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**CONSTITUTIONAL – LEGAL BASES OF THE RIGHT TO
PETITION AND ITS IMPROVEMENT**

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ABSTRACT

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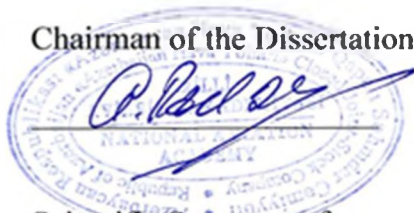
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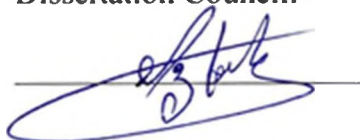
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GENERAL DESCRIPTION OF THE RESEARCH

Relevance and level of development of the research topic.

The recognition of human life, rights and freedoms as the highest value and supreme goal of the state, as declared in Article 12.1 of the Constitution of the Republic of Azerbaijan (hereinafter - AR), is not simply declarative, abstract in nature, but has a very specific content and essence. It is no coincidence that the President of the country, Mr. Ilham Aliyev, has repeatedly emphasized in his speeches that the Azerbaijani citizen is at the forefront of state policy, and that all officials, including himself, are servants of the people. He stated the importance of all state officials always serving the people ¹.

In civil and democratic legal states, the state must serve the people. Because man shapes all the values that exist in society and the state with his mind and labor, and people create the state itself with their common efforts. These values are created by society in a way that will serve its own well-being, therefore all values must serve man.

Considering the above, it seems that at the present stage, an in-depth study of the right of citizens to appeal, which determines the direct and reciprocal relationship of the relations between the citizen and the state, adequately reflects the above. This, of course, requires a qualitatively new approach to unlocking the potential of the will of the people in building a state that has embarked on the path of sovereign, independent development. However, the potential of citizens to express their will has not been properly opened by legal science and practice. Although previously, in separate studies on this topic, mainly a superficial study of the concept of citizens' appeals and their classification was conducted, the lack of a comprehensive, complex and comparative-legal study in this direction remains an urgent legal problem.

Ensuring the subjective rights of citizens in relation to appeals to state bodies and local self-government bodies is one of the guarantees of popular sovereignty and the connection between the

¹Mahmudov, YM Heydar Aliyev: [in 2 volumes] / Y. M. Mahmudov . – Baku: Turkhan NPB, – v. 2. – 2013, – 704 p.

people and their representatives. Citizens' appeals perform an important connecting function between society and the state, which allows the former to convey their views on important, significant and topical issues to state bodies. In addition, information about the most pressing problems contained in the appeals contributes to the timely implementation of measures to eliminate them and prevent them in the future.

The study of issues such as the formation, understanding, theoretical and legal foundations of the right to appeal, its place in the human rights system, international and domestic legal foundations, implementation mechanisms, development problems of national legislation establishing the right to appeal in the Republic of Azerbaijan, the application of technological innovations in the activities of state bodies to implement the right to appeal, and the application of the electronic appeals system, which are among the main elements that directly ensure the connection between the citizen and the state, and determine the citizen's belief in the rule of law, is of particular relevance.

Another nuance that shows the relevance of the topic is the lack of comprehensive scientific research on the implementation of the right of citizens to appeal, which is a complex right that allows for an objective assessment of the response of people to their demands by state authorities, as it comprehensively reflects issues related to the rights and freedoms of humans and citizens.

The right to appeal, which began to take shape during the existence of the Roman state, has undergone a long historical development and has undergone changes and improvements at different stages of history. In the modern sense, this right is one of the first human rights that emerged mainly in the period when the ideas of the Enlightenment were widely spread in Western European countries². It is also enshrined in the fundamental documents on the protection of human rights, the Universal Declaration of Human Rights of 1948 (Articles 7, 8) and the International Covenant on Civil and Political

²Kishlansky, MA A Brief History of Western Civilization: The Unfinished Legacy. - Longman, - 2002, - p. 412. – 713 p.

Rights of 1966 (Article 19), as well as in regional legal acts. Article 13 of the European Convention on Human Rights of 1950, which the Republic of Azerbaijan has also ratified, states that everyone whose rights and freedoms recognized in the Convention are violated has the right to obtain an effective remedy before a state body ³. Each state party to the Convention independently decides which means of protection to use. In this regard, since the realization of the right to appeal, which has international legal foundations, depends significantly on the national law of states, comparative legal analysis and research in this area is also of particular relevance.

