REPUBLIC OF AZERBAIJAN

On the right of the manuscript

OPERATION OF CRIMINAL LAW IN TIME: THEORY AND PRACTICE

Specialty: 5611.01 - Criminal law and criminology; penal execution law

Field of science: Law

Applicant: Galandar Kochari Isbandiyarov

ABSTRACT

Of the submitted dissertation to receive the degree of Doctor of Philosophy in Law

BAKU - 2025

The work was performed at the department of "Criminal law and criminal procedure" of the Institute of Law and Human Rights of the Azerbaijan National Academy of Sciences.

Scientific supervisor (consultant): Doctor in Law, professor **Habil Surkhay Gurbanov**

Official opponents: Doctor in Law **Fardin Yashar Khalilov**

Doctor of Philosophy in Law, Associate Professor **Agha Kerim Agha Selim Mirzayev**

Doctor of Philosophy in Law **Narmin Nazim Aliyeva**

ED 2.45 Dissertation council of The Supreme Attestation Commission under the President of the Republic of Azerbaijan operating at the National Aviation Academy

Chairman of the Dissertation council: Doctor in Law, Professor **Aykhan Khankishi Rustamzade**

Scientific secretary of the Dissertation Council: Doctor of Philosophy in Law **Suhil Zahir Huseynov**

Chairman of the scientific seminar: Doctor in Law, Professor **Shahla Tofig Samadova**

THE GENERAL CHARACTERISTICS OF THE STUDY

The actuality of the topic and its degree of development. In the Constitution of the Republic of Azerbaijan, the protection of human and civil rights and freedoms is declared as the supreme goal of the state. As with other rights, ensuring the rights and legal interests of the offenders requires the criminal law policy to be established on the basis of progressive human values, applied and continuously improved to adapt to the changing realities of time. The adoption of the Criminal Code of the Republic of Azerbaijan dated 1999 (hereafter - CC) with many important changes compared to the previous legislation testifies to the commitment of the Azerbaijan state to this task. At the same time, the changes made in the sphere of criminal law creation, the innovations from the progressive world experience inevitably cause theoretical and practical difficulties. Radical changes in approaches to solving fundamental problems usually take a long time. In particular, very relevant issues of the validity of the criminal law over time (criminalization and decriminalization, aggravation or commutation of punishments) legal creation and practical application of Azerbaijan. Although it has been known for a long time, the institutions that otherwise improve or aggravate the position of the person who committed a crime are quite new, their theoretical basis has not been developed at an adequate level, and unanimous criteria in the sphere of practical application have not been established at an adequate level.

The problematic nature of the issue is also determined by the fact that many of the intensive additions and changes to the criminal legislation include norms that commute or aggravate the punishments, as well as new norms that otherwise improve or aggravate the provision of the person who committed the crime. In such cases, it is not an easy task to correctly determine which law or which version (old or new) is more profitable for the person who committed the crime and which law should be chosen for the description. The study of investigation and court experience has shown that mistakes are made in this field.

In addition, difficulties inherited from the Soviet era regarding the operation of the law in time should be noted. For example, the

validity of the criminal law regarding protracted and ongoing crimes, the absence of their definition in the criminal law, the failure to differentiate the actions of the participants in crimes committed with participation according to the time of their commission, which sanction (previous or new) should be considered lighter in cases of changes in the opposite direction of criminal sanctions, The problems related to the immediate implementation of the laws that eliminate the criminalization of the act, the difficulties of applying the laws that lighten the sentence to the convicts, and other problems touched on in the relevant chapters of the research determine the relevance of the applied topic.

Ideas about the validity of criminal laws over time have always had an important place in the history of jurisprudence, and this trend continues today. Since the sphere of criminal law is the area where personal rights can be restricted in the strictest way, it is natural that the mentioned issues are sensitive subjects. The actualization of these issues as a theoretical and philosophical subject in the history of our country begins with the introduction of the jurisdiction of Tsarist Russia in the territory of Azerbaijan. Since there was no national law school in the first decades, it is necessary to follow those issues from the works of the leading representatives of the jurisprudence school of Tsarist Russia. After the adoption of the Decree on the implementation of the Criminal Code of Tsarist Russia dated 1845, researches on the operation in time and especially retroactive validity of the criminal legislation intensified, Prominent scientists such as A.D. Gradovsky, N.S. Tagansev, H.A. Neklyudov, S.P. Mokrinsky tried to create the theoretical base of this institute. During the Soviet period, research on the subject was reactivated in the 1960 years, monographic studies on the subject were conducted by prominent lawyers such as M.I.Blum, A.A.Tille, N.D.Durmanov, Y.M.Braynin. Separate aspects of the topic was studied in the works of M.D. Shargorodsky, A.I. Boytsov, B.V. Voljenkin, A.N. Ignatov, I.I. Karpets, S.G. Kelina, V.N. Kudryavtsev, Y.I. Lyapunov, A.M. Medvedyev, A.S. Mikhlin, A.B. Naumov, A.B. Sakharov, I.I.Solodkin, A.Y.Yakubov and other well-known scientists. In the last two decades, due to the adoption of the Criminal Code of the Russian Federation in 1996 and the new criminal laws of

the former allied republics, the next wave of development of the topic has occurred, a large number of monographic works and dissertations have been devoted to the topic.

Y.M.Juravlyova (1997), M.A.Kapustina (1997), M.G.Melnikov (1999), A.N.Barkanov (2000), A.D.Antonov (2001), A.M.Yerasov (2004), B.B.Galiyev (2006), O.F.Aitova (2016) , A.I.Haydarova (2022) developed the topic as a complex research subject.

Although there are no separate monographic works devoted to the force of the criminal law according to time in the national legal literature, separate aspects of the subject were analyzed in the works of F.Y. Samanderov, H.S. Gurbanov, I.M. Rahimov, I.A. Ismayilov, K.S. Alekbarov, Mustafayev, I.V. Valiyev, A.E. Gasimov, N.K. Aliyev, M.A. Jafarguliyev, A.S. Aliyev and other lawyers.

Also, during the comparative research in the thesis work, the positions regarding the validity of criminal law in the legal doctrine of a number of Western countries were considered.

In conclusion, different legal solutions to some issues related to the validity of criminal legislation in time in the countries of the world, as well as the presence of different approaches to various issues in the legal literature, give reason to say that there is no general consensus on the main controversial issues of the subject. Although the studies carried out so far have greatly contributed to the development of the topic, it should be noted that the complex and comprehensive theoretical basis of the institution of the criminal law over time is still not available. In general, despite the fact that a large number of studies have been conducted in this field in the last 150 years, many researchers have noted that the problematic issues related to the validity of the criminal law over time have not been fully and definitively resolved. In particular, there are disputes about the time of committing material crimes, the validity of the criminal law on continuing offences and serial offences, the application of the law due to the actions of the participants in crimes committed at different times, the criteria for which law should be chosen in cases of conflict between criminal laws, and a number of other issues. also appears in the works written in the years.

The above-mentioned and other controversial issues touched on in the relevant parts of the research require that the topic chosen for the dissertation research should be developed further as an object of scientific research.

