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RESEARCH ARTICLE

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RECEIVING THE RIGHT POLITICAL SYSTEM FOR AFGHANISTAN

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ABSTRACT

This research, which has focused on finding a suitable political system for Afghanistan, has described discussions such as (explaining the concept of political system and structure, parliamentary system, advantages and disadvantages of parliamentary system, presidential system, advantages and disadvantages of parliamentary system and criticism of the current political system of Afghanistan). At the beginning of the research, we will get acquainted with the familiar discussion of the political system and structure, the comparison of the parliamentary system and the presidential system. In the era of globalization, countries experienced different systems from the centralized presidential system to the decentralized federal system, which in their nature have opponents and but the case and goal we are looking for is to get the right system, most of the scientists and writers expressed their opinion that the parliamentary system was more efficient in most of the countries that are transitioning towards modern democracy, compared to the centralized presidential system. End and the result that magnifies the current research is that the parliamentary system and the presidential system each have their own positive and negative points (advantages and shortcomings) that both of these systems are now clearly experienced in most countries of the world, which is a good example. The presidential system can be seen in the United States and a good example of the parliamentary system can be seen in the British political structure. But! The experiences gained from the experience of the parliamentary system in the majority of countries indicate that a non-centralized parliamentary system can be a good answer in the discussion of good governance and the experience of modern democracy in multi-ethnic and multi-racial societies like Afghanistan. According to the theory of separation of powers, the parliamentary system has better flexibility than the presidential system, which can prevent the tension between the two main branches of government (legislature, executive) and bring stability to most societies.

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INTRODUCTION

Problem statement: War, displacement, corruption, instability and the interventions of major powers in the internal and external affairs of Afghanistan during the past half century, which is known as the golden century of Afghanistan, and the continuation of these interventions after the Taliban era, have highlighted the value and importance of the political system among prominent Afghan citizens. They consider the absence of a number of valuable and fundamental phenomena such as peace, security, structural stability, etc. to be the result of the lack of a universal and efficient system. In this sense, I sought to find the appropriate political system in the works and doctrines of political writers and activists. Afghan and foreign search and report. In today's age, scientists and researchers propose a single system for all countries and societies! representatives, they are not unanimous, but there is no difference in the debate that the parliamentary system is far more established than the presidential and monocratic system, which means that the better and more efficient option than the presidential system and moving towards democracy is the parliamentary system, despite this, it is still There are also differences among some scientists, and these differences can be seen regarding the question of which parliamentary or presidential system

is the best system, and each of these systems has its supporters and opponents in the academic and political fields, but when it comes to the question of the best political system for several countries and societies. There are different opinions in this field that each country chooses a type of system according to its objective conditions. For many years, our country has experienced different political systems with a centralized administrative system. After the Bonn agreement, and especially during the process of approving the country's constitution, there were many debates regarding the type of political system, which in the current constitution has been chosen as a presidential system with a centralized administrative system. The practical implementation of this system in the country has been accompanied by controversies and disputes, and now in this article we will examine the appropriate political type for Afghanistan, keeping in mind the objective facts and practical experience of the past few years. Which political system and which form of administrative system is suitable for this country.

Research questions

Main question: The main question for which we are looking for an answer is, which political system will be suitable for a minority country like Afghanistan?

Sub questions: And the secondary questions that can be raised after the main question can be listed like this:

1. What kind of system is the presidential system?
2. What kind of system is the parliamentary system?
3. Which one of the presidential and parliamentary systems are the citizens of Afghanistan willing to accept?

Research hypothesis: It is assumed that Afghanistan, as a multi-national and multi-lingual country, is still suffering from an identity crisis, and due to the fact that the current centralized system does not show any flexibility in it, perhaps a decentralized parliamentary system is more flexible than the presidency (legislative, executive). It is more likely to be the best type of political system for Afghanistan. Importance of the issue: Obtaining a political system is considered one of the most important and urgent priorities of Afghanistan, and until this important need is not addressed, we cannot achieve other needs such as peace, political stability, economic prosperity, etc. In this sense, this issue highlights the importance of this research.

Research purposes: One of the important goals of this research is to find the gaps and deficiencies that exist in the presidential system and the centralized system, and at the same time, it is to propose the best political system for Afghanistan by comparing the presidential and parliamentary systems and their advantages and disadvantages.

