

**REPUBLIC OF AZERBAIJAN**

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**ABSTRACT**

of the dissertation for the degree of Doctor of Sciences

**THE CONCEPT OF PEOPLE'S POWER IN THE REPUBLIC  
OF AZERBAIJAN  
(constitutional legal problems of theory and practice)**

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**Applicant:              Jeyhun Aydın Süleymanov**

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Official opponents:

Doctor of Law, Professor  
**Namig Hasan Aliyev**

Doctor of Law, Professor  
**Arif Jamil Guliyev**

Doctor of Law, Associate Professor  
**Saida Bahram Hasanzade**

Doktor of Law, Associate Professor  
**Akif Firudinovich Suleymanov**

Dissertation Council ED 2.45 of the Higher Attestation Commission under the President of the Republic of Azerbaijan operating at the National Aviation Academy

Chairman of the Dissertation  
Council:

  
Doctor of law, professor  
**Aykhan Khankishi Rustemzade**

Scientific secretary of the  
Dissertation Council:

  
Doctor of Philosophy in law  
**Sahil Zahir Huseynov**

Chairman of the scientific  
seminar:

  
Doctor of law, Associate Professor  
**Subhan Farmayil Aliyev**

## GENERAL CHARACTERISTICS OF THE DISSERTATION

**Relevance of the topic and degree of study.** The constitutional development of each country cannot be considered in isolation from the development of the state and society. The next stage in such development brings new elements and features to important political and socio-economic relations, changes the qualitative characteristics of the state and its functions. The emergence of the new constitution is related to the need to identify all these changes and to reflect the specific features of the social structure in its content. At the end of the 20th century, after regaining its state independence, our nation embarked on democratic, legal and constitutional state building and adopted its first national constitution through a referendum in the centuries-old history of statehood. In the Constitution, which is accepted as a legal result of the changes in the political-economic and socio-cultural life of our country, special attention is paid to the preservation and strengthening of the independence of our republic, the development of statehood, and the provision of human and civil rights. The greatest importance of our Constitution lies in the fact that it not only guided the development of our statehood, but also established the sovereignty of our people, which we have longed for many years, and which we have finally achieved, albeit at the cost of heavy losses, and which we are resolutely trying to protect today. National leader Heydar Aliyev, the chairman of the commission that drafted the new constitution, noted at the first meeting of the commission that drafted the new constitution of the Republic of Azerbaijan held on June 5: *"In order to create the constitution, we must certainly look at our historical past, but at the same time, we should consider the universal values and the achievements of the democratic states of the world. , we should use experience... The Constitution should first of all reflect the relations between the state and the government and the people. Separation of powers, legislative, executive and judicial powers - all these should be based on the will of the people and should be ensured*

*through elections. The state should be the work of the people...*"<sup>1</sup> These democratic ideas voiced by the great leader found their legal expression in the Constitution of sovereign Azerbaijan of November 12, 1995, and the mechanism of its effective provision was defined. Today, we are witnessing the successful implementation of those ideas in our real life. The tendency to establish a state of people's power was fully formed in the 20th century, and this was first expressed in the adoption of relevant normative acts at the level of individual states, and then at the international level.<sup>2</sup> Article 21 of the Universal Declaration of Human Rights states that every person can participate in the governance of his country directly or through freely elected representatives, and the will of the people should be the source of government. In the Resolution of the European Parliament on fundamental rights and freedoms (1989), the democratic principle "On the derivation of all power from the people" was established.<sup>3</sup>

Today, the Constitutions of most democratic states establish people's power and popular sovereignty and declare the people as the source of state power. Chapter 1 of the Constitution of the Republic of Azerbaijan is called "People's power" and here the general rules governing the foundations of people's power, the source of state power, the forms of implementation of people's power, the right to represent the people, the unity of the people, and the non-appropriation of power find their legal expression. . Thus, in the history of state building of the Republic of Azerbaijan, the modern concept of people's power finds its legal expression in the first national Constitution of the independent Azerbaijan state (November 12, 1995). "People's power", "People's sovereignty", "National sovereignty", the right of the people (nation) to decide their own destiny, etc. such concepts are widely used concepts in both general and political-legal as well as international law literature. However, until today there is no unambiguous explanation of the categories "nation", "people" and "population" in the theoretical, normative and

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<sup>1</sup> Qanunçuluq Jurnalı, №1-2, Bakı, 1996

<sup>2</sup> İnsan hüquqları – Beynəlxalq müqavilələr toplusu. Bakı. Azərbaycan, 2020

<sup>3</sup> İnsan hüquqları – Beynəlxalq müqavilələr toplusu. Bakı. Azərbaycan, 2020

empirical legal literature of Azerbaijan and foreign countries.<sup>4</sup> The complexity of the mentioned problem is also related to the fact that the international community has not adopted a single definition of these categories until modern times. In many cases, the categories of "nation" and "people" are practically identified in the constitutions of developed foreign democratic countries, including in international legal acts. Considering that the constitution is the normative and terminological basis of the legislative system, the comparative analysis of the categories of "people", "nation" and "population" expressed in the basic law is very important not only for legal science, but also for law-making and law enforcement practice. Despite the special importance given to the regulation of people's power in the constitutions of democratic countries, discussions about the concept of "people's power in the science of constitutional law" are still ongoing. One of the circumstances complicating such a situation is that neither the constitutions of Azerbaijan nor other democratic foreign countries contain the definition of "People's power". In the science of constitutional law, the term "people's power" is ambiguous. In certain cases, "people's power" is identified with the terms "people's sovereignty" and "democracy". Sometimes "people's power" is explained as the form of the state, the conceptual principle of the organization of the state apparatus. We believe that the study of these problems is of great importance both for the science of Constitutional law and for legal practice. The basis of a modern democratic, legal state is the principle of people's sovereignty. Although the idea of "people's sovereignty", which has become a universal value, was created in the 18th century, there is still no unanimous opinion among scientists about the concept, content and essence of this category.<sup>5</sup>

According to the opinions of some political science scholars, people's sovereignty is a principle that has no practical importance.