The object and subject of research. The object of the study is the criminal-legal relations arising in connection with the validity of the criminal law in general and its retroactive effect in particular. The subject of the research is the norms that regulate the validity of the criminal law over time, issues of their formation and development, current situation, and issues of application in practice.

The goals and objectives of the study. The purpose of the study is to investigate the main theoretical and practical issues related to the validity of criminal laws over time, to contribute to the solution of controversial theoretical issues and practical difficulties. It is aimed to achieve the stated goal by solving the following tasks in a consecutive and interconnected manner in the dissertation work:

-by tracing the history of formation and development of the norms related to the validity of the criminal law over time, to determine the essence of the historical necessities and legal meetings that created them;

- by studying and comparing the scientific opinions on the norms that determine the validity of the law according to time in the current legislation, clarifying the concept of the validity of the criminal law according to time and clarifying its principles;

- to evaluate the current state of national legislation and possible development prospects based on a comparative analysis with the legislation of foreign countries;

- clarifying the understanding of the laws that eliminate the criminality of the act and commuting the punishment, determine the criteria for their differentiation, and provide a way to solve problematic issues related to their application according to time;

- to provide an adequate understanding of laws by examining the possible cases of laws that otherwise improve the position of the person who committed a crime, as well as to contribute to the solution of current problems related to the application of such laws in time.

The research methods. General scientific and special scientific methods such as historical analysis, comparative law, logic, systematic structuring, analysis and synthesis, induction and deduction were used in the research work. Specifically, methods of historical analysis and chronological comparison to investigate the historical formation of the force of criminal law over time; Chronological analysis method to study the historical development of this institution in Azerbaijan's criminal legislation; Comparative analysis methods to determine the compatibility of the current state of Azerbaijan's legislation with international practice, as well as to determine common and different areas of current and past criminal laws; Induction and deduction, systematization methods were used to systematize the norms that lighten or aggravate the situation of the person who committed the crime in any form.

The main provisions of the defense are summarized as follows:

- by following the historical formation and development of the force of the criminal law over time, the objective regularities that created this institution are revealed;
- it is justified that the view of the concept of law in the legal doctrine of the post-Soviet space does not correspond to the modern democratic reality and the need to revise this issue;
- in Azerbaijan's criminal legislation and criminal law theory, it is argued that it is incorrect to express two concepts such as "activity" and "force" of the criminal law with one term, and a solution to the problem is proposed;
- it is proposed to add new norms to the Criminal Code in order to honestly regulate the legislative definition of continuing offences or serial offences and the operation of the criminal law in time related to these crimes;
- possible collision cases between criminal laws regarding operation in time are investigated and methods of their elimination are proposed;
- the mechanism of which law should be applied and in what manner is developed in cases where laws or law changes are made that commute the position of the person who has committed a crime on certain issues and at the same time aggravate it on other certain issues;

for this purpose, it is also proposed to introduce new concepts into the theory of criminal law;

- the possible cases of the law that otherwise improves the provision of the person who has committed a crime are systematized by analyzing the General part of the Criminal Code as a whole;

- in the context of the operation of the criminal law over time, the terminological problems of the institution of criminal responsibility are determined and suggestions are put forward for its elimination;

- new terms and their definition are proposed for the criminal law doctrine.

The scientific novelty of the research is the first time in the history of Azerbaijani criminal law, a complex analysis of the research topic, proposals for solving the identified problems and conflicts, a systematic comparative analysis of the provisions of Article 10 of the Criminal Law on the previous criminal law and amendments to the Criminal Law, it is expressed in the study and systematization of possible options for improving the position of the offender, the inclusion of new norms in the CC for the implementation of proposals, as well as the drafting of norms for making additions and changes to the existing articles.

The theoretical and practical significance of research. The theoretical importance of the study is contained in the potential of enriching the criminal law doctrine of Azerbaijan on the above-mentioned issues. The analyzes carried out during the research and the conclusions drawn serve to complete the scientific works written on the topic so far, to systematize the current views, and to create a more complete theoretical base of the institution of retroactivity of the criminal law. The practical importance of the research is primarily expressed in the fact that it serves to eliminate differences of opinion regarding the application of mitigation laws in judicial practice, to develop concrete criteria for descriptive practice, to determine which law should be applied and in which order in cases of collision of laws. It is hoped that the proposed draft norms and new concepts regarding the application of the criminal law over time will be useful in the further improvement of the criminal law.

The approbation and application of research. The final provisions of individual chapters and paragraphs reflecting the overall content and essence of the dissertation research were discussed in the "Criminal Law and Criminal Process" department of the Institute of Law and Human Rights of ANAS, as well as in the joint meetings of legal departments, suggestions and recommendations were taken into account. In addition, the main provisions of the work were reflected in the articles published in the journals included in the list of the author's SAC, reports were made at international and national conferences and scientific seminars. In opinion polls conducted among theoretical and practical workers related to the research, the main provisions of the work were brought to the attention of experts, and positive opinions on most issues were recorded.

The basis of the study. The theoretical basis of the work is made up of dissertations and monographic works written directly on this topic in the theory of criminal law, general legal theory and literature on criminal law, where separate aspects of the topic are studied. The normative basis of the work is the Constitution of the Republic of Azerbaijan, past and current criminal and criminal-procedural legislative acts, international legal acts related to human rights, constitutions and criminal laws of foreign countries, relevant decisions of the Plenum of the Constitutional Court of the Republic of Azerbaijan. The empirical basis of the research is the relevant decisions of the AR Supreme Court Plenum; more than 100 court cases that were tried in the courts of first instance and reviewed in the appellate courts on appeal or protest; statistical materials on the judicial experience of the country; it is the summarized results of questionnaire surveys conducted among scientific and practical workers.

The organization where the dissertation work was performed. The dissertation was completed at the Institute of Law and Human Rights of the Azerbaijan National Academy of Sciences.

The structure of the study. Dissertation consists of introduction (7 pages, 13613 marks), three chapters covering ten paragraphs on fourteen points (Chapter 1 are 57 pages, 114060 marks; Chapter 2 are 34 pages, 63880 marks; Chapter 3 are 40 pages, 79128

mark), the conclusion (12 pages, 20466 marks), the list of used literature (19 pages), an appendix (3 pages) summarizing the results of the survey conducted among scientific and practical workers. The text of the main part of the dissertation, consisting of approximately 291,146 characters, meets the requirements of the limitation set by the SAC.

THE MAIN CONTENT OF THE DISSERTATION

In the introduction, the actuality of the researched topic is justified, the degree of scientific investigation of the problem is analyzed, the subject, goals and tasks, methods of the research are defined, the scientific innovation, theoretical and practical importance are explained.

The first chapter of the dissertation entitled "The operation of criminal law in time: history of development, modern concept and foundations" consists of four paragraphs.

In the first paragraph entitled **"On the history of the formation and development of legal norms regulating the validity of the criminal law in time"**, the validity of the criminal law over time has been studied in general in a historical aspect and, in particular, the development of the norms regulating the validity of the law over time in the current criminal legislation of the Republic of Azerbaijan in the last two hundred years has been followed. In this regard, the following main points should be noted.