The issue of the right to appeal partially overlaps with the issue of state jurisdiction and state sovereignty. In this context, the famous international law scholar H. Lauterpacht considers the right to appeal to be inseparable from both the citizenship status and the entire international community ⁴.

In scientific literature, the right to appeal is considered one of the main, defining elements of public administration, and therefore, the study, improvement and development of the mentioned right in parallel with the laws of development of society is an objective necessity. It should be noted that SF Aliyev includes the right to appeal among the absolute rights of citizens in the field of public administration, and at the same time, in accordance with the Constitution and legislation of the Republic of Azerbaijan, he also separately mentions the right to appeal among the basic administrative rights of citizens ⁵.

The right to petition is an important means of both participating in public administration and protecting human and civil rights. This right contributes to the implementation of the principles of a democratic state.

In the Republic of Azerbaijan, this right ensures the direct participation of citizens in state affairs. As such, this right plays a key role in the implementation of the principle of popular governance.

³Davis, H. Directions in Human Rights Law. - Oxford: Oxford University Press, - 2021, -p. 115. – 480 p.

⁴Lauterpacht, H. International Law and human rights. – London: – 1950. – p. 287.

⁵Aliyev, SF Administrative law. Textbook, – Baku: Baku University Publishing House, – 2016, pp. 75-76. – 686 p.

However, there are certain problems in the existing legislation. These problems include regulatory acts and gaps in the legislation that prevent the efficient consideration of citizen appeals.

Also, the development of information technologies in modern times necessitates the application of the "electronic democracy" model. This can expand the participation of citizens in state affairs. On the other hand, the fact that legal regulations are not fully adapted to these realities creates additional difficulties.

Studies show that it is necessary to improve the regulatory and legal framework in this area, study and adapt advanced international practices. Democratic development requires fundamental changes in the direction of strengthening the interaction between state bodies and citizens and effectively implementing the right to appeal.

In addition, the relevance of studying and applying the experience of advanced foreign countries on the above issues based on the modern era of the integration of the Republic of Azerbaijan into the world, the globalization of economic and social processes, the development of information and telecommunication technologies, innovative steps taken regarding the right to appeal, and international and national legislation should also be noted.

The topic under study requires reference to scientific works of a general theoretical and field-specific nature. Although the dissertation work to some extent includes a comparative analysis of doctrinal approaches to the study of the right to appeal by specialists in the field of constitutional and administrative law, on the one hand, and human rights protection, on the other hand, a scientific study has not been conducted on the current research work.

Therefore, the dissertation work has comparatively examined the works of a number of local and foreign scholars conducting research in the fields of international law, human rights protection, constitutional law, citizenship law, and administrative law.

In the field of constitutional law in the dissertation work – I.M. Jafarov, N.V. Vitruk, N.I. Voevodin, E.A. Lukasheva, N.I. Matuzov, G. Macklin, D.M.O. Brain, N. Dorsen, R. Schutze, M.L. Corrado; in the field of administrative law – S.F. Aliyev, B.S. Atakishiyev, N.A. Bakhshiyeva, S.V. Kalinina, N.Y. Khamaneva, V.F. Fank, C.Sararu, J.

Alder, M. Rush, E. Karolan; in the field of human rights protection – A.I. Aliyev, L.H. Huseynov, V.G. Rumyantsev, A.Y. Olimpiyev, A.I. Khafizova, N. Lauterpakht, H. Davis, B.G. Ramsharan, M. Freeman, U. Khaliq, K. A. Muntagim, S. Maringele, B. Reyeni, in the field of information technologies – D. West, K. Hacker, M. Marjolis, D. Taylor, D. Morrison, B. Haq, D. Holmes, C. Alvarez, M. A. Munir; in the field of appeal law – E. A. Adamova, Y. N. Alistratov, M. A. Mironov, V. Y. Yarstev, S. Keillor, T. D. Shumate, T. Krumins, T. Tiburkio, R. J. Krotoszinski, A. Stone, etc. were used.