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<sup>4</sup> Çirkin V.Y. Xarici ölkələrin konstitusiyə hüququ (rus dilindən tərcümə) Bakı: Digesta, 2017, 350 s. Straşun V.A. Xarici ölkələrin konstitusiyə hüququ, 4 cildə, I-II cildlər Bakı: Qanun, 2017, 728 s.

<sup>5</sup> История политических и правовых учений. Учебник для вузов. М.Инфра – М-Кодекс, 2015, 944 с.

but only a moral one. Such ideas can be found in modern times. Another group of researchers, guided by the etymological meaning of the term sovereignty (sovereignty - Latin "supreme"), explain popular sovereignty as the supremacy of popular power. In addition to the above-mentioned controversial ideas, the terms state sovereignty and national sovereignty are also used in the constitutional legislation of our country and some foreign countries, as well as in international acts. Many modern researchers distinguish between these terms, while others, on the contrary, equate them. We believe that in order to discover the real answer to this and other disputes mentioned above, we need to consider the category of sovereignty in the context of its historical development. In the science of constitutional law, one can observe pluralism of opinion among researchers on the question of the forms of implementation of public power. In some cases, the forms of direct democracy are given an unreasonably expansive interpretation and differentiate between imperative and consultative democratic institutions based on the legal significance of decisions made directly by citizens. In the political-legal doctrine, there are also authors who prefer the restrictive interpretation of democratic institutions. Another form of popular government is representative democracy. Institutions of representative democracy are explained in different ways in the science of constitutional law. The first group of scholars gives an expansive interpretation of the institutions of representative democracy. They note that all public authorities belong to the institutions of representative democracy. The second group of scientists refers only to elected state bodies and local self-government bodies to representative democracy. In our opinion, one of the reasons for the emergence of such disputes is the inaccuracy allowed in the legal expression of direct and representative democracy in the constitutions. The main form of people's power in a democratic political regime is state power. Despite the existence of scientific debates about the concept and nature of state power since ancient times, even today, modern science does not have an unambiguous attitude to the solution of that problem. In most cases, the concept given to state power in political and legal literature does not meet the

concept, essence, and requirements of a modern democratic state. In many cases, on the basis of one or several important signs of state power, a narrow attitude is shown to this phenomenal phenomenon, and limited ideas about its understanding are formed. One of the circumstances that complicates the current situation in this field is the absence of a definition of state power in the constitutional legislation. The Republic of Azerbaijan, including other countries included in the CIS, the Baltic republics, the USA, Turkey, France, etc. in the constitutional legislation of countries, the term state power is mainly used in the context of the principle of separation of powers.<sup>6</sup> Along with all this, it should be acknowledged that the quality indicators of the state power, the efficiency of the state power mechanism, and its development depend to a great extent on the concept of state power formed in the scientific concept.

In the fields of modern science, the problem of understanding and nature of state power is mainly included in the research subject of political science and legal sciences. The great interest of jurisprudence in this event is legitimate. The state power implements law-making as its exclusive authority. On the other hand, the organization and implementation of state power is such an important area of social life that the social relations arising here are regulated by law. In this context, we believe that legal science should have its own approach to solving this problem. The state power and legal phenomena should form the basis of this approach. At the same time, there should be a principle of interdisciplinary approach to the formation of this concept, especially considerations of political science and sociology should be used. At the end of the 20th century, our Constitution, which was adopted through a national vote-referendum, established a new type of state power mechanism in our country. People's sovereignty and human and civil rights and freedoms, which are its concrete manifestation, and ensuring a decent standard of living for the citizens of the Republic of Azerbaijan were

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<sup>6</sup> Конституции зарубежных государств. Учеб. Пособ. 7-е изд. Перераб. И доп. М.: Волтерс Клувер 2015, 656с. Новые Конституции стран СНГ и Балтии. Сборник документов. М.Манускрипт, Юрайт 2020 672с.

declared as the main principles of this mechanism. On the basis of the new constitution of our state, a lot of practical work was done by the people of Azerbaijan in the field of creating a democratic state power mechanism, legislative, executive and judicial power bodies were created based on the concept of separation of powers. The process of formation of the mechanism of democratic state power in our republic continues today. In this context, the wide study of the concept, structure, principles, development regularities of the mechanism of state power is of great importance both theoretically and practically. However, little attention has been paid to the study of these questions in the theoretical literatures of Azerbaijan and foreign countries. In some scientific sources, the mechanism of state power is unjustifiably equated with the terms state mechanism and state apparatus. In order to clarify our position regarding the explanation of this problem, we consider it important to analyze the question of the ratio of the terms state power mechanism, state mechanism and state apparatus. The emergence of representative democracy models in the 20th century brought the issue of the electorate to a new level. In the modern world, it is a scientific fact that the issues of development and management in a democratic society are based more on the principle of elitism, and that the elite with high intelligence and ability play a decisive role. A democratic state must have a sovereign political elite. This elite, which serves national statehood and is distinguished by its intellectual abilities, can unite around the national leader, bring together the potential energy of the people and mobilize it for construction work. However, in order to bring the most worthy people of the society to political power, it is not enough just to come to the polling station and vote. For this, the electorate must also have a democratic, political and legal outlook, including the opportunity to choose from among the best. Retrospective analysis of normative-legal acts regulating the election system in Azerbaijan since 1993 and the election experience shows that the institution of elections in the republic is constantly developing. The Election Code, which was adopted for the purpose of the formation of democratic election legislation and the unification of election legislation as a whole in our country and improved at the



initiative of the head of state, meets the requirements of the new era and creates a good basis for the free and fair conduct of the election process in our country. In addition, it is important to constantly improve the electoral system in accordance with the students of the modern era, to solve the problem of preventing absenteeism in elections. In this field, legal science also has relevant duties.