Acts from the early days of positive law that have reached our days (Laws of Ur-Nammu[1], Laws of Hammurabi[2], Laws of Manu[3], etc.) and other literature in which they are mentioned do not give us information about the validity of laws according to time.

In ancient times, the first judgments about the retroactive effect of laws appear in one of the speeches of the Greek thinker

---

[1] Kramer, S.N. Ur-Nammu Law Code. – Orientalia. 1954, – c.40-51

[2] Хрестоматия по истории государства и права зарубежных стран. – М.: Юридическая литература, – 1984. – 472 с.

[3] Законы Ману. Перевод С.Д.Эльмановича. – М.: Изд-во восточной литературы, – 1960. – 362 с.

Demosthenes. In this speech, Demosthenes called such an initiative a crime by opposing a specific commutative law draft considering retroactive effect[4]. The logical conclusion from the speech is that there was no tradition of retroactive laws in ancient Greece.

In Ancient Rome, which is in many respects the follower of Greek legal traditions, BC. It is clear from the speeches of Cicero,[5] a jurist who lived in the 1st century, that the newly adopted laws of that period regulated the relations that would arise after they came into force, and at the same time, they were applied to cases that occurred before their adoption and were not yet considered or are being considered. There was no practice of retroactive application to the cases that had been considered (resolved) before the mitigating law came into force, as well as the practice of applying the previous law (ultraactivity) in cases where the new law determined more aggravating conditions than the previous law. The retroactive application of the new law applied only to cases pending on the date of its enactment, regardless of whether the law was aggravating or mitigating. In other words, the new laws were applied to matters that occurred before their entry into force by the procedural principle (the principle of the law in force on the day the case was heard).

The same tradition is characteristic of the Roman Empire. In 393 CE, Emperor Theodosius I established the inadmissibility of retroactive application of the laws at the level of the constitutional norm. In 440, during the reign of Theodosius II, the famous principle known as the "Theodosius norm" was adopted. According to this principle, all laws refer to the future (relationships after their entry into force); retroactive effect of the law can be possible only if it is directly instructed by the legislator in this law itself. Later, the " Theodosius norm" was also included in Justinian's Code[6].

---

[4] Демосфен. Речи: в 3 томах / Отв. ред. Е.С.Голубцова, Л.П.Маринович, Э.Д.-Фролов. Т.1. – М.: Памятники исторической мысли. – 1994. – с.242-262.

[5] Цицерон. Полное собрание сочинений в русском переводе: [в 2-х томах]. – СПб.: А.Я.Либерманъ, – т.1. – 1901. – 767 с.

[6] Тилле, А.А. Время, пространство, закон. Действие советского закона во времени и пространстве / А.А.Тилле. – М.: Юрид. литература, – 1965. – с.4-5

Renaissance period in Europe, when human rights began to gain priority, caused a revision of legal doctrines. In this regard, it is necessary to mention the "Doctrine of Acquired Rights" regarding the validity of laws over time. This doctrine, founded by F. Savigny and elaborated by F. Lassalle, divided the laws into categories and justified why the category laws should not be applied retroactively. According to the training, a person who has acquired any right in accordance with existing laws cannot be deprived of that right due to the adoption of a new law; and in cases of emergency, a person must receive fair compensation for the deprivation of those rights.[7]

Until the 18th century, there was no practice of mass adoption of criminal laws as an independent act. Therefore, the institution of force over time for the pre-codification history of criminal law is viewed as a common theme in the evolution of law.

The first criminal code known from history is considered to have been compiled during the reign of the Sumerian king Ur (2112–2095 BC). The criminal code of Ur-Nammu is the only independent criminal code known for the three thousand years that followed it. In England in the 11th century, criminal law violations were separated from common law violations and compiled in a special act[8], which can be considered the first attempt to codify criminal law in modern history. The concepts of "criminal punishment" and "criminal law" appeared in Europe during the Renaissance. The early doctrine of modern criminal law was developed by German and Italian jurists in the 16th century. From the 18th century, with the transition to the secular legal system in European countries, criminal law emerged as an independent field of law based on secular principles[9].

Therefor, "the validity of the criminal law over time" can be considered as a special subject.

---

[7] Лассаль, Ф. Система приобретенных прав / Ф.Лассаль. – М.: Круг, – 1925. – 448 с.

[8] Pennington, K. The Prince and the Law, 1200–1600: Sovereignty and Rights in the Western Legal Tradition. – University of California Press, 1993. – 352 p.

[9] Pennington, K. Canon Law in the Late Middle Ages: The Need and the Opportunity, in Proceedings of the eleventh International Congress of Medieval Canon Law: Catania, 30 July – 6 August 2000, – p. 37.

The legal progress of European countries spread to Tsarist Russia over time. Emperor Nicholas I's Decree[10] of March 27, 1846 "On the Implementation of the 1845 Law on Criminal and Correctional Penals" is considered the first act in Russian history that directly regulates the temporal validity of the criminal law. From this date, we can note that the issue of retroactivity of criminal laws has become relevant in the legal practice of geographical Azerbaijan.

Issues related to the state of criminal legislation during the Azerbaijan Democratic Republic (1918-1920) were explained in detail by the author in a separate article[11].

In the first criminal law of the Republic of Azerbaijan Public Council dated 1922 and the subsequent CC of 1927, the issue of the validity of the law in terms of time was not directly regulated, the relevant norms were included in the criminal procedural legislation and only in the CC of the Azerbaijan SSR of 1960, the force of the law according to time was directly regulated. Those norms remained in force until 1993 without changes, and with the additions and changes made to the CC in 1993, the regulation of the issue received its current normative content. In the CC of 1999, which is in force, those norms were established with certain additions.

In the second paragraph of the first chapter, which is called **"The concept and foundations of the operation of the criminal law in time according to the legislation in force"**, the following issues are analyzed in the context of the study of the concept and foundations of operation of the criminal law in time, in order to conceptually define this concept:

The concepts of "force" and "activity" of the criminal law contain different realities, expressing both manifestations with the

---

[10] Полное собрание законов Российской империи. [Электронный ресурс] 2-е изд. Т.21. № 19880. – СПб: 1847. URL: https://runivers.ru/bookreader/ /book9900-/#page/2/mode/1up

[9] ətraflı bax: İsbəndiyarov, Q.K. Azərbaycan Cümhuriyyətinin cinayət hüquq siyasətinə dair // "Azərbaycan polisinin tarixi və inkişafı perspektivləri" Beynəlxalq elmi-praktik konfrans (20 iyun). Azərbaycan Respublikası Daxili İşlər Nazirliyi Polis Akademiyası. – Bakı-2018. – s.272-278.

concept of "force" in the Azerbaijani language creates a terminological defect (gap), which can be taken into account when improving the criminal legislation in the future.