At the same time, a comparative analysis of currently published research and works shows that not all issues related to the right of citizens to appeal to state bodies in the modern era are covered. Given the scale and importance of the implementation of such a right, there is significant potential for a more detailed and in-depth study of it from the perspective of legal areas and depending on the specifics of the implementation of the right to appeal to specific state bodies.

Object and subject of the research. The object of the study is the public relations arising in the international and domestic legal sphere on the right to appeal, and the subject is international legal acts in the field of the right to appeal, decisions and resolutions of international organizations, decisions of international judicial bodies, the legislation of the United States and the European Union, and the legal norms established in the legislation of the Republic of Azerbaijan.

Aims and objectives of the research. The main goal of the dissertation is to analyze the theoretical and legal foundations and aspects of law enforcement of the exercise of the right of citizens to appeal to state bodies. In addition, the dissertation aims to develop scientifically substantiated proposals for the development and improvement of national legislation ensuring the right to appeal and to identify general regularities.

To achieve the stated goals the following tasks were identified in the research work :

- To examine the historical aspects of the right of appeal;
- To study the formation and development of legislation related to the right of citizens to appeal, to emphasize the unique

characteristics of the said right at different stages of history, and to identify future development trends;

- To study the scientific and theoretical foundations that allow us to approach the study of citizens' right to appeal;

- To examine the relationship of the right to appeal as a subjective right with other constitutional rights and freedoms;

- To study the international legal foundations and standards of the right to appeal;

- To study the development trend of the right to appeal in the experience of the United States of America and developed European countries;

- To analyze the legal framework regulating the exercise of citizens' right to appeal in the Republic of Azerbaijan;

- To determine the directions and principles of action of state bodies in the implementation of the right of citizens to appeal in the Republic of Azerbaijan;

- Analysis of the possibilities of applying innovative innovations in the activities of state bodies to realize the right to appeal, analyze existing shortcomings, especially organizational and legal problems arising in the implementation of the electronic appeals system;

- Conduct a comparative legal analysis of the international and RA legislation in force in this area in order to identify opportunities for improving national legislation on the implementation of the right to appeal in the RA;

- To put forward specific proposals and recommendations on improving the legislation of the Republic of Azerbaijan, aimed at international standards, towards the implementation of the right to appeal in the Republic of Azerbaijan.

Research methods . The research work was carried out by applying historical, sociological, comparative and systematic analysis methods and other methods. Their application in interaction allowed for a comprehensive and objective examination of the dissertation work as a whole.

Main scientific provisions for the dissertation defense. The following new scientific propositions, which embody the scientific novelty of the research, are presented for defense:

1. When determining the content and essence of the right to appeal, it should be taken into account that this right has a specific legal nature. Thus, the right to appeal is expressed by the right to appeal, both to realize a person's rights from the state and to restore them in case of violation. That is, the right to appeal to state bodies is the constitutional right of a person, citizen, as well as an organization, directly or through a representative, to apply to state bodies individually or collectively, orally or in writing, in order to protect their rights and freedoms, legitimate interests, and restore their violated rights. In this context, it should be taken into account that the right to appeal is a naturally arising need. The establishment of this right in legislation is considered necessary for the development of a legal state.

2. Based on the comparative analysis of the right to appeal, that is, with other constitutional rights and freedoms (based on its classification by subject and its establishment in the constitution), it can be concluded that the right to appeal can be attributed to both personal and political rights and social rights, since appeals are an essential condition for the realization of the vast majority of citizens' constitutional rights. It has been established that the appeal itself is a complex and universal constitutional right that allows the interests of subjects to be ensured and their will to be realized, regardless of its specific content.

3. The right to appeal, which is a subjective constitutional right, also performs the following functions: a) a law enforcement function (protecting human rights and restoring them in case of violation); b) an information function (citizens' appeals act as the most important source of information that allows the state to solve citizens' problems); c) a communication function (a type of communication in which citizens' appeals can be a means of information exchange between the state and citizens and, at the same time, act as a channel of influence that citizens can use).

4. Regarding the international legal foundations of the right to appeal, it should be emphasized that the formation of this right and its normative determination in international legal documents have developed in the context of the protection of human rights and freedoms as a whole. Such a development has resulted in the right to appeal currently being included in the constitutions of civilized, democratic, and legal states as a separate norm. The main difference between international legal acts on the right to appeal and national legislation is that international legal acts use the concept of “everyone” when determining the scope of the subject of this right, while national laws and constitutions usually prefer the concept of “citizen”.