Today, we can say that our country has successfully passed the three phases of establishing a democratic regime: national consensus has been reached, the preparatory phase has been passed, and a democratic regime has been established.<sup>7</sup> However, the far-seeing Azerbaijan Republic should continue its successful activities on the path of building a consolidated democracy that creates a solid foundation for political, socio-economic development. In this way, legal science also has great responsibilities. Although these or other aspects of the concept of people's power (constitutional legal problems of theory and practice) were studied in the Republic of Azerbaijan, which was chosen as the subject of the dissertation research, this problem was not studied as a whole, comprehensively. Lawyers-scientists of our republic (M.F. Malikova, F.S. Abdullayev, Z.A. Askerov, C.Y. Garajayev, A.K. Rustamzadeh, S.F. Aliyev, N.H. Aliyev, S.M. Aliyev, X.C. Ismayilov, A.I. Aliyev, L.H. Huseynov, F.T. Nagiyev, I.M. Jafarov and others) have conducted certain studies that include separate theoretical and practical issues of the institutions of people's power, the concept, signs, forms of people's power and sovereignty, the concept, functions, mechanism of state power and local self-government as the main forms of people's power, people institutions of direct and representative democracy of the government have not been the object of independent research until now. From this point of view, for the first time, a complex approach to the scientific study of the concept of people's power (constitutional legal problems of theory and practice) in the Republic of Azerbaijan will allow us to determine its essence, its importance

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<sup>7</sup> Мехтиев Р. На пути к демократии: размышляя о наследии Юэки-Йэки, Баку, 2007, стр. 15-17

for our sovereign nation, our state, and future development prospects in this field.

**Object and Subject of the Research.** The object of the research is the constitutional legal relations that arise in the process of implementation of people's power, and the subject is the concept of people's power in the Republic of Azerbaijan (constitutional legal problems of theory and practice).

**Objectives and Tasks of the Research.** The purpose of the research is to comprehensively study the concept of people's power (constitutional legal problems of theory and practice) in the Republic of Azerbaijan, to put forward scientifically based proposals and recommendations to eliminate existing deficiencies in this field. In order to achieve the indicated goals, the following tasks were set in the research work:

1) to analyze the categories "Nation", "People", "Population" in a comparative form; 2) examine the theoretical and historical aspects of the concept of sovereignty;

3) to study the problems of the concept, signs, principles and forms of people's power;

4) to study the theories of democracy that arose in different historical periods based on the laws and categories of dialectics;

5) define the concept, signs, principles and functions of state power;

6) to analyze the concept and structural elements of the mechanism of democratic state power;

7) to investigate the concept, types, principles and legal regulation of forms of direct democracy (referendum and suffrage) of people's power;

8) to study the constitutional legal status of the President of the Republic of Azerbaijan and the Milli Mejlis of the Republic of Azerbaijan as representative forms of democracy of the people's power, to prepare recommendations for improving the legislation in these areas;

9) to study the concept, system of local self-government, institutions of direct and representative democracy.

**Research Methods.** Scientific cognitive methods developed by legal science and applied in practice were widely used while preparing the dissertation work. In the dissertation work, both general philosophical methods - dialectic, its laws and categories, systematic analysis, generalization of normative, scientific and practical materials, historical approach, general logical methods - analysis, synthesis, induction and deduction, special legal methods comparative jurisprudence, formal-legal analysis, legal modeling and technical-legal methods, including sociological survey, statistical analysis, etc. typical for non-legal sciences, methods were used. Main clauses defended.

### **Key Provisions to be Defended.**

1. Necessity of a comparative study of the categories "nation", "people" and "population" in order to determine the essence of political and legal phenomena such as "People's power", "People's sovereignty", "National sovereignty", the right of the people (nation) to decide their own destiny, and the use of all three concepts in different meanings in the Constitutional legislation of the Republic of Azerbaijan is justified. According to the researcher's opinion, the characterization of the category "nation" as a set of citizens of the country in accordance with the Western European tradition and the complete denial of the considerations of the Eastern European tradition should be considered as the incompleteness and missing aspect of the Western tradition. On the other hand, it cannot be considered completely correct to accept the considerations of the "eastern" tradition regarding the identification of the concepts of "nation" and "ethnos". So, unlike ethnos, nation is a broader concept, a later and more complex manifestation. In the dissertation work, the concept of national manifestation (in broad and limited sense) is justified based on the Constitution of the Republic of Azerbaijan, and the categories of people and nation are distinguished.

2. Wide use of the term "Population" in the Constitution of the Republic of Azerbaijan and other legislative acts, including international legal acts, makes it necessary to develop a legal

definition of this phenomenon.<sup>8</sup> In this context, on the basis of a complex study of demography, demostatistics, political and legal sciences, the author came to the conclusion that the concept of the state's population includes citizens of that state, foreigners and stateless persons (stateless persons) living in the territory of the country.

3. The third part of Article 11 of the Constitution of the Republic of Azerbaijan states that the state borders of Azerbaijan can be changed only by holding a referendum among the entire population of Azerbaijan by the decision of the Milli Majlis of the Republic of Azerbaijan.<sup>9</sup> However, according to the relevant norms of the Constitution of the Republic of Azerbaijan and the Election Code of the Republic of Azerbaijan, foreigners living permanently or temporarily in the territory of our republic cannot participate in the referendum. On the other hand, citizens of Azerbaijan living permanently or temporarily outside the territory of the country vote in polling stations organized in the diplomatic missions of Azerbaijan located in the territory of those foreign countries. Considering the above, we consider it appropriate to issue the third part of Article 11 of the Constitution of the Republic of Azerbaijan in the following redaction: "The territory of the Republic of Azerbaijan cannot be alienated. The Republic of Azerbaijan does not give any part of its territory to anyone in any way; State borders can be changed based on the will of the Azerbaijani people only by holding a referendum (public vote) by the decision of the Milli Majlis of the Republic of Azerbaijan.

4. Based on the interpretation of the Constitution of the Republic of Azerbaijan, the need to differentiate the terms "people's power", "people's sovereignty" and "democracy" is justified and people's power is characterized as the sovereign right of the people. The subject of this right is the electorate of Azerbaijan, and the object is all natural and legal persons, state bodies, officials and local self-

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<sup>8</sup> Hüseynov L.H. Beynəlxalq hüquq. Dərslik. Bakı: Qanun, 2012, s.368.

<sup>9</sup> Azərbaycan Respublikasının Konstitusiyası. Bakı, 2016. <https://e-qanun.az/az/frame%20work/897>

government bodies in the territory of the Republic of Azerbaijan. The main content of people's power: to participate in the political life of the state and society; subjugating the will of others to one's own; determine independent self-determination and choose the form of management; to determine mandatory instructions and rules of conduct; to establish state power and local self-government bodies and control their activities; constitutes the right to resolve every issue related to their rights and interests within the constitutional framework.