Subject background: The discussion of getting the best political system for Afghanistan can be seen in many works of Afghan and international authors. Among them, he mentioned an important work entitled "critique on the structure of the political system"(Naqdi bar shakhtari Nezam siasi) by DrMujeeb Rahman Rahemi, whose purpose is to criticize the current system and follow the parliamentary system, and another work by the same author entitled "Controversialtopics "(mabahes jadal barangez), also discussed the problems of the formation of the current system and criticized the components of this system. In the following, another work by Abdul Hafiz Mansour titled "Reasons of lack of political development in Afghanistan"(mawani tawsia siasi)which considers one of the biggest elements of Afghanistan's lack of political development is the absence of an efficient system. In the following, Mr. Bashir Ahmad Ansari also criticized the current system in a work entitled Afghanistan in the Oil Fire (Afghanistan dar atashi naft), and focused more on the colonialism of foreign countries in Afghanistan, but in this research, we set the main goal of obtaining the best political system, not criticizing the current system, and that this Who formed the system?.

RESEARCH METHODOLOGY

The method used in this research is the analytical descriptive method, which is tried to find the answer to the main question, which is to find the best political system for Afghanistan, by using the library method and referring to valid scientific documents.

Research tools

- To carry out this research, it has been tried to use specific sources and tools to lead to a single result, the most important of which is the following.
- Use of books, treatises, magazines, related to the subject.
- Searching the Internet to collect information from external sources.

An introduction to the concept of political system and structure:

As we said, the establishment of a political system after the overthrow of the Taliban political system, which was built with the help of the countries of the region and the world, the nature of the political system in Afghanistan has always been one of the issues that have occupied the public assemblies and minds of the citizens. Even with the author Domestic forces have forced foreign writers to write important effects on the shape and structure of Afghanistan's political system. First of all, before we discuss the main discussion, which is

the political system suitable for Afghanistan, we will define the structure and political system by referring to the books and works of scientists.

Political structure: First of all, in a work called Introduction to Sociology, he defines the political structure as follows, the set of institutions and centers that hold political power and create a single whole is called a political structure, this whole is affected by all the traits and characteristics that It gives an identity to a related society. In general, the structure can be divided into two parts. One is a simple structure and the other is a specialized structure. (naqibzada, 2008,165_169)

Political system: From a lexical and terminological point of view, Mr. Sarwar Danesh has provided such a definition for the political system in his work called the Constitutional Rights of Afghanistan. It is the construction of government power and the set of its institutions and the rules that govern them. The political system is sometimes also interpreted as the political regime (Danesh, 2012:223). In the following, Mr. Naqibzadeh gives such a definition of political system in his work, what is meant by the political system of government and government is the general meaning of government. The general meaning of government is the organization of power. This organization is made up of people who are usually called rulers and We refer to them as leaders and institutions, each of which performs special tasks related to themselves. (naqibzada, 2008,165_169). The political system is a set of legal institutions that form the government or the government and determine the functions and regulations that govern them, how the interaction of the institutions is defined and explained by the constitution, for example, the royal system, the Islamic system, the democratic system, the Socialist and... (Rahemi, 2017:148). In other words, he defined the political system or the government as a group of individuals and institutions that enact the laws of a society and implement them with the superior power they have.

For example, the:

- with public authority
- Their laws are authoritative and dominant over other regulations and laws in the society.
- The legitimate use of power is exclusively at their disposal(Zarefi, 2015:6-12)

These definitions were among the definitions of the political structure and system provided by political sociologists. Here, it requires me to briefly discuss the current presidential and parliamentary systems. With the exception of some countries such as Switzerland, all the countries in the present era have a presidential or parliamentary system, and our dear Afghanistan has also adopted a presidential system according to the new constitution that was formed after the important conference in Ben, which is based on the theory of separation of powers at the top. All three personal powers are under the name of the president, which can be clearly seen in the discussion of the president's qualifications in the chapter of the president. Now we are going to define presidential and parliamentary system. Presidential system as it can be seen from the concept of the word presidential, the government is under the leadership of a person called the president. However, regarding the definition of the presidential system, Afghan jurists have provided such definitions. The prominent characteristic of the presidential system is the dual legitimacy and the dependence between the legislative and executive branches, so that each of them is elected for a certain period, and the executive branch in this system has considerable legal power and has the authority to determine and elect the cabinet and the administration and is directly elected by the people for a period. He has no political affiliation and trust in the vote of confidence of the legislature. (Rahemi, 2015:154)Meanwhile, in the topic of systems, Mr. Dinesh's definition of presidential system is as follows: presidential system is a system whose main characteristic is the absolute separation of powers, that is, none of the executive and legislative branches have dominion over the other, and each performs its duties without the interference of the

other. and each of them respects the legal authority of a pot (Danesh, 2012:242).

In the following, Mr. Danesh mentions elements for the presidential system, which are briefly as follows:

- 1- One pillar of the executive branch 2- The election of the head of government like the parliament by the votes of the people. 3- The lack of responsibility of the cabinet and the head of government in front of the legislature. (Danesh, 2012:242)

At the same time, foreign scholars such as Stepan Vaskitch have expressed such a definition in the discussion of the definition of the presidential system, the presidential system is a system that is defined by mutual independence; 1- The legislative branch is elected for a specific term and has separate legitimacy. 2- The head of the executive branch is A specific term is elected and has a separate independence. In the continuation of the presidential system, the quasi-presidential system is proposed, which mixes these elements and introduces a separate definition of the system.