The phrase "the validity of the law in time" is derived from the Russian phrase "дейцтвие закона во времени". However, the concepts of "дейцтвие закона" and "цила закона" used in the Russian language are both translated as "force of the law" in the national legal literature. In relation to the retroactive application of the law in force, it is possible to use the concepts of force and effect (activity) as synonyms, but the use of the phrase "the force of the repealed law" in relation to the cases of application of the repealed law creates illogicality. On the other hand, if the two concepts express the same meaning, their use as synonyms in the legal act cannot be appreciated from the point of view of legislative technique. Therefore, it is considered necessary to make a concrete definition of the two mentioned terms.

From the perspective of the concept of a democratically based legal state, the force of the law means that legal subjects are guided by it as a social contract, believe in its equality and honesty for all, accept it as a criterion of legal behavior, and have a mechanism of responsibility in case of violation of this contract by themselves or others. they expect or hope that it will work as an inevitable process.

Since the Constitution of the Republic of Azerbaijan declares our country as a democratic legal state, the theory of state and law in general, in particular the concepts of law and law, including the concept of the validity of the law according to time, should be developed based on the concept of a democratic legal state. From this perspective, the source of law is not the state, but the society expressing its will through democratic elections. Since the main laws are adopted by referendum and other laws by the legislative body delegated by the society, the laws should be considered in the nature of a social contract.

The Constitution generally lays down the guiding provisions on the operation of laws in time. In particular, the validity of the criminal law in time is determined by detailing those guiding provisions in the Criminal Code.

Since the 19th century, three approaches have been established in the literature in the field of theoretical definition of the validity of the criminal law over time:

- possibility or practicability of application of the criminal law[12];
- the time interval of the entry into force and termination of the criminal law[13];
- the active process of the law, i.e. 1) application of the law in force at the time the act was committed; 2) retroactive application of a relatively mitigation law; 3) non-retroactive application of a relatively strict law[14].

Each of these approaches is considered satisfactory in certain aspects to define the force of the criminal law over time, and in the end, their main provisions are systematized as follows:

- judging the criminal act according to the law in force at the time of its commission (principle of departure);
- the application of the new criminal law to relations after its entry into force (exit principle);
- retroactive application of mitigating laws (removing the criminality of the act, commuting the punishment or otherwise improving the position of the person who committed the crime), in other words, retroactivity of the mitigating law;
- non-retroactivity of aggravating laws (laws that define the act as a crime, aggravate the punishment or aggravate the position of the person who committed the crime in another way);
- remaining active of the previous relatively commuting law for acts committed before the entry into force of the aggravating law (ultra-activity).

---

[10] Брайнин, Я.М. Уголовный закон и его применение / Я.М.Брайнин. – М.: Юридическая литература, – 1967. – с.130

[11]Теория государства и права. Учебник для вузов / под ред. А.И. Денисова. – М.: Юридическая литература, – 1980. – с.60

[12]Бойцов, А.И., Волженкин Б.В. Уголовный закон: действие во времени и пространстве. Учебное пособие / А.И.Бойцов, Б.В.Волженкин. – СПб., – 1993. – с.4; Уголовное право. общая часть: Учеб. для юрид. ин-тов и фак. / Под ред. Здравомыслова Б.В. и др. – М.: Манускрипт, – 1992.с.39; Уголовное право России. Общая часть. Учебник / Отв. ред. Б.В. Здравомыслов. – М.: Юристъ, – 1996. – с.39-40

Synthesizing these provisions, in the thesis, the validity of the criminal law according to time is given definititon in the following content:

"The operation of the criminal law in time is a criminal-legal institution formed under the influence of human principles in the process of law creation and law application, which includes the current activity of the valid criminal law and, in appropriate cases, the retro activity, and in appropriate cases, containing the ultra-activity of the previous laws that have been officially invalidated."

Countries that have adopted their own criminal laws upon gaining independence, as well as newly included crimes against peace and humanity in their criminal laws, although they have been independent for a long time, have the right to apply these laws retroactively for crimes against peace and humanity committed before their entry into force. This possibility comes from international law. The Republic of Azerbaijan adopted that approach of international law with the Constitutional Law dated May 12, 2006. New criminal laws criminalizing the act can only be retroactive in this case.

Issues related to the concept of the validity of the criminal law in terms of time have been analyzed in sufficient detail in the author's article[15].

In the third paragraph of the first chapter entitled **"The time of commitment of the crime as the determining basis of the validity of the criminal law in terms of time"**, general issues related to the moment of commitment of the crime, as well as, and especially, the topic of the moment of commitment of continuing offences and serial offences, as they cause certain problems in practice, are studied. has been studied.

Since the issue of the moment of commitment of the crime is concrete in formal compositions, it is not problematic. Since there can be an arbitrary time interval between the time when the action (inaction) is made and the time when the consequences occur in

[15] İsbəndiyarov Q.K. Cinayət qanununun zamana görə qüvvəsinin anlayışının konseptual əsasları. Azərbaycan Respublikasının Prezidentinin yanında Dövlət İdarəçilik Akademiyası. Dövlət İdarəçiliyi: Nəzəriyyə və Təcrübə. Dövlət İdarəçilik Akademiyası. №3(67) BAKI-2019. s.129-136.

material crimes, two issues become relevant here: 1) calculation of the term of institute to criminal liability: 2) in cases where a new law (norm) has been adopted during that period of time, which law (norm) should qualificate the act.

The resolution of the issue in Article 10.2 of the CC of AR is unambiguous: the time of committing a socially dangerous act (action or inaction) is considered the time of the commitment of the crime, regardless of the moment of its consequences. At the same time, Article 3 of the CC of AR defines the commitment of an act (action or inaction) that has all the signs of the criminal composition provided by this Code as the basis of criminal responsibility. Also, Article 27.1 of the Criminal Code makes the act considered a completed crime dependent on the presence of all the elements of the criminal structure provided by the criminal law.

Accurate determination of the moment of commitment of the act is also important for other purposes of criminal law. Among the authors, M. I. Blum, in our opinion, determined a detailed list of them: "first, to determine the activity of the criminal law over time; secondly, to determine the legality (illegal) of a socially dangerous act; thirdly, to determine when criminal-legal relations appear; fourthly, to determine the conditions for the emergence of criminal responsibility (the conditions of mental capacity and reaching a certain age necessary for a person to be considered the subject of a crime); fifth, to determine whether the period allowing for instituting criminal responsibility has/has not passed. [16]"

Another relevant issue related to the moment of commitment of the crime arises in continuing offences and serial offences. Despite the wide spread of these crimes, their legislative definition was not given in the current Criminal Code of Azerbaijan and previous criminal laws. At present, the relevance of the issue is determined by the fact that the current article 74.2 of the Code of Criminal Procedure of the Azerbaijan Republic (hereafter - CCP) mentions the continuing offences and the serial offences related to the court jurisdiction over

[16] Блум, М.И. Время и место совершения преступления. Учен. зап. «Вопросы борьбы с преступностью» / М.И.Блум. – Рига : РИО ЛГУ им. Петра Стучки, – 1974. – с.16.

the territorial. So, with that article, the place where a continuing offence ends shall be regarded as the place where it took place; the place of the final act covered by criminal law shall be regarded as the place where a series of offences ends. As it can be seen, the criminal procedure legislation determines the norm on the elements of the criminal compositions, which are not defined in the criminal law. This inevitably presents law enforcement agencies with difficulties related to the qualification of continuing offences and serial offences.