5. In our opinion, the unity and organic connection of the concepts of "people's power" and "state power" does not give grounds for equating them. In the Republic of Azerbaijan, state power is the primary and main form of people's power. But its other form is local self-government. According to the municipal legislation of the Republic of Azerbaijan, local self-government bodies are non-state bodies.

6. We believe that insufficient evaluation of the manifestation of sovereignty may result in the occurrence of many negative events. As a result of the research conducted on the basis of the historicity method, it was determined that the doctrine of sovereignty has not only theoretical but also practical importance since time immemorial. It has historically been a political weapon of the state power in the struggle against the rival social forces. But after the victory of the state, this phenomenal event undergoes a significant change. Thus, the theory of people's sovereignty was born in the conditions of the internal struggle of various elements of state power.

7. In accordance with the Western European tradition, the terms "people's sovereignty" and "national sovereignty" are considered synonymous in the constitutional legislation and political-legal doctrine of some democratic countries, and the term "national sovereignty" is mainly used here. However, starting from the 20th century, a new approach to the concept of "national sovereignty" emerged. Thus, this concept was equated with the right of nations to self-determination, including the creation of a "national state". We believe that the Constitution of the Republic of Azerbaijan has the concept of a single nation, which includes all citizens of the Republic

of Azerbaijan, regardless of their nationality, and each of them acts as a bearer of sovereignty without discrimination. Here, national sovereignty, that is, the right of nations to determine their own destiny, can be realized on the basis of the rights and interests of other nations living together, and the sovereignty of the people as a whole. Thus, taking into account the above, it can be emphasized that the right to national self-determination is the right to preserve one's existence, lifestyle, language, and culture, and ensure its free development, taking into account the rights and interests of other nations living together, the sovereignty of the people as a whole, and the basic principles of international law. Thus, popular sovereignty is a broader concept and includes both state sovereignty and national sovereignty. In this context, people's sovereignty is expressed in the unity, indivisibility and supremacy of people's power. It is the sovereign right of the Azerbaijani people to be the source of state power, to freely and independently determine their own destiny and to choose the form of government.

8. We believe that constitutionalism and the supremacy of human rights should not be considered as a limitation of people's sovereignty, but as an efficient implementation mechanism. Thus, the Constitution, which has the highest legal force in the system of normative legal acts, is directly accepted by the people, and the people determine the legal limits of their power here. In this regard, we consider it appropriate to add the following provision to Part 1 of Article 3 of the Constitution of the Republic of Azerbaijan: "...the people of Azerbaijan exercise their sovereign right within the limits specified in the constitution".

9. Direct and representative forms of people's power are distinguished according to the form of expression of the people's will. We believe that referendums and elections belong to the form of direct democracy of people's power. Public discussion of draft laws and decisions, public opinion polls, the right of citizens to initiate legislation, freedom of assembly, and the right to petition are the rights of the citizens of the Republic of Azerbaijan to directly participate in the management of the state, and it is appropriate to use these institutions in the implementation of forms of people's power.

10. The following main provisions of the concept of national representation are substantiated in the dissertation research: 1). The people are the only source of state power; 2). The people have sovereignty; 3). People's representation is established by the constitution; 4). The sovereign nation gives the right to exercise the powers of state power to the representative bodies, not the sovereignty that belongs to it; 5). In order to perform the functions of state power more efficiently, the people elect representative bodies through secret and personal voting on the basis of general, equal, direct suffrage; 6). Except for the authorized representatives elected by the people, no one has the right to represent the people, speak on behalf of the people and appeal on behalf of the people; 7). Representative bodies operate in special forms determined by the constitution and laws, and the legal acts adopted by them are of a universally binding nature.

11. In the process of scientific understanding, the advantages and disadvantages of the direct and representative democracy forms of people's power have been revealed and determined, and only in the unity of both forms can the organization of the effective people's power mechanism in the country be ensured. So, under the conditions of using both forms, their shortcomings are eliminated and they complement each other. 12. The world experience shows that in the modern era, the constitutions of democratic states are characterized by the convergence of models of democracy that arose in different historical periods. But the Convergence theory assumes only the integration of progressive qualities of phenomena. In this sense, it can be emphasized that the convergence of democracy models is one of the priority principles of the Constitution of the Republic of Azerbaijan. In order to determine the essence of this process, those models of democracy were widely studied based on the categories and laws of dialectics, and it can be considered that the convergence of modern models of democracy and the preservation of the political heritage of National leader Heydar Aliyev are necessary for the emergence of a consolidated democracy in the Republic of Azerbaijan.

13. We believe that despite the organic connection between the state and manifestations of state power, they cannot be equated. In a broad sense, the state is a political territorial union of the people organized in a certain form. In this case, state power should be taken as the organizational form of political power and the main sign of the state. However, the term political power is not used in the Constitution of the Republic of Azerbaijan. Here, the right of the citizens of the Republic of Azerbaijan to participate in the political life of the society and the state without hindrance is established (Article 54). If the political life of the state is related to the organization and implementation of state power, the political life of society is a broader concept. Thus, the political life of the society includes the political life of the state as well as the creation and activity of non-state political organizations, such as political parties, the organization and activities of the local self-government system, and other areas. The above-mentioned shows that, as a democratic state, non-state organizations also participate in the exercise of political power in the Republic of Azerbaijan together with the state power.

14. As the main form of people's power, state power is a great creative force, capable of managing the general affairs of society, operating on the basis of constant and uninterrupted high professionalism. This force integrates society, eliminates social contradictions, and subordinates individual and group interests to the will of a single people by methods of persuasion, encouragement, and, if necessary, coercion. The fact that the majority of citizens in our country participate in the administration of the state, are elected or appointed to the authorities, shows that the state administration in Azerbaijan is first of all people's administration, state power is a form of people's power.