If we want to present several definitions of the presidential system, the discussion will be long and we will go away from our main goal, so it is necessary to provide a comprehensive definition of the presidential system so that the discussion does not become lengthy:

A presidential system is a system in which the head of government is not dependent on the legislature and is directly elected by the people for a certain period, which is in different countries and constitutions. The president is the same as the president and the head of the government and government is only one person. The legislature is directly elected by the people for a certain period, like the president, and the head of the government is not part of the legislature, which is set for five years in the constitution of Afghanistan and France.

Advantages of presidential system:

It is better to mention the military benefits of the presidency in a condensed form by referring to the works of legal scholars:

The followers of the presidential system claim that according to the advantages of the presidential system, this system is the best and most suitable system for the transition to democracy and a stable system. They still claim that presidential systems in the world are not the same, but are clearly different from one another. Therefore, generalizing the disadvantages found by critics of one country's system to all countries does not seem justified and logical.

Electoral calculation and identification: Voters can select and calculate the executive branch or the person responsible for decision-making and policy-making in the presidential system.

Independence of the Legislature: Members of Parliament can make decisions on legislative issues independently without considering the issue of no-confidence vote, party pressure, and based on the importance of the issue.

Presidential system and party discipline: good party discipline in this system helps the president to negotiate or deal well with other parties and groups, but a weak party system makes this difficult and introduces the relationship of lord and serf into the system. (Rahemi, 2015:60).

Losses and shortcomings of the presidential system: The losses and shortcomings of this system are long and numerous, especially in multi-ethnic countries such as Afghanistan. In this section, we seek to briefly list the main losses and problems of the presidential system:

1. **The inexperience and ineffectiveness of this system for fledgling democracies:** This issue can be clearly seen in the countries of Latin America, Asia and Africa, where these systems have slowly turned into dictatorships.

2. **Dual competition and legitimacy:** In the presidential system, both the president and the parliament are elected independently by the people, the source of legitimacy and survival of both are independent of each other, and this causes competition and tension between the two powers.
3. **Deadlock and strife between the executive and legislative powers:** The deadlock and strife between these two powers lies in the institution and nature of this system, and whenever possible, it can lead to a high level of tension and aggression. There is no democracy for this conflict and tension (Rahemi, 2015:60)
4. **The fixed term of the presidential term:** this period has created an inflexibility that is not compatible with the permanent dependence of the government on the vote of confidence of the parliament, compared to the flexibility of the parliamentary system. Considering this issue, removing the replacement or removal of the leadership that his party has lost the trust of the people or has failed to implement the programs they promised, it is very difficult in the presidential system.(Rahemi, 2015:61) This discussion can be seen clearly in the discussion of local governance.
5. **Gaining everything and losing everything:** One of the main problems of the presidential system is that this system works based on the principle of winner-take-all, and this principle turns the democratic process into a zero-sum game, winner or loser. An absolute loser is a disguise that leads to the possibility of any kind of tension in a potential form, even these cases can be considered in the past three election periods and the current and future questionable elections (4: p. 61).
6. **The possibility of a coup:** If the system faces a deadlock, the possibility of coups and bringing in the army as a mediator is very high.
7. **Succession problem:** Determining the president's successor is very problematic and critical, which can be clearly seen in the current system of Afghanistan.
8. **The winners and losers are clear:** in the presidential system, the winners and losers are clear and clear until the next election period without the involvement of the executive and legislative branches in the form of serf lords.
9. **Weak cabinet:** in the presidential system, the ministers are a symbol and do not have any authority, because this cabinet and ministers are determined by the choice of the president, who saw a living example of this challenge in the cabinet of the national unity government, although the content of the government system National unity was not the presidency, but it was still free from this challenge.
10. **Polarization of the election process:** The main challenge in this system is the election, this system divides the citizens into two opposite poles and increases the possibility of tension and coup in multi-ethnic countries.
11. **Follow-up ministers:** The probability that the cabinet of the presidential system is made up of free-thinking and intellectual ministers is very low.
15. **Individual leadership:** In this system, the president can take an individual leadership based on his personal requests and choices and priorities.
16. **Political crisis is equal to system crisis:** Due to the inflexibility of this type of system, the smallest problem in this system becomes a political crisis, unlike the parliamentary system.
17. **The strong relationship between the presidential system and authoritarian democracy:** O'Daniel put forward this theory. He states that the presidential system is neither a stable system nor an institutionalized and democratic system, but a continuous and potential movement towards autocracy and tyranny.
18. **The incompatibility of the presidential system with social combinations:** Most of the countries that were formed from different combinations and the presidential system prevails in them, the mentioned systems are not compatible with these countries and have always been a problem.
19. **Non-participation of young people in presidential systems to the greatest extent:** Countries and communities where the presidential system ruled usually included experienced people and people who had a lot of influence in the ruling system, while there

was no news about the participation of young people in the political system and the political system. They also had commonalities, such as the current ruling system in Afghanistan.