5. The content and understanding of the right to appeal in foreign countries is directly related to the right to freedom of thought and speech, significantly depending on the type of political regime and form of government. In countries with democratic political regimes, this right has the following goals: protection and restoration of human rights, participation of citizens in the political life of the country; In countries with totalitarian political regimes - implementation of state ideology, control over the thoughts and actions of citizens, their subordination to state ideology; In theocratic monarchies - the content of appeals, like other thoughts and actions of subjects, should not deviate from the requirements, principles and rules of the ruling religion.

6. It is considered appropriate to benefit from the experience of the European Union countries in the normative-legal improvement of the right to appeal. Thus, the right to appeal in the European Union countries has developed significantly both from a normative and institutional perspective. In the member states of the Union, the right of citizens to appeal to state bodies and local self-government bodies is ensured by legislation. In some of them, this right is constitutionally enshrined, and in others it is confirmed in laws and legal acts. The main reason for this is that the issues of human rights protection are always in the focus of attention of the highest state authorities in the European Union countries. In particular, there are constant trends of renewal and improvement in issues related to the right to appeal.

7. Along with the European Union countries, it is necessary to take into account the experience of the United States in improving the right to appeal and changing it in accordance with the realities of the time. In the US legal system, there is a judicial and administrative procedure for considering citizens' appeals. The main instance for considering complaints about the actions and decisions of state officials is administrative agencies (sometimes called institutions). The term agency essentially unites all state bodies, including departments (ministries). However, in practice, hundreds of administrative agencies differ from departments in that, in addition to their usual management functions, they also perform "quasi-judicial" functions. The "quasi-judicial" procedure for considering cases and disputes basically means a procedure in accordance with the principles of "natural justice".

8. Analysis of the issues of consideration of citizens' appeals to the Milli Majlis of the Republic of Azerbaijan, the President of the Republic of Azerbaijan and executive bodies gives grounds to say that in our Republic, citizens' appeals to state authorities and timely consideration of these appeals are among the most urgent problems in the context of human rights protection in the modern era. The point is that ensuring the subjective rights of citizens to appeal to state authorities and local self-government bodies is one of the guarantees of people's sovereignty and is a link between the people and their representatives. Currently, the procedure for submitting and considering citizens' appeals is regulated by many different normative legal acts, but in these normative acts there are negative situations in terms of terminological differences, diversity of the circle of subjects, procedure for considering appeals and response times, which complicates the exercise of citizens' appeal rights to a certain extent.

I believe that, first of all, it is necessary to systematize all regulatory acts in force in the sphere of the right to appeal on the basis of general principles and concepts. There is a need to improve and make specific additions and amendments to the current legislation of the Republic of Azerbaijan regarding the consideration of citizens' appeals.

9. In modern times, the current trend of the AR legal system is observed in the transformation of most of the services provided to the population into electronic services. Currently, the application of innovative innovations is an absolute prerequisite for improving the right of people to apply. The application of scientific and technological innovations, first of all, significantly increases the criteria of time saving and efficiency. In our time, the provision of public services and the application of innovative innovations in this area act as an important component of the process of e-state building. The primary goal of creating an e-state is to increase the efficiency of public services. The main principle is to provide public services in electronic or online form. E-state is an objective reality reflecting the formation and development of e-state institutions in the information society, and its purpose is to increase the efficiency of public services provided to the population.

10. The situations revealed during the analysis of issues related to the content and meaning of the right to appeal in other countries were determined by the existence of different opportunities for the protection and restoration of human rights and the participation of citizens in the political life of the country. This undoubtedly allows us to think that, for the analysis of the right to appeal from the point of view of constitutional law, the successful steps taken towards the mechanisms for improving the quality of the right to appeal of citizens should be continued and deepened. Undoubtedly, the comparative analysis method aims to ensure the emergence of more progressive opportunities. It should be noted that, thanks to the relevant instructions of our head of state, the Azerbaijani model is being studied and adopted as an example in a number of countries in this area in terms of ensuring efficiency, transparency, accessibility and satisfaction.