15. The functions of the state and the functions of the state authority should be distinguished. Thus, the state and state power were different, independent categories. The state is a single political-territorial union of society. In this context, the functions of the state can also be characterized as the functions of society. On the other hand, the existence of mass power is one of the main characteristics



of the state, and the state realizes its functions through state power. In this sense, the functions of the state are primary in relation to the functions of the state power, the functions of the state power are activities directed to the realization of the functions of the state. Thus, the functions of state power as a form of implementation of state functions are general and objective. So, they are characteristic of any power, including state power. In this context, the following general functions of state power are distinguished: regulatory; organizational-executive; protection. The general functions of state power are divided into specific functions: 1) regulatory-general and individual regulation, law-making and legal normative regulation; 2) the organizational-executive function is mainly expressed in the practical organization of the implementation of the state policy and decisions expressed in the executive and disposal activities of the state authorities. However, the organizational-executive function is manifested not only in the execution and disposal activity of the state power, but also in the regulation and protection activity; 3) the protection function includes protection of the rule of law in all organizations and enterprises, provision of public order, security of state borders, etc. protection is included. According to the functions of the state, the above-mentioned 3 functions of the state power are manifested within the country (economic, political, social, environmental, etc.) and in the field of external international activity (defense of the country, support and provision of peace, international security, cooperation with other states, etc.) does.

16. The mechanism of separation of powers, which is a universal principle of democratic state power, is studied in the dissertation, based on a comparative analysis of the constitutional legislation and practice of different countries, and its political and legal essence is determined in the modern era. In this context, the separation of powers does not allow the usurpation of people's sovereignty, the alienation of state power from the people, the consolidation of state power in the hands of one or a group of people, and also excludes the use of power against the people and harming them. As a result of the implementation of the principle of separation of powers, permanent, uninterrupted constitutional control is created

between the highest bodies of state power, which in turn prevents usurpation of power. In addition to the above, the implementation of the separation of powers leads to the division of labor between state bodies, as a result of which state bodies operate more efficiently. 18. The author came to the conclusion that the mechanism of separation of powers does not negate the unity of state power. Thus, if the unity of state power in a non-democratic regime means the concentration of power functions in the hands of one person, while in a democratic state regime, the unity of state power involves the division of state power into relatively independent areas based on popular sovereignty. The scientific study of the constitutional legislation and experience of our country and other democratic states suggests that the principle of unity of state power is not only theoretical, but also of great practical importance. The integrative function of the presidential institution is important in solving this problem. Thus, if the Constitutional Court resolves legal disputes between the branches of government, the President resolves political disputes and ensures the uniformity of state power.

18. In the state-building experience of individual democratic countries, the existence of bodies that cannot be attributed to any branch of power has led to the differentiation of the concepts of state power bodies and state bodies in science. It is noted here that, unlike state bodies, the powers of state authorities are of a governmental nature. We do not agree with this idea that all state bodies carry out the duties and functions of the state, and for this they must have powers of authority. On the other hand, we believe that the establishment of bodies outside the system of separation of powers and their parallel operation with the branches of power may lead to leaving out of balance, deterrence and effective control mechanism, which is a necessary element of the separation of powers.

19. In the dissertation, the following features of the concept of separation of powers declared in the Constitution of the Republic of Azerbaijan as an effective guarantee mechanism of people's sovereignty are defined: 1). Sovereign power in the Republic of Azerbaijan belongs to the people, and the people are the only source of state power. This constitutional norm includes the unity of the state

power and the formation of the branches of the state power by the people or by the authorized representatives chosen by the people, all the subjects of the state power should operate on the basis of the constitution adopted by the people; 2). The unity of state power in the Republic of Azerbaijan is embodied by the President of the Republic of Azerbaijan. It ensures mutual activity of government branches and their responsibility to the people. The President of the Republic of Azerbaijan resolves political disputes between the branches of government (legal disputes are resolved by the Constitutional Court); 3). According to the provisions of the Constitution of the Republic of Azerbaijan, the legislative, executive and judicial powers interact and are independent within their powers. Based on the interpretation of individual norms of our Constitution, it can be noted that the activity of the branches of power is observed by the system of balance and deterrence. One of the branches of power cannot be superior to the others. Thus, the sovereign (supreme power) power belongs to the people, and the supreme will of the people cannot be expressed by only one government institution. The branches of government equally express the will of the people; 4). People's sovereignty, referendum and elections, rule of law, constitutional law; that certain duties are limited, duties are not reconciled; Dissolution of the Milli Majlis in the cases defined by the constitution by the head of state, right of veto; in certain cases, the possibility of showing no confidence in the Cabinet of Ministers by the High representative, legislative body, the constitutional norms on the independence of the courts provide a system of balance and deterrence between the branches of power; 5). Courts are the guarantor of the balance between the branches of government, resolve legal disputes between the legislative and executive branches and ensure the functioning of government structures in accordance with the constitution. According to the Constitution of the Republic of Azerbaijan and the Law on Prosecutor's Office, the prosecutor's office is part of the judicial branch. In this context, we suggest that part II of Article 125 of the Constitution of the Republic of Azerbaijan be issued in the following version.

20. Based on the comparative analysis of the terms state power mechanism, state mechanism and state apparatus, the author came to the conclusion that the concept of state mechanism is broader than the state apparatus and includes both the state apparatus, that is, the set of state power bodies and other state organizations, state enterprises, and here includes serving civil servants. At the same time, not only the state apparatus, but the state mechanism as a whole is included in the structure of the state power mechanism. However, this does not give us a reason to identify those events. We believe that the mechanism of state power is a broader concept than the mechanism of the state. First, in a democratic political regime, state power is exercised by the people (electorate) through direct elections, referendums, etc. is carried out through Second, in the state practice, in certain cases, local self-government bodies and non-state organizations can also participate in the implementation of the duties and functions of the state. In this context, the following subjects of the democratic state power mechanism should be distinguished: 1). Implementation of elections, referendum, legislative initiative by the electorate of Azerbaijan; 2). State apparatus - system of state bodies; 3). Socio-economic, scientific-cultural, political state enterprises and state organizations; 4). Non-state bodies: municipalities, trade unions, etc.