20. **Decentralized democracies:** In this system, decentralization is very individualistic and is more related to the thought of power and the choice of the head of the government than the choice of citizens.
12. **Limited representation:** the president generally represents a section or group in society, and this limitation in representation leads to the polarization of politics in society.
13. **The possibility of non-political people coming to power:** In this system, the possibility of coming to power and getting the executive branch is very high by inexperienced, dangerous people or those who have not been in the field of politics, which is a living example in the election won by Mr. Trump was clearly observed.
14. **President's political style:** Winning the election is one thing, and winning the political style is another thing. Mainly and generally, the personality traits of the president depend on his circle and extremists near and far.

Parliamentary system: The outstanding indicator of the parliamentary system is (mutual dependence) and according to Linz, the parliamentary system is a system in which the only legitimate and democratic institution is the parliament, and the authoritative authority of the government is completely dependent on the trust of the parliament (Rahemi, 2015:55). Meanwhile, Mr. Danesh in The first discussion of the parliamentary system provides the following definition: In the parliamentary system, along with the separation of powers, the cooperation of the powers is proposed, which means that the separation and separation of the three powers does not mean the absolute separation of the powers or the severance of their complete relations, but rather a relative separation and cooperation. Close to two strong executive and legislature is the main criterion (Danesh, 2012:241) At the same time, Dr. Seyed Jalal Madani says the following about the parliamentary system: In the parliamentary system, the legislative branch, in addition to the legislative duty, also interferes and supervises the executive branch, the president is obliged to select the ministers in a way that is trusted by the parliament and Parliaments can express no confidence in ministers and force them to resign (Madani, 1997:119). Based on the given definitions of the parliamentary system, one can conclude such a definition; the parliamentary system is a system that is at the head of the government of the legislature and is elected from within the legislature. The head of government is separate from the head of government and the head of government is apart of the legislature.

Elements of the parliamentary system

- 1) **Irresponsibility of the head of state:** In the parliamentary system, the head of state, whether he is the king or the president, does not have any important authority, in fact, the president is a nominal and ceremonial head. For this reason, he has no political responsibility in front of the parliament.
- 2) **Two pillars of the executive power:** One of the characteristics of the parliamentary system is the two pillars of the executive power. That is, there are two pillars at the head of it, one is the head of the government, who is nominal and ceremonial, and the other is the chancellor or the head of the cabinet and the council of ministers, who in practice has executive power. Holds.
- 3) **Individual and collective responsibility of ministers in front of the parliament:** in the parliamentary system, ministers have both collective responsibility and individual responsibility in front of the parliament, which means that when the cabinet approves a certain policy, the ministers must be a united front and a united issue in front of the legislature and the people. and in the case that the ministers do not agree with that policy or are strongly opposed to it, he will leave the cabinet. Even so, the minister is in charge of a ministry, he must receive a vote of confidence from the parliament, and he also has personal responsibility in front of the parliament.
- 4) **Dissolution of the Parliament:** The same way that the Parliament has the right to disqualify the minister and declare the cabinet

dissolved. The head of government can also declare the dissolution of the parliament in certain circumstances at the request of the government (Danesh, 2012:242). Today, in the majority of democratic countries, it was these parliamentary systems that have proven themselves to bring stability, especially to countries that are in dire need of democratization, and they gave the parliament the main role to bring hope and great aspirations. Most of the countries that were used, especially the countries that suffered from different identity and class divisions, passed these fateful tests to a large extent. Today, many scientists and systemologists have expressed their opinions about the advantages of the parliamentary system and claim that this parliamentary system is which can answer all the demands of the people to build a successful and democratic government and system, so in this article I will continue to tell the advantages and disadvantages of the parliamentary system in order to achieve our goal of getting a suitable system for Afghanistan.

Advantages of parliamentary system: Reduction of differences and greater coordination of each other's powers: Parliamentary or cabinet government is based on the coalition and cooperation of the executive and legislative powers, so it can largely prevent the emergence of serious differences and atmosphere of tension between the people and the officials. The parliamentary form of government is more able to flourish in a homogeneous environment (Ehsanian, 2019:3_5). Increasing the importance and prestige of the legislative branch and reducing lawlessness: As some of the people in the parliament said that the parliament is at the top of affairs, in this form of government, the legislative branch has legal and legal superiority over the executive branch. In the form of parliament, there is a very close relationship between the executive and legislative branches, and the tenure of the actual executive branch depends on the will of the legislative branch. More importance is given to the affairs of the parliament in the elections. The parties try to enter the election scene with more and better quality programs and by implementing various programs in line with the general welfare of the people, they try to familiarize the people with the correct and real principles. Each of the parties and representatives Guns are trying to implement better programs to keep people's votes for themselves. (Ehsanian, 2019:3_5).