In its decision dated December 27, 2006, the Plenum of the Constitutional Court of the Republic of Azerbaijan, based on the request of the Prosecutor's Office of the Republic of Azerbaijan, added provisions defining the definition of continuing offences and serial offences and the moments of initiation and termination of such crimes to the Criminal Code recommended to the National Assembly of the Republic of Azerbaijan, but this recommendation was not taken into account by the National Assembly during the past period. Therefore, in its decision dated January 25, 2021, the Plenum had to clarify this issue again. Based on the definitions available in the theory, the Plenum defined the continuing offences as "a specific crime committed continuously, over a relatively long period of time, by action or inaction."

For a comprehensive solution to the issue, the following amendments and changes to the CC are considered acceptable. In particular:

By adding a new norm in the following content to Article 10.2 of the Criminal Code, the issue regarding the time of continuing offences and serial offences can be definitively resolved:

"On continuing offences and serial offences when these crimes were put an end to, the law in force at the time of termination of these crimes shall be applied."

The legislative concept of continuing offences and serial offences can be defined directly, or it can be expressed in the context of differentiation from repeated crimes.

The solution of the issue in the first option is possible by adding new items to the CC with the following content:

"Article 16-1

Continuing and serial crimes

16-1.1. **Continuing offences** is an act that begin with an unlawful action or inaction continued without interruption.

16-1.2. Actions covered by a single (deliberate) intention, consisting of several analogical illegal actions, constituting a single crime, are **serial offences**.

It is proposed to add a new sentence after the first sentence to Article 75.2 of the Criminal Code in order to regulate the period of criminal liability related to continuing offences or serial offences:

"The duration of criminal liability related to continuing or serial offences is calculated from the day the crime was terminated."

Separate issues related to continuing offences and serial offences (crimes) have been brought to the attention of the legal scientific community with extensive analysis in the relevant article of the author[17].

In the fourth paragraph of the first chapter called **"Regulation of retroactivity of the criminal law in international law and the legal system of foreign countries: a comparative analysis with the legislation of the Republic of Azerbaijan"** based on a comparative analysis with international legal acts and similar legislation of foreign countries, the compliance status to the world experience of the norms regulating the force of the Criminal Code of AR over time was investigated.

According to Article 11(2) of the Universal Declaration of Human Rights (1948), no one may be charged with a crime for an act or omission which, when committed, would not have been a crime under domestic law or under international law. Also, a heavier punishment than the one applicable at the time of the crime cannot be imposed. A similar norm is reflected in the 1950 European Convention "On the Protection of Human Rights and Fundamental Freedoms", the International Covenant on "Civil and Political Rights" and other relevant international documents.

---

[17] İsbəndiyarov Q.K. Uzanan və davam edən cinayətlərin anlayışı, törədilmə vaxtı ilə bağlı problemlər və onların həllinə dair. Qanun. Elmi hüquq jurnalı № 01(327), Bakı, 2022. s.72-80.

According to the mentioned acts, the requirements of the temporal validity of the criminal law arising from the international law can be summarized in three points:

1. Inadmissibility of prosecution for acts that are not defined as crimes by international law and national legislation when committed;

2. Non-retroactivity of laws that aggravate criminal liability in any form;

3. Retroactive application of mitigating laws adopted after the commission of the act.

The first mentioned requirement is reflected in Part VIII of Article 71 of the Constitution of AR; according to this article, no one is liable for an act that was not considered a violation of law when it was committed. The same norm is specified in Article 10.1 of the AR CM regarding criminal liability.

A similar norm can be found in the Fundamental Laws of the European and American continent countries, the former Soviet allied republics, and a number of Eastern countries (for example, Article 20 of the Constitution of Bahrain).

However, the norms newly included in the criminal law for crimes against peace and humanity, as well as genocide and war crimes, apply to those crimes committed before the adoption of these norms, as an exception to the general rule. The Constitutional Law of the Republic of Azerbaijan dated May 12, 2006 "On the retroactive application of the law establishing responsibility for international crimes" adopted in order to align the application of the criminal legislation of the Republic of Azerbaijan with the relevant provisions of the European Convention and the Covenant on Civil and Political Rights states that the Republic of Azerbaijan None of the provisions of the Constitution prohibits the prosecution and punishment of any person for an act considered a crime when committed according to universally accepted norms of international law. shall not be construed or understood as an inhibiting provision.

It should be noted that the norms of Article 10 of the CC are in full compliance with advanced world practice. The Constitutional Law dated May 12, 2006 "On retroactive application of the law determining responsibility for international crimes" adapted the regime of force of

the CM for crimes against peace and humanity to the international acts to which the country has joined. In our opinion, it is appropriate to provide this exception directly in Article 10 of the CC.

In the second chapter entitled **"Definition and retroactivity of the laws that eliminate the criminality of the act and mitigatig the punishment"**, the main issues related to the definition of the laws that completely or partially eliminate the criminality of the act, the determination of possible options and the validity of such laws in terms of time are analyzed.

Article 10.3 of the Criminal Code defines three types of retroactive criminal laws: 1) decriminalization; 2) mitigating punishment; 3) laws that otherwise alleviate the situation of the offender. In the current chapter, issues related to the concept and retroactive effect of laws that completely or partially eliminate the criminality of the act and mitigate the punishment in any form are discussed, while the issues related to the concept and retroactive effect of the law that alleviates the situation of the person who committed the crime in another way are studied in the next third chapter.

Eliminating the criminality of an act (in other words, decriminalization) is realized by excluding that act from the sphere of criminal-legal relations. In this case, a specific act can be attributed to the sphere of administrative or civil-legal relations, or generally excluded from the sphere of legal regulation. In turn, two types of decriminalization are distinguished: full and partial decriminalization.

In the first paragraph of this chapter, called **"Concept and retroactivity of the law that eliminate criminality of the act"**, three methods of full decriminalization specific to CC of AR are distinguished and each of them is explained with concrete examples. The study of the judicial practice in this part of the research shows that in the cases of adoption of laws decriminalizing concrete acts, delays are allowed in releasing the persons who are serving punishment for these acts from criminal liability (sentencing). It is suggested that in cases where the act is fully or partially decriminalized, the information base of the penitentiary system should be improved in order to ensure that convicts are immediately released from punishment and do not serve even one day of punishment for an act that is no longer

considered a crime. If the database is filled with detailed information on the criminal composition or components of which each convict is found guilty, in cases where the database is updated in connection with new laws that provide for changes to the Criminal Code, it will be automatically determined which convicts' status has changed with this law.

In the second paragraph of the second chapter entitled **"The concept and retroactive effect of the law that mitigates punishment"**, in order to theoretically generalize all possible cases in which the decriminalization of the act is partially eliminated, an analysis is made on the aspects of the criminal composition, and an internal classification of partial decriminalization is given based on specific examples for each aspect. It is justified that the laws that limit the criminality of the act in any form on one or more aspects of the criminal composition should be classified as partially decriminalizing laws.