21. The mechanism of state power is a system of state and non-state institutions that are regulated by the Constitution and other legislative acts, influence public processes with their own forms and methods, carry out the duties and functions of the state, and have appropriate powers. As a complex system, 4 subsystems should be distinguished within the mechanism of state power: 1). Institutional subsystem; 2). Normative subsystem; 3). Functional subsystem; 4). Material subsystem.

22. We believe that the definition given to a state power body should include the following: 1). This concept should be universal, that is, it should include all state bodies; 2). Here, not all the signs of the state body, but only the signs that reflect its characteristic features should be indicated; 3). That concept should express the democratic essence of this body. In this context, the state power body is a

relatively independent element of the state apparatus, which is created and operates in accordance with the legislation, performs the duties and functions of the state, has authority and internal structure. If we characterize the state apparatus as a system of state authorities, then the state body is a subsystem of this apparatus. In this context, it is possible to distinguish the subsystems of legislative power, executive power, and judicial power. The democratic state apparatus is a system of state bodies through which the people exercise their state power. We believe that the above-mentioned definition of the state authority and the definition and classification of the civil servant in a broad sense (for example: political, administrative, special type of civil service, etc.) should find their legal expression in the relevant legislation.

23. In the dissertation, the local self-government system is justified as a non-state form of people's power, and its direct (local opinion polls, local elections, citizens' meetings) and representative (municipal bodies) forms of democracy are distinguished. The author differentiates between local referendum and local opinion survey institutions, which are direct forms of local democracy, and shows that the legislation of the Republic of Azerbaijan does not provide for holding local referendums.

24. The Constitution of the Republic of Azerbaijan distinguishes two methods of forming the composition of state authorities: elections and appointment. The following definition of elections is proposed in the dissertation: "elections mean the procedure of shaping the composition of state bodies (provided that two or more candidates claim each mandate) through the voting of persons with the right to vote". According to the election legislation of the Republic of Azerbaijan, national and local, next and extraordinary, main and additional, primary and repeat voting types of elections should be distinguished.

25. Based on the interpretation of the relevant norms of the Constitution of the Republic of Azerbaijan and the Election Code, the election system (in a broad sense) should be distinguished as a set of social norms (legal, corporate, technical, moral) regulating the election process, and the election system (in a limited sense) as a

method of determining election results. Based on the comparative analysis of the electoral legislation and experience of our country and other democratic states, the author came to the conclusion that majoritarian and proportional electoral systems are used in most democratic countries. Other types of elections are based on those election systems. However, taking into account the advantages and disadvantages of both majoritarian and proportional electoral systems, we believe that the joint application of both electoral systems in the electoral legislation of the Republic of Azerbaijan would have had a great impact on the elimination of their shortcomings and the continuous development of political pluralism. In this context, in the Election Code of the Republic of Azerbaijan, we consider it expedient to establish specific norms defining the definition of the majoritarian election system, absolute and relative, cumulative vote types. At the same time, in 1995, the experience of electing 25 deputies to the Milli Majlis of the Republic of Azerbaijan on the basis of the proportional system gave an opportunity to identify the shortcomings of this system, and in 2002, the proportional election system was abolished by the constitutional referendum. Taking into account the election experience of our country, we consider it appropriate to apply the preferential type of the proportional election system along with the absolute, relative and cumulative types of the majority election system.

26. According to the legislative acts regulating the local self-government system in the Republic of Azerbaijan, municipalities are not considered state bodies, in this context, we propose to amend Article 56 (Part I) of the Constitution of the Republic of Azerbaijan entitled "Right to Election" in the following version; "...citizens have the right to elect and be elected to state bodies and local self-government bodies, as well as to participate in the referendum."

27. In modern times, in the election experience of developed countries, great importance is attached to the application of innovative election technologies for the purpose of continuous development of the election system, formation of a high election culture in citizens, and more efficient organization of the election process. Some innovative technologies that are widely used in those

countries have been examined by the researcher and recommendations have been made regarding their use in the electoral system of Azerbaijan. One of the key innovations involves the creation of user-friendly online voter registration and verification systems that simplify the often difficult registration process to vote. We believe that automatic voter registration (AVR) reduces the administrative burden of election commissions, prevents incorrect voter registration, cases where the voter is not included in the voter list for some objective and subjective reason. Overall, automatic voter registration (AVR) is a simple, efficient and cost-effective technology that increases voter participation and minimizes absenteeism. At the same time, mobile and electronic voting based on Blockchain technology is widely used in the election experience of democratic states, along with the traditional method of voting (through ballots). Mobile and electronic voting is an innovative technology that increases voter turnout and reduces the rate of absenteeism in elections. Thus, it removes obstacles for people with physical disabilities, health problems, who are on a business trip on the day of voting, who have difficulty going to the polling stations due to their work schedule and other reasons. At the same time, such voting can be a valuable tool during emergencies such as natural disasters or pandemics by allowing citizens to vote securely without the need for in-person contact. The conducted statistical analysis shows that in the experience of countries that use electronic voting technology, voter turnout is higher. We believe that the application of such innovative technologies should be based on the method of inclusion.

28. The status of the President of the Republic of Azerbaijan as a form of representative democracy of people's power is based on the following conceptual provisions: 1). The President of the Republic of Azerbaijan, elected on the basis of the absolute majority of the majoritarian electoral system, represents the people and ensures their sovereignty; 2). The President of the Republic of Azerbaijan is the head of state and the executive power belongs to him, in this context, the duties and powers of the President as the head of state and the High official to whom the executive power belongs are distinguished:

3). Based on the interpretation of the Constitution of the Republic of Azerbaijan, it is determined that there is a presidential form of government in our country. At the same time, some elements of the parliamentary republic form of governance can be observed; 4). The President of the Republic of Azerbaijan operates on the basis of the principles of popular sovereignty, separation of powers, democratic, legal state, unitary, republicanism, secularism, human and civil rights and freedoms, and ensuring a decent standard of living of citizens; 5). The President of the Republic of Azerbaijan performs the functions of ensuring people's power and sovereignty, representation, guaranteeing human and civil rights and freedoms, guaranteeing national security, state independence, territorial integrity, political integrative and executive-ordering functions.