The possibility of further realization of meritocracy: the representatives of the parliament, who should be composed of experts and committed people with sufficient scientific competence, can deal with the executive elections with more ability and better knowledge. Certainly, the representatives should try to stay away from the politics of the game and with The correct selection of the prime minister should think about promoting national interests so that they do not lose their votes

The executive branch is more accountable to the parliament and more closely supervises the work of the first person in the executive branch: The members of parliament who have elected the prime minister themselves monitor and remove him more carefully, and in this way the methods and means of monitoring the work of the prime minister are strengthened.

Identification of talents: the expansion of parties and their efforts to educate people politically and recruit forces will lead to the identification of talents and their training. In this way, there is an increase in the number of specialized forces to receive specialized positions (Ehsanian, 2019:3_5).

Abandonment of heavy expenses due to advertisements and supervisions: party systems solve the concerns caused by fraud and abuse of some opportunists.

Preventing the autocracy of the executive power against other powers: the existence of a party system and the opposition party and the opposition, provided that it is healthy and efficient, keeps the ruling party on the right track and is an obstacle to the autocracy of the executive power.

In this case, Mr. Rahemi has the following explanation:

1. The single source of authority to rule.
2. Flexibility and softness.
3. Benefit from political experiences.
4. Strengthening democracy.
5. More scope for representation.
6. Motivation to participate in the political process.
7. The field of realization of democracy.
8. Symbiotic or consensual.
9. Close cooperation between the executive and legislative branches.
10. Mediation role of the head of state and strong cabinet (rahemi, 2015:149)

Defects of the parliamentary system: Ignoring talents in the opposition party: if the superior party that has managed to allocate the majority of the parliament does not adhere to moral issues, it can put problems on the way of meritocracy and real democracy; One of them is that the bias of people and members of the parliament towards their own party causes the talented people of the opposing party to be ignored, and as a result, the winning party's monopoly in the parliament and the executive branch is endless. In fact, the parliamentary system, just as it can prevent self-insurgency, can also cause self-insurgency (Ehsanian, 2019:3 5). Giving importance to party interests instead of national interests: the inactivity of the party and victory in the parliament and their strictness towards the minority party can be considered as other possible consequences of the parliamentary system. Non-committed to the elections and the parliamentary arena, which requires careful monitoring by the responsible institution. Certainly, the parties that deal with ideological, religious, political, moral education and intellectual orientation of the people. They are free from these possibilities and they can agree in the electoral field:

- Lack of scientific theoretical generalization of this system
- Inability to calculate
- Unstable government
- Affiliated Legislature

Which system does Afghanistan follow?

Separation of forces and system of Afghanistan: The separation of powers in the present era is one of the phenomena that all humanity respects, and scientists and philosophers have long sought it to define the duties of governments; Plato (427-347 BC) and Aristotle (322-322) 385 BC) have mentioned this case in their works. Plato mentions the three branches of the legislature, the judiciary and the executive sporadically, but Aristotle clearly defines it. (Danesh, 2012: 238). In the following, John Locke also discusses the separation of powers and divides the executive and legislative branches into three, which is also known as the united power, but the person who founded the theory of the separation of powers in its general form is Montesquieu (1755-1689). who founded the book *The Book of the Spirit of Laws* (1748), which is the basic source of the American Constitution and the French Universal Declaration of Human Rights and most of the laws of Europe and democracy, it was stated in the French Declaration of Human Rights after its publication: That society does not have a constitutional law in the real sense of the word. Montesquieu's purpose in presenting the theory of separation of powers, not concentrating all the duties of the ruling body in the hands of one person, was to support the people against tyranny. And in his time, this principle eventually became a means of liberating the people from the tyranny and absolute power of the kings. (danesh,2012: 237-237).

Now we will discuss the nature of the political system in Afghanistan based on the theory of separation of powers:

The existing political system in Afghanistan:

Afghanistan is the state of the Islamic Republic, independent, single and indivisible (2004, Afghanistan constitution law,1article)

Before entering into the discussion, the interesting thing is that Mr. Danesh is against the federalization and decentralization of Afghanistan, as it can be understood from the texts in the discussion of the administrative system of Afghanistan that they want a centralized system of leadership, as he states (without a doubt, in Afghanistan, the objective conditions are still for federalization It is not ready and the federal administration may cause a lot of problems for the country. Therefore, in the constitution, a simple system is considered based on the principle of centralization, that is, a system that has a central government and central offices with full authority, the whole country from one point. and leads and manages through his representatives around).