In this part, the possible collision cases of the previous and new laws are investigated, in order to achieve a legislative solution to the issue, the following additions to the CC are proposed:

"10.4. A criminal law that partially mitigates and at the same time partially aggravates the punishment for an act (action or inaction), or partially improves and at the same time partially aggravates the person's position, has retroactive effect only in the part that mitigates the punishment or otherwise improves the person's position."

For compatibility, it is necessary to add the word "10.4" after the words "of that Code" in the second sentence of Article 58.2 of the CC:

"The grounds for imposing a punishment on softer than the punishment provided for in the relevant articles of the Special Part of this Code for the committed crime are determined by Articles 10.4 and 62 of that Code."

We believe that the difference between the two laws in the matter of liability is expressed only in the limits of the sanction of punishment, the upper limit of the sanction of the act should be qualificated by the law providing for a less strict punishment.

In order to achieve the theoretical completeness of the issue, it is proposed to include the concepts of "partial mitigating law" and "synthetic sanction" in the theory of criminal law:

A partially mitigating law is a law that, compared to the previous law, commuting the position of the person who has committed a crime on certain issues, and at the same time aggravates it on other certain issues. Such laws are retroactive only in the mitigating part. Based on the concept of partially mitigating law, the concept of "partially aggravating law" can be formulated.

A synthetic sanction is a practical sanction with different limits than those provided for in both laws, taking into account the norms of one (previous or new) law due to the lower threshold factor and the norms of another law due to the upper threshold factor.

At the end of the paragraph, the law that mitigates the punishment is given a theoretical definition in the following content:

"The law mitigating the punishment - reducing both or one of the limits of the punishment, as well as taking the lower limit; which adds a softer alternative penal to the penal sanction; mitigate any or more of the alternative penals; is a law that cancels or mitigates additional punishments".

As a rule, such laws have retroactive effect, and we believe that additional efforts to ensure their entry into force as soon as possible after their adoption will be acceptable from the point of view of justice and humanity. In cases of full or partial decriminalization of laws amending the criminal law, a differential approach to the adoption of such laws is acceptable. Thus, the norms on full or partial decrimination can come into force as soon as possible, and the other part of the law can come into force within the period indicated by the general rule. Problematic issues regarding the conflict of criminal laws in terms of force over time are reflected in the author's article[18].

In the third paragraph of the second chapter called **"On the application of the force of the law eliminating the act and mitigating the punishment to unserved sentences"**, issues related to

---

[18] Исбандияров, Г.К. О коллизии уголовных законов и путях её разрешения // «Європейські перспективи». – Київ, –2018, № 3. – s.78-82.

the application of the new laws to persons serving sentences are examined.

Although Article 10.3 of the Criminal Code stipulates that the law mitigating the punishment should be applied to the persons who are serving the sentence, the mechanism of retroactive application of the laws mitigating the punishment is not directly defined in the criminal law. Experts studying the problem rightly consider this case to be a loophole in the criminal law[19].

As a conclusion of the research conducted in this part of the dissertation, the issue of the temporal application of laws that fully or partially eliminate the criminality of the act and mitigate the punishment in any form should be regulated directly in the CC itself, not by separate laws that make changes to the CC considered necessary, for this purpose, the following additions to the CC were proposed:

"Article 75-1

Exemption from criminal liability due to the adoption of a law that eliminates the criminality of the act

In connection with the entry into force of the new law that eliminates the criminality of the act, the criminal cases and materials in the proceedings of the courts, preliminary investigation or investigative bodies regarding acts that are not considered criminal are terminated on the grounds of exemption from criminal liability or the initiation of criminal prosecution is refused, and these acts are the question of causing administrative liability is being investigated.

Article 77-1

Reduction of sentence

In the cases where the punishments are reduced by the new law, the punishment terms of the persons who were previously convicted and serving a sentence for relevant acts are reduced in proportion to the reduction of those punishments.

Article 80-2

---

[19] Якубов, А.Е. Обратная сила уголовного закона: некоторые проблемы совершенствования Уголовного колекса Российской Федерации / А.Е. Якубов. – СПб.: Юридический центр Пресс, – 2003. – с.107

Release from serving of punishment due to the adoption of a law that eliminates the criminality of the act

Due to the entry into force of a new law that eliminates the criminality of an act, persons who were convicted and sentenced for acts that were not considered criminal before the entry into force of that law shall be released from serving the sentence on the day that law enters into force."

The mentioned and other issues were widely reflected in the author's article published in a foreign magazine[20].

The third chapter of the dissertation, entitled **"The concept and retroactive effect of the law that otherwise improves the position of the person who has committed a crime."**, is devoted to the main issues related to the definition, possible cases and validity of the laws that otherwise improve the position of the person who has committed a crime.

During the research on the first paragraph of this chapter, which is called **"The general concept and possible cases of the law that otherwise improves the position of the person who has committed a crime"**, based on the comparison of the initial version of the General part of the current Criminal Code with the Criminal Code of 1960, as well as the final version of the Criminal Code By chronologically following the additions and changes made in 23 years, all the norms that otherwise improve the position of the person who committed the crime are put into the system.

It is determined that although the norms that otherwise improve the position of the offender are mainly included in the General part of the CC, some norms of the Special part can also be attributed to this category. In the cases where a new criminal law is adopted, in principle, any chapter of the General part may contain norms that commuting the position of the person who has committed a crime. Therefore, it is necessary to review the law that otherwise improves in

[20] Isbandiyarov, Q.K. On the application in force of mitigating laws to unserved punishments // Теоретические аспекты юриспруденции и вопросы правоприменения: сборник статей по материалам LV международной научно-практической конференции – No 1 (55). – Москва: Изд. «Интернаука», Январь 2022. s.97-103.

a broad and narrow sense. In a broad sense, it can be any norm that stipulates a more merciful attitude towards the person who committed the crime. For example, in the reasoning part of the reviewed court judgments regarding sentencing, the courts in most cases refer to the principles of criminal law (Articles 5-9 of the Criminal Code). Although the principles of criminal legislation were not established in the previous criminal laws, they were known to the criminal law theory, but these principles were included in the CC of 1999 for the first time.

In a narrow sense, the law that otherwise improves the position of the person who has committed a crime is framed by the content contours arising from the meaning of Article 10.3 of the Criminal Code. These are determined by the courts in the form of specific norms that should be applied or can be applied during the resolution of the qualification of the act, sentencing and other issues related to criminal responsibility. These norms are systematized on seven points in the mentioned paragraph, and based on their comparative analysis, the following conclusions and proposals are summarized:

- In the decision of the Plenum of the Supreme Court dated June 25, 2003 "On the experience of assignment of criminal penals by the courts", the recommendations on choosing imprisonment as an alternative punishment are critically analyzed;

- the expediency of the guilty person's right to choose a more serious type of punishment by refusing a fine is justified;

- It is justified that more effective application of Article 58.3 of the CC is necessary;

- The amendment to Article 60 of the CC by the law dated October 20, 2017 is criticized.