11. The introduction of modern information and communication technologies (hereinafter referred to as ICT) has increased the efficiency of reforms in the judicial and legal system. The electronic judicial system should increase the accessibility of the population to judicial services, ensure transparency and strengthen trust in the courts. Development in this direction requires special

attention to the electronic exchange of documents, ensuring unhindered access to legal information. ICT capabilities, in addition to helping people save time and costs, make justice possible without delay.

Scientific novelty of the research. The choice of the topic of the dissertation research is due to the relevance of the problem posed and its insufficient research in legal science. For the first time, the author has comprehensively investigated the constitutional and legal aspects of the implementation of the right to appeal to state bodies.

The main criterion for assessing the right to appeal as a constitutional right is the expediency of referring to the provisions of Article 24 of the Constitution of the Republic of Azerbaijan and analyzing it by developing its content. This norm ensures the inviolable, inalienable and intransferable rights and freedoms of everyone from the moment of birth. From this point of view, the establishment of the right to appeal, which is accepted in the category of natural law, as a fundamentally important norm, includes the necessary mechanisms in Article 57 of the Constitution of the Republic of Azerbaijan to make the possibilities of direct realization of the said right a reality. In the dissertation work, a comparative analysis of the realization of these possibilities, both in historical development and in the modern stage, as well as the analysis of prospects for the future, is one of the factors determining the relevance of the work. Because the solution of problems and the beginning of the realization of certain issues can begin precisely by using the right to appeal. In other words, when we look at other legislative acts, I come to the conclusion that the right to appeal, as a complex right in the implementation of human rights and freedoms, both in general and individually, constitutes the initial core of a number of rights and freedoms.

The dissertation, for the first time in national legal science, provides a comprehensive analysis of the legislation of the United States and developed European countries in the field of the right to appeal, examines the emerging approaches to their application in administrative and judicial practice, and clarifies the possibilities of using positive elements of foreign experience in the legal system of the

Republic of Azerbaijan, specifically in the adoption of laws and law enforcement activities.

Theoretical and practical significance of the research. The results and practical recommendations developed as a result of the research can be used as a basis for the activities of state bodies to improve and develop the existing legislation in the field of ensuring the correct implementation of the right to appeal. In addition, the proposed practical recommendations will increase the effectiveness of the protection of other constitutional rights and freedoms of citizens.

The results of dissertation research can be used in teaching courses such as "Theory of State and Law", "Constitutional Law", "Administrative Law", "Human Rights", "Sociology" and "Political Sciences" and additional academic subjects.

Approbation and implementation. The main provisions of the research work are reflected in the author's scientific works published in various languages on the topic of the dissertation in local and foreign scientific journals, including materials of international scientific conferences.

Name of the organization where the dissertation was completed. The dissertation was completed at the "Law" department of the National Aviation Academy, was widely discussed and recommended for primary defense.

Structure and the scope of the research. In terms of structure, the research work consists of an introduction, three chapters, ten subchapters, a conclusion and a list of used literature, and consists of 121 pages. The total volume of the dissertation work is 202721 characters (excluding appendices and a list of used literature), including the "Introduction" part 22316, Chapter I 39788, Chapter II 48954, Chapter III 73467, "Conclusion" 16569 characters.

MAIN CONTENT OF THE DISSERTATION

The introductory part of the research justifies the relevance of the topic, defines the degree of scientific development of the research, its object and subject, goals and objectives, its methodological and theoretical foundations, explains the scientific novelty of the work, the new scientific provisions presented for defense, and their practical significance, and provides information about the approval of the research results and the structure of the research.

The first chapter is entitled “The Formation of the Right to Appeal: Concept, Theoretical and Legal Foundations and Place in the Human Rights System ” and consists of three paragraphs.

The first paragraph examines issues related to the historical development of the emergence of the right to appeal.

The first legal mechanisms for both appeal and trial in courts emerged mainly in the Roman state. In the early Middle Ages, feudal disunity prevailed in Europe. Issues such as the emergence of centralized states and the weakness of the state administration system also had a negative impact on people's right to appeal.

The French Constitution of September 3, 1791, granted everyone the freedom to appeal to certain bodies by petitions signed by certain citizens as a natural and civil right. Accordingly, in the history of this country, the right of citizens to appeal has gone through a long development and has formed one of the fundamental elements of the legal status of a person and a citizen in the developed countries of the world. Thus, in France, the right to appeal to state authorities is considered the first political right of a citizen.