The political system of Afghanistan based on the constitution of Afghanistan is a presidential system, the president is elected to direct the people. The president is the head of all three powers at the same time, or in other words the head of the government. The president has two vice presidents and his deputies are more symbolic like the president They are elected by the people's votes, and the president does not have the right to dismiss his deputies. The principle of separation of powers is emphasized in the Afghan constitution, but at the same time, the president is appointed as the head of all three branches. The president also appoints the president and members of the Supreme Court. (BBC Farsi (2014) How democratic is the political structure of Afghanistan?)

In the twelfth paragraph of Article 64 of the Constitution, it is stated as follows: The president is at the head of the government of the Islamic Republic of Afghanistan and exercises his powers in the executive, legislative, and judicial fields in accordance with the provisions of this constitution. (2004, Afghanistan constitution law,64 article)

The president is also the commander in chief.

Under no circumstances, the President has the right to cancel the National Council (House of Representatives and the Senate). However, in emergency situations as defined in the law, part of the powers of the House of Representatives are transferred to the President with the approval of this House. In addition, the new and current constitution of Afghanistan has the following message about the legislature: The National Council of the Government of the Republic of Afghanistan as the highest legislative body is the manifestation of the will of the people and represents the nation. (2004, Afghanistan constitution law,81 article) In the following, this law introduces the powers of the legislature, which states that the National Council has the following powers:

- Approving, amending or canceling laws and legislative decrees.
- Approval of developmental, social, cultural, economic and technological programs.
- Approving the government budget and granting permission or granting a loan.
- Creating, modifying or abolishing administrative units.
- Confirmation of international treaties and covenants or termination of Afghanistan's accession.
- Other powers listed in this constitution (2004, Afghanistan constitution law,92 article)

In general, the constitution has established such a mixed system that, despite the use of presidential and parliamentary system, has paid attention to the balance of power, but at the same time, it has not been able to pass the political test, especially in the issue of the nation and state-building, which in this issue of the nation and state-building of Habibullah Jamil Zadeh says this in his work called *Mellat wahed*; A united nation is a nation that consists of culture, common racial roots, a strong will, a great thought, a political compromise and a great phenomenon that seals itself as a superior model (2: p. 8). As a single nation, we did not want to gather these features, the main reason of which is the lack of effective system during this period. which has a desire to become parliamentarian, that is, quasi-presidential and

quasi-parliamentary, which has not been the answer to Afghanistan's crises and problems so far.

Criticism on the current structure of Afghanistan: According to the definitions and considerations that we have previously stated about the system, the structure of the system, the presidential system, the parliamentary system, and the advantages and disadvantages of these systems and the political institutions of Afghanistan in accordance with the new constitution, especially the common features that may not be the same, because in some systems Like the current system of Afghanistan, they are not equal to any existing system, even if they are dictatorships, such as North Korea and Saudi Arabia, because here the political system of the country is not built and ordered by Afghans without prior planning. Rather, they are built with the intervention of foreign countries, especially the Eastern and Western countries, which can be mentioned as an example of the intervention of foreign countries in the past three elections, the intervention of the Eastern Bloc under the leadership of the Soviet Union a decade and a half ago, and the approval of the new constitution. Abdul Hafiz Mansour has mentioned it in his work called Religion and Democracy in the last part of his book, although the original text is related to Bashir Ahmad Ansari, who has discussed it in his important book called Afghanistan in the fire of oil, but the mentioned author has added in the last text of his book that It says:

The invasion of the Soviet Union in Afghanistan was planned by its enemy so that it would be trapped in Afghanistan and collapse. It is claimed that Osama Bin Laden, the former leader of al-Qaeda, was created by the United States, and it is claimed that the Taliban group was in the hands of the Taliban, and the important thing is that the fate Afghanistan was also done by the same US on purpose, which means that the September 11th attacks were intentional (Mansour, 2004:148_149). From the meaning of the text, it is clearly understood that the constitution that was approved in 2004 and the current system that was formed at the Bonn conference are among the plans of the United States of America to achieve its strategic goals towards Asian countries, especially its long-time rival Russia and countries like it has been China, Iran and nuclear countries such as Pakistan and India, the system that was formed based on these strategies caused huge crises in Afghanistan, crises such as identity, political legitimacy, sharing crisis, unity crisis, constitutional law enforcement crisis and... So, can we reach the conclusion that the structure of the current system of Afghanistan is also affected by all kinds of diseases? But! The main question is where did these crises start? And where and what are the solutions to these crises? In this article, it is possible to briefly answer these important questions, but the answers to the questions can be understood from the meanings of the following texts. First, we will address the first question, the answer to which has been provided by the International Center for Peace Studies by publishing an article.