In the second paragraph of the third chapter, called **"norms on release from criminal liability and the main issues of their validity over time"**, a new view of the concept of criminal liability was presented in accordance with the context of the dissertation topic. The debates in the literature about the moment when criminal liability arises are reported, the necessity of reforming a number of terms from the point of view of the presumption of innocence is examined, and a

terminological project is put forward to eliminate the definitive problems of criminal liability, in particular:

- Elimination of constructions that independently categorize " subjection criminal liability" and "punishment" in 6.2, 7.1, 10.1, 12.3, 78.4, 91 and other relevant articles of the Criminal Code;

- Renaming the fourth section "release from criminal liability"; Replacing the words "release from criminal liability" in the title of Chapter 12 and its relevant articles, as well as in other relevant articles of the CC, with the words "release from subjection to criminal liability";

- Consideration of the possibility of attributing to criminal responsibility the relevant part of measures of criminal - legal nature that are considered criminal liability in 84.2, 88.1, 88.4, 91, 99-9 and other relevant articles of the CC.

Since the norms of active repentance and reconciliation with the victim are novelty in the General part of CC, an effort has been made to analyze them in sufficient detail. On the basis of researching the development tendencies of international law and the criminal legislation of developed countries in this field, it is found that the inclusion of the mentioned institutions in the Criminal Code and their further development meet the criteria of human progress, it is confirmed that the expansion of the possibilities of release from criminal liability is the state's criminal law as an important qualitative change in the policy, it should be considered a change in the center of gravity between imprisonment and social justice, restoration of the rights of the victim.

The fact that the punishment of deprivation of liberty does not have the desired effect in the fight against crimes property and in sphere of economic activities is a matter of constant attention in modern world legal studies. Alternative trainings to punishment emphasize the factor of reconciliation with the victim and compensation for the damage caused to him in this matter. Also, the

relevant acts of international law recommend the states to reconsider the criminal law policy in this field[21].

Based on the comparative analysis of the CC in force with the CC of 1960 in the third paragraph of the chapter entitled **"Norms related to release from punishment and their validity in time"**, as well as a chronological analysis of additions and changes made to CC in the last 23 years. A critical attitude is expressed to the aggravating changes made in relation to certain issues, justifying the fact that the initial edition of the CC was more humane and progressive. We consider that:

- restricting the institution of replacing the unserved part of the sentence with a softer type of punishment is not the right step, changes should be made to the current Criminal Code that makes it possible to replace the punishment with a softer punishment for all categories of crimes and all types of punishments;

- the list of diseases that exclude serving of punishment must be approved by a separate law, and in cases where such diseases are detected, the issue of exemption from punishment must be specifically resolved;

- In Article 76.6.1 of the CC, the imposition of an administrative punishment on a person for violating public order is considered as a possible basis for the cancellation of conditional - prescheduled release from serving a punishment, so that the cancellation of this norm or at least the strict limitation of the scope of its application must be correctly considered. Thus, not all kinds of administrative offenses, but only offenses that directly indicate a person's stable criminal tendency, lack of intention to reform, can trigger the activation of that norm. For example, if a person has been conditional - prescheduled release from serving a punishment for the act of theft, committing an administrative offense in the form of theft again during the probationary period in amounts that do not constitute a criminal composition may be considered as a basis for canceling conditional early release from serving of punishment.

---

[21] Додонов, В.Н. Сравнительное уголовное право. Общая часть. Под общ. ред. С.П.Щербы / В.Н.Додонов. – М.: Юрлитинформ, – 2009. – с.391-392

Refusal to suspend the period in cases where a new crime is committed during the term of the conviction is criticized because it does not correspond to the essence of this institution, it is determined that this norm makes certain forms of dangerous and especially dangerous recidivism practically unnecessary. In addition, taking into account the reduction of the term of conviction for less serious crimes from three years to two, it is considered appropriate to add the following dangerous and especially dangerous types to the criminal law in order to improve the institution of recidivism:

- reintentional committee of a crime during the term of conviction by a person sentenced to imprisonment for simple recidivism is one of the dangerous types of recidivism;

- reintentional committee of a crime during the term of conviction by a person sentenced to imprisonment for dangerous recidivism can be added to Article 18 of the Criminal Code as one of the special dangerous types of recidivism.

Despite the controversial aspects of the criminal legislation revealed as a result of the dissertation research in the context of the validity of the law over time, the measures taken by the state in the direction of improving the criminal and penal policy should be generally characterized positively. In particular:

- the development of the system of norms that expands the possibility of applying softer punishments than deprivation of liberty in alternative sanctions and the expansion of judicial practice in this field;

- in cases where a penalty (fine) is provided for in alternative sanctions, giving preference to a fine, taking into account the real financial situation of the convict;

- in the initial edition of the CC in force, the inclusion of norms on release from criminal liability in connection with active repentance and in connection with conciliation with the victim and the addition of new articles that expand the scope of application of this institution by the law dated October 20, 2017;

- the improvement of the institutions of conditional condemnation and conditional early (prescheduled) release from serving a punishment, the tendency to expand their application and

other issues listed above lead to the conclusion that the priority directions chosen by the Azerbaijani state in the field of criminal and punishment policy are based on the revision of the punishment institution and the different public relations of criminal law - based on a new review on a socio-philosophical level, it is generally consistent with the trends of human development. We believe that the leading world experience in this field should always be taken into account, and innovations successfully applied in the practice of advanced countries should be continuously followed as a source of experience in the process of creation and application of national law.

In **the Conclusion** part of the dissertation, the author's concepts, theoretical summaries on chapters and paragraphs, practical recommendations and legislative proposals are systematically presented.

The appendix contain the summarized results of opinion polls conducted among experienced workers and legal research workers.

By providing an overview of the historical evolution of the norms regulating the retroactive effect of the criminal laws in force of the Republic of Azerbaijan, as well as by comparing the international legal acts in this field and the relevant norms of more than 30 foreign countries, by the researched norms of Criminal Code of the Azerbaijan Republic were determined compatibility with the international standards and the legislation of advanced countries.

In order to reconcile the relevant norms of the General Part of the CC with the solution of the issues arising from Article 10.3 of the CC, as well as to eliminate the gaps in practice, the additions and changes that the author worked on were reflected in the form of specific legislative proposals and theoretical recommendations.