The most important international document establishing the right to appeal to state authorities in the 20th century is the Universal Declaration of Human Rights adopted in 1948. However, the right to appeal to state authorities is on the same footing as the right to judicial protection (art. 7), can result in the right to effective redress by competent national courts in cases of violation of fundamental rights (art. 8), and the right to freedom of belief and expression (art. 19) are also enshrined in the Declaration.

In modern Europe, the right to appeal to state authorities has

developed quite dynamically. Open and accessible institutions are being created that help citizens to be more actively involved in political processes. Thus, every citizen of the European Union has the right to appeal to the European Parliament in the form of a complaint or request that falls within the scope of the Union. The appeal is considered by the Parliamentary Appeals Committee. In addition to all this, this paragraph has discussed the content and types of appeals in other countries.

The second paragraph examines the concept, essence, structure and legal nature of the right to appeal: issues related to its theoretical and legal analysis.

The right to appeal, which is a subjective, constitutional right as an element of a democratic, legal state, acts as both a part of the mechanism of democracy and a form of direct democracy. However, since many lawyers have different points of view regarding the definition of the concept of direct democracy, the issue of classifying the right to appeal as a form of direct democracy cannot be without controversy.

The constitutional right of citizens to address state bodies and thereby participate in the management of state and public affairs is also one of the principles of relations between the state and citizens ⁶.

Thus, based on the complex, complex nature of the essence of the right to appeal, it can be expressed in the fact that it is an information feedback channel and consists of a close, interconnected and interdependent relationship with other constitutional rights, and in most cases is a way. In addition, the right to appeal to state bodies refers to both personal rights (the right to protect rights and freedoms, the right to freedom of expression, etc.), and political (the right to participate in the management of state affairs) rights and is an integral part of the legal status of a person.

The third paragraph examines the place of the right to appeal in the system of human rights and freedoms.

Since the right of citizens to appeal has acquired a constitutional character, it is necessary to classify subjective rights and freedoms in terms of the generally accepted national state-legal

⁶MacLean, G. Ideas, Interests and Issues: Readings in Introductory Politics / G. A. MacLean, B. O'Neill, Pearson Education Canada, – 2006, – p. 367. 372 p.

division into personal, political and socio-economic ⁷. Based on the direct connection of the right of citizens to appeal with the consideration and satisfaction of individual complaints, it can, of course, be classified as personal (individual) rights.

The protective function of the right to appeal also manifests itself in the exercise of socio-economic rights and freedoms.

Thus, the prerequisite for the relationship of the right to appeal with other rights and freedoms is that the prerequisite for the mechanism for the realization of most rights and freedoms is precisely the citizen's appeal. In addition, ensuring the right to appeal is the protection of a person's personal, socio-economic and cultural rights and freedoms.

The second chapter is entitled "International and domestic legal foundations and implementation mechanisms of the right to appeal" and consists of three paragraphs.

The first paragraph examines the problem of the international legal foundations and standards of the right to appeal.

The main international legal instruments that establish the right to appeal to public authorities in one form or another are the Universal Declaration of Human Rights of 1948, the International Covenants on Civil and Political Rights of 16 December 1966 and the International Covenants on Economic, Social and Cultural Rights. The 1948 Declaration guarantees everyone the right to equal protection (Article 7) and to an effective remedy before the competent national tribunals (Article 8). In addition, Article 19 of the Declaration declares everyone to have the right to freedom of expression and to hold opinions and beliefs ⁸.

Article 10 of the European Convention on Human Rights establishes the norm that "everyone has the right to freedom of expression." This right includes freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers ⁹. "

⁷Lukasheva, E.A. Human rights. Учебник для узов.— М. : Издательская группа НОРМА — ИНФРА - М, 2000, p. 133.

⁸Stone, A. The Oxford Handbook of Freedom of Speech. - Oxford: Oxford University Press, - 2021, - P. 161. 608 p.

⁹Firth, C. Foundations for the LPC 2020-2021 / Clare Firth, Elizabeth Smart, Lucy Crompton, Helen Fox, — Oxford: Oxford University Press, — 2020, — P. 299. 488 p.