Afghanistan has had a clear constitution and political system since 1923. The first constitution was also known as Nizam Namah, and later it was called Usul Namah and Constitution. In the first constitution, the political system was defined as the presidency and the only form of the system. In 1930 AH, Nader Khan established a dynastic and hereditary system and the law of the royal system, and the constitution of 1980 AH also established the first left democratic republic, whose most important achievement is bringing a bloody chapter in the history of Afghanistan. Finally, the new constitution approved in 2003 AH is a system He defined a politician who claims democracy and human rights, but in the appearance of the executives and leaders of this system, he displayed a velvet democracy system. (IPSC: 20 p. 1-4). But in principle, their mistake is not the most because these systems were always planned from across the water in the past. However, one phenomenon that can be clearly observed among all these systems is the limitless powers of the ruler or the ruler. In the period of the republic, whether in the people's democratic period or in the royal period or the current system, but the new constitution and the current system have gone beyond the subject in some cases, for example, in the constitution of 1964 AH, there are seventeen paragraphs or items. had been allocated for the powers of

the Shah, while these powers have been increased to twenty-two 22 paragraphs in the new constitution approved in 2002, which shows the same previous discussion that states the unlimited powers of the ruler. (20: IPSC p. 8). In fact, it is this limitlessness that has given the president a lot of authority and options and intensified the increasing challenges between the three powers, especially the executive and legislative powers, which can be seen as the head of the cabinet of the national unity government and the transformation It was clearly seen that the government became a hot field of political factions. We will again criticize a number of politicians who criticized the existing system. First of all, Mohammad Mohaqeq, a member of the National Front and the second deputy of the executive directorate, stated at the opening of the seminar that "We undoubtedly have problems in the country, one of the most important of which is They are the monopoly of power in a certain area and the second one is corruption where a certain circle has monopolized all the political power and political parties have no role in the peace process. It is another manifestation of the problems in the existing system. Meanwhile, the head of Shaheed Ahmad Shah Masood Foundation and the brothers of Shaheed Ahmad Shah Massoud said about the political system that the presidential system in Afghanistan is inefficient. He further added that the citizens of Afghanistan experienced the presidential system for 16 years, but they did not recover from this difficult situation and this situation is not at the same time, National Congress leader Latif Pedram, who is known as the great federalist of Afghanistan, wanted an all-inclusive federal system, which he explicitly observed and analyzed in the prolific BBC TV media program. The two volumes of his book and Mujeeb Rahman Rahemi also mentioned in the two volumes of his important book, Criticisms on the Structure of the Political System and Controversial Issues, and people such as awaz Nabizadeh and Aziz Ahmed Barez, etc., that they all want to amend the Constitution and Changing the structure of the political system to a decentralized system. Meanwhile, awaz Nabizadeh in an article entitled "The structure of the presidential system is the biggest problem of the current constitution" states that the biggest problem of the current constitution is the structure of the presidential system.

However, in the past, citizens were of the opinion that the concentration of power in the hands of one person and the formation of a presidential system will strengthen the central government, but the experience of more than a decade and a half has shown that the presidential system has not only failed to strengthen democratic institutions. rather, it has turned into a dictatorship system in the region. A dictatorship that has no power in the region and has turned Afghan citizens into first-class and second-class citizens of the military, which is not accountable to any institution. Meanwhile, Mr. Nabizadeh, the author of the article, writes that in order to institutionalize democracy and decentralize power in Afghanistan, it is necessary to change the name of the individual-oriented presidential system to a federal system. In my opinion, an all-inclusive system is needed to institutionalize the democracy system and decentralize power, a system and structure where everyone can see themselves in the mirror of power and prove themselves, the opportunities are equal for everyone, a system where the central government has no Sometimes, we should not discriminate between citizens and not treat citizens as rank citizens, let us have citizens who all shine like bright stars in the fortresses of freedom and democracy and eliminate phenomena like majoritarianism, what Mr. Dr. Seyeed Ahmed Ziwari, the translator of the article of Dr. Anwarul haq Ahadi, the head of the New Front Party and a professor at Providence University in Rhode Island, mentioned it in the article on the decline of Pashtuns.(Look at the decline of the Pashtuns).