29. A new Azerbaijani model of the vice-presidency institute has been created in our country. We see the importance and status of this model in general as follows: the establishment of the vice-presidential position stems from the aim of ensuring the improvement of the presidential administration in Azerbaijan, its adequacy to modern challenges, the optimal functionality of the state management mechanism in force majeure situations, the expansion of the scope of economic reforms and their serves to accelerate; the vice-presidential institution is such a flexible body that it performs its functions without harming the status of other branches of power, including the Cabinet of Ministers; In countries with a presidential republic form of government, the president is the head of state and heads the executive power system. Here, in the formation of all three branches of power, the president as the head of state has determining, confirming and presenting powers. The head of state reports to the people about the work of the government, passes the people's orders to the branches of government and demands a report about the work done. This, in turn, expands state control over all three directions of state administration and increases observations. In this context, the vice-presidency may include, first of all, the replacement of the position of the President in certain cases and the implementation of his powers, as well as the division of powers in various areas of state administration as leaders and assistants.



30. The following conceptual provisions of the executive power system as an independent branch of state power are justified: 1). The executive power belongs to the President, and the President of the Republic of Azerbaijan creates the Cabinet of Ministers and other executive power bodies for the purpose of organizing executive powers; 2). It operates on the basis of the principles of people's sovereignty, democracy, legality, unitary, secularism, republicanism, subordination and coordination; 3). It is an independent branch of the state power and its activities are executive and orderly in nature; 4). In relation to the legislative power, the normative legal acts of the executive power have a statutory character; 5). A special mechanism that performs its duties and functions permanently and continuously (state bodies, ministry, committee, service, agency, commission, department, etc.), state enterprises, public legal entities, etc. through; 6). The state has certain resources to implement coercive measures.

31. The author differentiates the concept of "Government" in broad and limited terms and, based on the interpretation of constitutional norms, defines the Cabinet of Ministers as follows: The Cabinet of Ministers of the Republic of Azerbaijan is a supreme collegial, executive and disposing state body, which is organized according to the rules established by legislation and performs the duties and functions of the state. The Cabinet of Ministers of the Republic of Azerbaijan has real power in the field of executive power and provides general management of executive and administrative activities in the country. However, it carries out this under the leadership of the President, and the President determines its structure and work order. In addition, we believe that the regulation of some elements of the investiture institution in the Constitution of the Republic of Azerbaijan would have served to make mutual cooperation between the branches of government more effective.

32. The author based the modern parliament as a nationally representative, elected, collegial, legislative body and came to the conclusion that the Milli Majlis of the Republic of Azerbaijan: is established and operates on the basis of constitutional legislation; it is a mechanism for the realization of people's sovereignty; is a nationally representative collegial body; organized on the basis of

democratic elections; exercises legislative power in the mechanism of separation of powers; operates in the conditions of political pluralism (multi-party system); is a permanent body. Taking into account the above, it is suggested that the following provisions be added to the Constitution of the Republic of Azerbaijan: "The Milli Majlis of the Republic of Azerbaijan is the Parliament of the Republic of Azerbaijan."

33. Parliament in the dissertation work: representative function; legislative function; the control-deterrence function is based on the requirements of the separation of powers concept. The terms parliament and parliamentarism are distinguished. We believe that parliamentarism is characteristic of countries that have adopted the form of parliamentary state administration, which includes the elements of investiture and countersignature.

34. In the dissertation, parliamentary control is characterized as people's control. Such an approach is first of all connected with the fact that the parliament represents the people as a nationally representative body. On the other hand, in the process of implementation of parliamentary control, many citizens, state and local self-government bodies, mass media, non-governmental organizations, etc. the attention of public institutions is united around certain problems of the application of law and contributes to the more efficient solution of those problems.

35. Parliamentary control is classified based on the following criteria: 1). According to their subjects: control exercised by the parliament, bodies included in its structure, and deputies; 2). According to the object: parliamentary control over the activities of executive and judicial authorities and their officials, local self-government bodies, non-state organizations; 3). According to the content: compliance with the rule of law, implementation of laws, provision of human and civil rights and freedoms, defense and security of the country, finance, etc. parliamentary control in the fields.

36. In turn, parliamentary control in the field of executive and administrative bodies is divided into the following: a. Resolving the issue of confidence in the Cabinet of Ministers; b. Reports and reports

on the activities of the Cabinet of Ministers, ministries, other state and local self-government bodies at the sessions of the Parliament; c. Activities of bodies organized under the Parliament; d. Parliamentary hearings; e. Parliament's participation in resolving issues of election, appointment, dismissal and impeachment of high-ranking officials; k. Parliamentary investigation (investigations); l. One of the most widely used forms of parliamentary control is polls. Three types of this control are distinguished (parliamentary inquiry; inquiry of bodies included in the structure of the parliament; deputy inquiry).

37. Recently, in the constitutional practice of many foreign countries, the widespread application of the delegated legislative institution has been observed. Such a situation can be explained by the complexity of social life and the need to provide timely and prompt legal regulation of newly formed relationships. For this purpose, the Parliament entrusts part of the legislative authority to other subjects of power. Executive authorities usually act as these subjects. This kind of situation is primarily due to the increase in the responsibilities of the state, the complexity of the legislative technique, and the need for the adoption of special (field) legislative acts by professionals in those fields. As a result of the research, it was determined that the following types of delegated legislative activity applied in the practice of modern democratic states are distinguished: 1). Fixed authority. Here, the powers of the parliament on which issues to adopt laws are specified in the constitution, and other issues not included in this list are resolved by the government in an executive manner (eg, Article 109, paragraph 32 of the Constitution of the Republic of Azerbaijan); 2). Transfer of powers, direct delegation. Here, the parliament passes a special law on transferring part of its legislative powers to the government; 3). Virtual legislative authority. Here, the government is figuratively empowered to legislate to specify the provisions of the law passed by the parliament. It can be concluded that in the Republic of Azerbaijan, the direct transfer of legislative powers by the parliament to another body, that is, the type of directly delegated legislation, is not used. However, the fixation of delegated legislative powers and figurative legislative forms are also characteristic of the Constitution of Azerbaijan.