An analysis of universal and regionally based international legal instruments on the right to appeal also suggests that the right to appeal to public authorities is an independent element of international standards in the field of fundamental rights and freedoms.

The second paragraph examines issues related to the development trend of the right to appeal in the United States.

In the US legal system, there is a judicial and administrative procedure for considering citizens' appeals. The main instance for considering complaints about the actions and decisions of government officials is administrative agencies (sometimes called agencies). The term agency essentially unites all government bodies, including departments (ministries). However, in practice, hundreds of administrative agencies differ from departments in that, in addition to their usual administrative functions, they also perform "quasi-judicial" functions.

In many American states, the role of non-traditional forms of democratic control over the legality of the activities of state bodies and their officials is increasing. These forms include the institution of the ombudsman.

When studying issues related to citizen appeals in the United States, we consider it appropriate to also pay attention to the procedures for citizens to appeal to the President of the United States.

The third paragraph examines issues related to the development of the right to appeal in the practice of European countries.

The issues of human rights protection are always in the focus of attention of the highest state authorities in European countries. In particular, there are constant trends of renewal and improvement in issues related to the right to appeal. In practically all Western European countries, the right of citizens to appeal to state bodies and local self-government bodies is ensured by legislation. In some, this right is enshrined in the constitution, and in others, it is confirmed in laws and legally binding acts.

In the democratic countries of Western Europe, the right to appeal is aimed at the participation of citizens in the management of state affairs, the implementation and protection of human rights and freedoms. Both normative and organizational mechanisms of this right are widespread. It is no coincidence that globalization and international law contribute to the unification of the legal systems of different states. International principles, including respect for human rights and freedoms, are mandatory for all

countries of the world community. Foreign states attach great importance to the right to appeal, the participation of citizens in making important public decisions, and the protection of their rights and freedoms.

The third chapter is entitled “Improvement of the legal regulation of the mechanisms for realizing the right to appeal in the Republic of Azerbaijan and some problems in this area” and includes four paragraphs.

The first paragraph examines issues related to the development of national legislation establishing the right to appeal .

The right to appeal, first enshrined in the 1995 Constitution of the Republic of Azerbaijan, was later specified and developed in sectoral legislation. Legal problems related to the exercise of citizens' right to appeal to state bodies have also been the subject of discussion in the works of legal scholars and a number of prominent human rights defenders ¹⁰.

There is a need to improve and make specific additions and amendments to the current legislation of the Republic of Azerbaijan regarding the consideration of citizens' appeals. Referring to legal literature and doctrinal approaches, it should be noted that the legislation regarding the right to appeal can be divided into acts of a general and special nature. The Constitution of the Republic of Azerbaijan should be attributed to acts of a general nature, first of all. Articles 24, 50, 54, 55, 57, 60, 68 of the Constitution of the Republic of Azerbaijan generally establish the norms regarding the right to appeal.

In the national legislative system regulating the right to appeal, after the Constitution of the Republic of Azerbaijan, laws and acts of the President of the Republic of Azerbaijan are of great importance. Laws specify the norms of the Constitution of the Republic of Azerbaijan regarding the right to appeal. The main normative-legal act in this sphere is the Law "On Citizens' Appeals" dated September 30, 2015.

The second paragraph examines the improvement of national legislation establishing constitutional provisions on the right to appeal: theoretical and legal problems.

¹⁰Aliyev, A.I. Human rights. Baku: “Nurlar” publishing house, 2019, pp. 116, 281, 352 pp.

In the mechanism of implementation of the right to appeal to state bodies, appeals to law enforcement bodies, and in particular to internal affairs bodies, and the activities of these bodies in this direction are of great importance in ensuring human rights and freedoms. Since the right to appeal is an effective way to eliminate possible violations of the law, as well as to prevent violations, the relations that arise when citizens appeal to the police department are of particular relevance. Within the framework of their powers, internal affairs bodies establish a wide variety of relations with citizens, including in cases that in one way or another concern their rights and freedoms.

Courts participate in the mechanism of exercising the right to appeal through justice. Thus, legal subjects whose freedoms and legitimate interests are violated apply to the court for their protection. The importance of justice in the mechanism of exercising the right to appeal is that they ensure comprehensive protection and effective restoration of the violated rights, freedoms and legitimate interests of the subjects of the right to appeal.