At the same time, some ethnic groups believe that they constitute the majority and that the Afghan government was formed by them, and Afghanistan is their only government in the international system, and minorities should accept their identity in the Afghan government, the majority of ethnic groups in the region. They have their own specific governments and no ethnic group has been able to question the identity of these countries and this rule should be applied to Afghanistan as well.(Look at the decline of the Pashtuns,14) But all the ethnic groups living in Afghanistan should know that no ethnic

group in Afghanistan can continue their racial and ethnic discrimination with a majoritarian trick. If the Tajiks want to have a completely Tajik system, it is not possible, or even conceivable, in the same way. Afghanistan's ethnic groups such as Uzbek, Pashtun, Kyrgyz, Turkmen, Hazara, etc., but these ethnic groups can form a single nation together with different ethnic groups, like different flowers that created a beautiful garden and grass, and no ethnic group wants to be at the top, it's like the garden is superior to horticulture, but other flowers are not. In this case, neither a beautiful garden will exist nor a beautiful flower will grow.

Further, in his article, dr mujeeb Rahman rahemi mentions a foreign writer who states that the most challenging problem not only in new democracies but also in stable democracies is to control the administration of ethnic conflicts. The expulsion of ethnic groups in countries such as Namibia, the Catholic and Basque region of Spain, Palestine, the war in Ronda, Kashmir and East Timor. The lack of social and cultural conditions may cause the failure of the democratic process, but in most countries in Africa, Asia and Europe, such as the Soviet Union Formerly, East Timor's main challenge is ethnic integration, therefore, the only solution to the problem is the constitutional engineering. (Danesh, 2012:17) In the current era, political researchers and political activists of countries do not propose a single and homogeneous system for all countries, but in this case, there is a general fact that the parliamentary system is better and more suitable than the centralized presidential system in the process of transitioning to democracy. In spite of all these differences, the question is still raised among a number of authors, which of the parliamentary, presidential, and semi-presidential systems is the most suitable? There is an international agreement that a decentralized parliamentary system is more suitable for such countries than a centralized system.

CONCLUSION

The current research, which is firstly with the question of which political system will be suitable for Afghanistan? It started and from that beginning with a comparative study of the presidential and parliamentary system to get the best answer to the mentioned question. The presidential system in which the presidency and the parliament each have their own duties. The parliament is responsible for legislation, the president is responsible for the administration of executive affairs, and each has complete independence in their duties. And the ministers are responsible to the president, in front of the parliamentary system, and for dismissal and appointment. They are with the president and the councils have no involvement in these matters. that this presidential system has flaws and advantages, among the advantages of this system, we can mention more freedom of choice for the voters, electoral calculation and identification, independence of the legislative branch, stability of the cabinet, with executive powers. Besides these advantages, the presidential system has many flaws. which include giving legitimacy, dual competition between the legislative and executive branches, losing everything and gaining everything in a decisive election, the possibility of a coup, the problem of succession, clear winners and losers, polarization of the national election process, symbolic ministers, and lastly, populists and demagogues came to power.

In continuation of the parliamentary system, in addition to the legislative task, the legislatures also intervene and supervise the executive branch. The president has to choose the ministers in a way that is trusted by the parliament, and one of the parliaments can express lack of confidence towards the ministers and finally force them to resign. that this system, like the presidential system, had advantages and disadvantages that the critics and supporters of this system presented. Among the advantages of this system, it can be seen from a single source of competence to govern, flexibility and softness, benefit from political experience, more scope for representative Gay, motivation to participate in the political process, close cooperation between the legislative and executive branches, the mediating role of the head of state and finally a strong cabinet can be

mentioned, but the critics of this system were silenced and they also stated the disadvantages of this system, which can be mentioned among the disadvantages of this system. Inability to calculate politics, unstable government, dependent legislature. But which type of political system is the best for Afghanistan? Because Afghanistan is a country made up of different ethnicities, religions, and nationalities, and each of these nationalities has its own language, culture, and special characteristics, and because civil wars, dangerous political and global crises in this country is going on and no suitable solutions have been provided so far. For these reasons, in order to have an efficient and politically stable system, an all-oriented system with politics from the part to the whole, a majority system, a system where all forces participate in power, we need a system that will lead us from this slowness to development and excellence. At the same time, the current and centralized presidential system in Afghanistan is doomed to failure due to its failure to respond to the demands of the ethnic groups in Afghanistan at this important historical moment. This research is based on the belief that due to the inefficiency of the presidential system and the formation of Afghanistan from many ethnicities and nationalities, it is suffering from lack of identity.

Offers: In my view, the change and reform of the political system depends on several elements and background, which must be completed before changing the structure of the political system. Including:

- 1- Political stability and development.
- 2- Ensuring public security.
- 3- Economic growth.
- 4- Amendment of the constitution using democratic means and contexts.
- 5- Amending the party law and approving a new law for parties and creating new conditions for the establishment of political and social parties and organizations.
- 6- Creating the mental fields of the re-nation building process among the citizens.
- 7- Selection of reliable political actors.
- 8- Development of political rationality.
- 9- Dissolving the current party system and bringing democratic and populist parties together.

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