The following scientific works of the author have been published on the subject of the dissertation

1. Azərbaycan Respublikasında cinayət qanununun geriyə qüvvəsi haqqında qanunverciliyin inkişafına dair. Qanun. İctimai-siyasi, elmi hüquq jurnalı № 04(156), Bakı, 2007. s.37-44

2. Cinayətin tərədilmə vaxtı cinayət qanununun geriyə tətbiqinin şərti kimi. Qanun. Elmi hüquq jurnalı № 11(175), Bakı, 2008. s.7-15

3. Cinayət qanunun geriyə qüvvəsinin bəzi məsələləri. Azərbaycan Milli Elmlər Akademiyasi Fəlsəfə, Sosiologiya və Hüquq İnstitutu Baki hüquq mərkəzi "Azərbaycan Respublikasinda dövlət və hüquq quruculuğunun aktual problemləri (elmi məqalələr məcmuəsi) 1-ci buraxılış, Bakı, 2009. c.397- 402

4. Xarici ölkələrin cinayət qanunvericiliyi üzrə cinayət qanununun zamana görə qüvvəsinin tənzimlənməsi məsələlərinə dair. Azərbaycan Milli Elmlər Akademiyasi Fəlsəfə, Sosiologiya və Hüquq İnstitutu. Ulu Öndər H.Ə.Əliyevin ad gününə və Azərbaycan Respublikasının dövlətçiliyinin bərpasının 20 illiyinə həsr olunmuş "Hüquq elminin və təhsilinin muasir problemləri və həlli yolları" adlı beynəlxalq konfransın materialları, II hissə, Bakı, 2011. s.140-145

5. Beynəlxalq-hüquqi aktlar cinayət qanununun geriyə qüvvəsi haqqında. Azərbaycan Respublikası Təhsil Nazirliyi Bakı Dövlət Universiteti. Ümummilli liderimiz Heydər Əliyevin anadan olmasının 88-ci ildönümünə həsr olunmuş "Dövlət və Hüquq quruculuğunun aktual peoblemləri" mövzusunda 11-ci Respublika elmi-praktiki konfransının matrialları. II cild (11-12 may), Bakı-2011. s.51-53

6. Əməlin cinayət olmasını aradan qaldıran cinayət qanununun zamana görə qüvvəsinə dair. Azərbaycan Respublikası Təhsil Nazirliyi Bakı Dövlət Universiteti. Ümummilli liderimiz Heydər Əliyevin anadan olmasının 89-cu ildönümünə həsr olunmuş "Dövlət və Hüquq quruculuğunun aktual problemləri" mövzusunda 12-ci Respublika elmi-praktiki konfransının materialları. (11-12 may), Bakı-2011. s.203-209

7.Освобождение от уголовного наказания и обратная сила уголовного закона. Azərbaycan Respublikası Konstitutsiya məhkəməsi, Azərbaycan Respublikasının İnsan Hüquqları üzrə müvəkkili (Ombudsman) aparatı, Azərbaycan MEA Fəlsəfə və Hüquq İnstititu. Hüquq elminin müasir problemləri: Azərbaycan Respublikasında insan hüquq və azadlıqlarının müdafiəsinin yeni tendensiyaları mövzusunda IV Respublika elmi-nəzəri konfransın materialları (6-7 may), Bakı-2014. s. 164-168.

8.Torpaq mülkiyyəti sferasında cinayət-hüquqi problemlərin həll edilməsi yollarına dair. Azərbaycan Respublikası Konstitusiya Məhkəməsi, AMEA-nın Hüquq və İnsan Haqları İnstitututu, Qara Dəniz və Xəzər Regionu Ölkələrinin Hüquqşunaslar Assosiasiyası Ümummilli Lider Heydər Əliyevin anadan olmasının 94-cü ildönümünə həsr olunmuş "Azərbaycan Respublikasının Konstitusiyasında təsbit edilmiş dəyərlərin müdafiəsi sahəsində nəzəri və praktik yanaşmalar" mövzusunda elmi-nəzəri konfransın materialları (5 may) Bakı-2017. s.125-129.

9.Problems of ensuring the rights of the individual when applying criminal law in the field of land property. Международная организация правовых исследований. Юридические науки и образование", № 52, Баку-2017. s.165-186.

10. Azərbaycan Cumhuriyyətinin cinayət hüquq siyasətinə dair. Azərbaycan Respublikası Daxili İşlər Nazirliyi Polis Akademiyası. "Azərbaycan polisinin tarixi və inkişafı perspektivləri" Beynəlxalq elmi-praktik konfrans (20 iyun) Bakı-2018. s.272-279.

11. О коллизии уголовных законов и путях её разрешения. «ЄВРОПЕЙСЬКІ ПЕРСПЕКТИВИ» (ПОЛІТИКА, ЕКОНОМІКА, ПРАВО) Науково-практичний журнал № 3, Київ, Україна, 2018. s.78-82

12. Cinayət qanununun zamana görə qüvvəsinin anlayışının konseptual əsasları. Azərbaycan Respublikası Prezidentinin yanında Dövlət İdarəçilik Akademiyası. Dövlət İdarəçiliyi: Nəzəriyyə və Təcrübə. Dövlət İdarəçilik Akademiyası. № 3(67) BAKI-2019. s.129-136.

13. Cinayətlərin kateqoriyasının dəyişildiyi hallarda cinayət məsuliyyətindən və cəzadan azadetmə məsələləri: cinayət qanununun zamana görə qüvvəsi kontekstində. Milli Aviasiya Akademiyası; Azərbaycan Beynəlxalq Avtomobil Daşıyıcıları Assosiasiyası İctimai Birliyi. Nəqliyyat Hüququ. Elmi-Nəzəri, Təcrübi Jurnal, № 2 Azərbaycan, BAKI-2019. s.59-67.

14. Признаки состава преступления и обратная сила уголовного закона. ПРАВО.UA (LAW.UA). Науково-практичний журнал з проблем конституційного, цивільного, кримінального,

екологічного та інших галузей права. № 2, «ЮНЕСКО СОЦІО», Київ, Україна, 2021. s.93-98.

15. Регулирование действия уголовного закона во времени в международном праве и правовой системе зарубежных стран: сравнительный анализ с законодательством Азербайджанской Республики. НАШЕ ПРАВО (OUR LAW). Науково-практичний журнал з проблем конституційного, цивільного, кримінального, екологічного та інших галузей права. № 3, «ЮНЕСКО СОЦІО», Київ, Україна, 2021. s.80-86.

16. On the application in force of mitigating laws to unserved punishments. Yüngülləşdirici qanunların qüvvəsinin çəkilməmiş cəzalara şamil edilməsinə dair. Теоретические аспекты юриспруденции и вопросы правоприменения. сборник статей по материалам LV международной научно-практической конференции – No 1 (55). – М.: Изд. «Интернаука», Январь 2022. s.97-103.

17. Uzanan və davam edən cinayətlərin anlayışı, törədilmə vaxtı ilə bağlı problemlər və onların həllinə dair. Qanun. Elmi hüquq jurnalı № 01(327), Bakı, 2022. s.72-80.

18. Cinayət törətmiş şəxsin vəziyyətini başqa cür yaxşılaşdıran qanunun ümumi anlayışı və mümkün halları. Международная организация правовых исследований. Юридические науки и образование", № 67, Баку-2022. s.85-98.

The defense of the dissertation will be held on 18 02 2025, at 14:00 at the meeting of the ED 2.45 Dissertation Council operating under the National Aviation Academy

Address: Baku city, Mardakan ave. 30.

The dissertation is available in library of the National Aviation Academy.

The electronic versions of dissertation and its abstract are posted on the official website of the National Aviation Academy.

The abstract was sent to the necessary addresses on 17 01 2025.

Signed for print:10.01.2025
Paper format: A5
Volume: 51 534
Circulation: 20