The third paragraph examines issues related to the directions of action of state authorities in the implementation of the right to appeal .

The legal framework regulating the rules and procedures for citizens to apply to state bodies in the Republic of Azerbaijan contains some contradictions and gaps. There are also certain contradictions in normative legal acts. This is primarily due to the fact that the Law "On Citizens' Appeals" requires certain additions and changes regarding the scope of the right of appeal.

In order to improve the legislation on the right to appeal, we consider it appropriate to clarify the explanation, content, and essence of the term "appeal" among the terminological problems.

Given that the legislative definition is far from ideal, the content of the concept of "appeal" should be clarified by scientists. Science is always characterized by a more complete characterization of the essence of the subject under study, the removal of outdated information and the acquisition of those that correspond to a specific historical and legal

context ¹¹.

From the point of view of improving our national legislation, the next problem that should be considered in the direction of realizing the right to appeal is related to the types of the right to appeal. We believe that another shortcoming of the Law "On Citizens' Appeals" is the closed list of types of appeals. In our opinion, this Law has narrowed the types of appeals in a manner that does not correspond to the established practice of using the term "appeal" widely, nor to domestic legislation.

The fourth paragraph examines issues related to the application of innovative innovations in the activities of state bodies to exercise the right to appeal: the problem of electronic appeal.

In our republic, in order to increase the possibilities of realizing the right to appeal and ensure efficiency in this area, systems such as "electronic appeals", "electronic services", "interactive communication", "call center", "online communication-live chat" are operating on the websites of state bodies, especially central executive bodies. All these systems effectively regulate the possibilities of the population to appeal and important issues such as timely responses to their appeals.

In recent years, official websites for submitting specialized types of applications have appeared in our Republic, which are currently actively developing and gaining popularity. Their capabilities significantly exceed the capabilities of traditional methods of submitting and processing requests. The undoubted advantages of state-created tools are their scale, universality, relevance and transparency of processing requests. The functioning of special official websites is a manifestation of the fact that Article 57 of the Constitution of the Republic of Azerbaijan (the right to apply) has reached a completely different qualitative level. The presence of Internet portals common to all residents of the country is not only convenient, but also ensures the principle of equality, and also allows a citizen to feel like a part of a large country.

¹¹Savoskin, A.V. To the question about the use of the term "conversion" in Russian legislation // Actual problems of Russian law. Constitutional and municipal law. – 2015. No. 8 (57) August. – c. 39

The conclusion of the dissertation paper notes the important results obtained in connection with the research, expresses their theoretical and practical significance for international and domestic law, and presents proposals.

The main content and provisions of the dissertation are reflected in the following scientific articles and conference materials of the author:

1. Development directions of the right to appeal in the practice of European countries // Materials of the scientific-theoretical conference on modern theoretical and practical approaches to the protection of human rights and freedoms in the 21st century, dedicated to the 98th anniversary of the birth of the National Leader of the Republic of Azerbaijan Heydar Aliyev. Baku, Azerbaijan, May 5, 2021, pp. 698-704.

2. The structure and legal nature of the right to appeal: theoretical and legal analysis // Law Journal No. 6, Baku, Azerbaijan, June 25, 2021, pp. 54-61.

3. International legal foundations of the right to appeal // Law Journal No. 7, Baku, Azerbaijan, July 26, 2021, pp. 33-38.

4. Constitutional and legal norms establishing the right to appeal // Law Journal No. 8, Baku, Azerbaijan, August 25, 2021, pp. 21-26.

5. The development trend of the right to petition in the United States of America // Conference: East Ukrainian Scientific Legal Organization international scientific-practical conference "national and international standards of modern state-formation: tendencies and perspective. Kharkiv, Ukraine, September 6-7, 2021, p. 6-9.

6. Historical development of the formation of the right to petition. 12-14.

7. The relationship of the right to appeal with other rights and freedoms // Law Journal No. 10, Baku, Azerbaijan, October 26, 2021, pp. 17-23.

8. The place of the right to appeal in the human rights system // Materials of the Republican scientific-practical conference "Constitutional foundations of the sovereignty, independence and territorial integrity of the Republic of Azerbaijan", November 5, 2021, pp. 426-434.

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