regimes of the Daud Khani and Khalqi republics, those who were loyal and committed to the personal goals and interests of Daud Khani and the people's party also entered the parliament. The election environment was not a free political space so that every class and group of society could send its representative to the parliament without fear and freedom. For this reason, it can be said that the previous parliaments were not democratic for historical and political reasons. Certainly, the level of government interference was not the same, but all governments were involved in the votes of the people and the duties and powers of parliament. Also, the level of people's participation was not the same. For instance, the participation of the people did not take place as citizenship and equal right, but the people as subjects or loyal to the party, group, and factional ideology had to approve the people in question. In the meantime, women did not have the right to vote or participate in any way. For this reason, the parliaments that emerged in the presence of such conditions could not be the crystallization of the will of the people. In many

cases in which the government selected its candidates from Kabul and other cities and sent them to the parliaments on behalf of the people's representatives.

Another point that can be said about the positive functioning of the parliament is the structure of the parliament. The structure of the parliament as a whole has a defined framework, but in the quality and manner of it, members of parliament can play a major role. For instance, decision-making in administrative matters and the adoption of laws by deputies can have a very serious impact on the process and functioning of parliament. Although a parliament has a certain structure, no parliament can reach a joint decision until its members are in an organizational structure, and each of them does not have the necessary commitment and awareness of their role and position. Such a parliament cannot be expected to have a positive function in the position and structure of the political system. If the parliament does not have the necessary dynamism and maturity in terms of structure and role of its members and is not able to act actively and seriously in the direction of various decisions or meet the expectations of society. For example, one of the structural features of parliament is the establishment of special commissions to oversee the performance of government. This issue is no less important than the adoption or revision of legislation.

The commissions can play a constructive and active role and perform their duties and competencies competently when either its members are aware of the duties, competencies, and roles of the mentioned commissions or they are experts and use experienced professionals. Unfortunately, this has been very rarely considered in reviewing the history of the country's parliament. Perhaps one of the reasons for the lack of oversight and maintaining the independence of the legislature is the lack of experts in the relevant commissions. Unfortunately, this defect also exists in the current parliament of the country.

To overcome this challenge, it is necessary to implement a meritocracy system and review the policy of appointment in government. It is better for the government to prioritize the interests of the people and to select qualified and experienced people to join the cabinet, and for the National Assembly. Toward understanding the responsibility of its conscience and faith and avoiding voting for non-professionals. Otherwise, the continuation of this situation will have critical consequences for Afghanistan.

In a general analysis, the performance of the parliament or the House of Representatives has been questioned over the past few years. Based on the duties and powers of the deputies, unfortunately, the parliament of the country in recent years, although it should be a pioneer in legitimizing the government and society, in many cases, despite violations and non-compliance with national laws, have not even complied with internal rules. In assessing the needs and necessities of society, they often addressed marginal, personal, and factional issues. They were less likely to succeed in passing or revising the country's laws. For this reason, the parliament has faced many ups and downs over the past few years. It has also failed to maintain its independence well in the face of manipulation by the executive branch. The poor performance of the parliament in passing or revising laws and overseeing the performance of the executive branch has led the executive branch and other branches to seek ways to dominate parliament in various ways, which have unfortunately been considerably successful.

B. Recommendation

Since Afghanistan is in dire need of specialization in its parliament and government to be able to bring prosperity to the society and solve the major problems that exist in the society. It is necessary to specialize in all government departments and organs institutionalized. As in this study, there was a discussion about lack of specialization and its effects on society; it must be said that this is a great challenge in Afghan society. Different ways must be chosen to institutionalize specialization. Here need to mention a few things that need to be done so that in the future could have a better society and parliament or government that acts based on specialization and has a positive impact on society.

1. The education system should be improved, and the quality of teaching should be such that students are taught and grounded even from the first grades so that their political knowledge is strengthened, and they become aware of their responsibilities and can make better decisions for their community. And have sufficient political understanding and information. It should even be taught in schools for all students so that they are fully aware of their rights and political knowledge.

2. The people of the society should have political participation, and everyone should decide for their future, their society and strengthen their political consciousness and build their own future. Recognize good and bad and choose people who are useful to their community and do not pay attention to ethnicity, religion, party, and language. They must choose people based on their merits.
3. For those who are being elected or running for parliamentary elections, it is better to specify the conditions of education in the parliamentary election laws of the country so that people who specialize in the same field of work can run.
4. There should be stricter conditions for running in the election law so that people who hold political positions or have financial power, but do not have enough education or experience; not allowed to enter parliament.
5. Those who run for parliament or are elected and enter parliament should prioritize the national interests and the well of the citizens, and not only for the benefit of their people or a certain number of individuals. It is better to prioritize national and community interests.
6. People should enter the parliament who are responsible, compassionate, patriotic, and respectful and have enough experience in their field of work to be able to do their job well. Otherwise, there will be no different from the previous parliaments, and the problems that exist in the society will never be solved.

Therefore, it should be said that the Afghan society needs such people to create growth, prosperity and comfort in the country and eradicate corruption, otherwise the problems will not decrease but will increase day by day.



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