38. In the dissertation, the legislative activity of the Milli Mejlis is divided into the following stages and justified: 1. The right of legislative initiative; 2. Consideration of the draft law in parliamentary committees; 3. Discussion of the draft law in the National Assembly and adoption of the law; 4. Signing and publication of the law. At the same time, we consider it necessary to distinguish between constitutional laws and current laws in the Constitutional legislation. In this context, the constitutional law of the Republic of Azerbaijan on normative legal acts should be defined and the mechanism of adoption of such laws should be clarified. Constitutional laws are not limited to laws containing additions and changes to the basic law, it also includes laws related to the sources of the field of constitutional law and the adoption of which is directly specified in the constitution. In this context, "Constitutional law is a normative legal act, the adoption of which is directly envisaged by the constitution, which defines, changes or cancels constitutional legal norms". Types: 1. Laws containing additions and changes to the Constitution; 2. The constitutional law, the adoption of which is directly provided for in the constitution and which defines, changes and cancels constitutional legal norms. We believe that unlike the current laws, the President should have absolute veto rights over the constitutional laws; unlike the current laws and the laws that make additions and changes to the constitution, other constitutional laws must be adopted by a majority of 83 votes in the AR Milli Majlis; not only in the laws amending the constitution, but also for the adoption of other constitutional laws, the opinion of the AR Constitutional Court must be obtained in advance. In this context, we propose to amend Article 153 of the Constitution of the Republic of Azerbaijan in the following version: "Additions and changes to the text of the Constitution of the Republic of Azerbaijan..... the opinion of the Constitutional Court of the Republic of Azerbaijan shall be obtained in advance regarding the proposed additions and changes".

39. In the dissertation, the right of citizens to initiate legislation is distinguished from the right of citizens to petition (collective appeal) and the following proposals are justified in order to increase the efficiency of this institution in legislative practice: a). The

Constitution of the Republic of Azerbaijan envisages submission of the draft law prepared in accordance with the subjects of the right of legislative initiative to the discussion of the Milli Majlis of the Republic of Azerbaijan. In order to provide a more effective legislative technique in this area and increase voter turnout, we believe that the right of citizens to initiate legislation should also be recognized as the right to propose reasoned general ideas about the law that must be discussed by the parliament. The following definition of the right of people's legislative initiative is offered: "Legislative initiative of citizens is the right of a certain group of voters to propose a draft law or general ideas about the law that must be discussed by the parliament in accordance with the law." We believe that this definitive norm should find its legal expression in the law on the legislative initiative of AR citizens; b). We consider it appropriate to differentiate the citizens' legislative initiative on the adoption of constitutional laws and current laws in the relevant legislation, and to require more voter signatures for the implementation of the initiative on the adoption of constitutional laws.

40. The political, socio-economic reforms carried out in the Republic of Azerbaijan since 1995 have led to political stability in our republic, improvement of the welfare of the population, continuous development of the economy, and as a result, the demographic indicators of our country have increased. If the population of the country was approximately 7 million during the period when the 1995 Constitution of the Republic of Azerbaijan was adopted, 643 thousand people, and the number of voters is 4 million. If there were 132 thousand 600 people, in 2023 the number of inhabitants will be 10 million, 143 thousand, and the number of voters is 6 million. There are 334 thousand 178 people. According to statistical indicators, both the population and the number of voters have increased significantly. Based on the principle of proportionality, it can be concluded that if at the time of the adoption of the Constitution of the Republic of Azerbaijan, the norm of representation in 125 constituencies was approximately 33,000 voters (per constituency), in 2023 the population will reach 2 million.

500 thousand, and the number of voters is approximately 2 million. As a result of the increase of 202,000, the average representation norm is about 50,000 (per district). At the same time, ensuring sustainable development in all spheres of public life in Azerbaijan, extensive construction and improvement works carried out in our lands freed from occupation, and the return of our internally displaced persons to their native lands give grounds for predicting that the demographic situation of our country will continue to improve. Taking into account the fact that the political-territorial structure of our state is a unitary republic, and the increase in the number of the population and voters, we consider it appropriate that the Milli Majlis of the Republic of Azerbaijan should be composed of one chamber according to its structure and 200 members according to its number, in order to more efficiently implement the mandate of the deputy and relations with the voters in the constituency.

41. One of the most important elements determining the status of members of parliament is the political-legal nature of the deputy's mandate. In this regard, imperative and free mandate models have been formed in the science of constitutional law and parliamentary practice. We believe that in order to increase the efficiency of the right to represent the people, it would be more appropriate for our country to accept some elements of the imperative mandate model based on the free mandate concept. Although the principle of imperative deputy mandate has been criticized by individual scholars in many theoretical literatures, some of its elements may be useful in the more effective implementation of the representative function of the parliament. Thus, maintaining constant contact with one's constituents, which is considered one of the main requirements of the imperative mandate, could play a more important role in ensuring the effective functioning of the deputies. As for the mechanism for recalling the deputy, which is another main element of the imperative mandate, we believe that the application of this institution can be applied at the municipal level. From the point of view of the efficiency of the mandate of professional deputy, it would be appropriate to add the clause of higher education to the first part of

Article 85 of the Constitution entitled "Requirements for Candidates for Deputies of the Milli Majlis of the Republic of Azerbaijan".

42. The following legal construction of the legal status of the deputy is proposed and justified: 1). Legal norms and institutions regulating the status of the deputy; 2). The political-legal nature of the deputy's mandate; 3). Creation and duration of the deputy's mandate; 4). Forms of deputation activity; 5). The rights and duties of the deputy; 6). Guarantees of deputy activity.

43. The powers of the deputy, exercised individually and collectively, are distinguished, and the organizational-legal, socio-economic and legal guarantees of the deputy's activity, including immunity and indemnity, are specified and justified. In the context of the legal guarantees of the deputy's activity, the Constitution of the Republic of Azerbaijan states that persons convicted of serious crimes cannot be elected as deputies (Article 85, Part II), president (Article 100). Article 83.6 of the Criminal Code of the Republic of Azerbaijan states that the payment of the conviction cancels all legal consequences associated with the conviction. In order to eliminate disputes that may arise in the process of applying the specified norms, we propose that the expression "regardless of the payment of the conviction" be added in brackets after the expression "persons convicted of serious crimes" in the relevant articles of the Republic of Azerbaijan.

**The scientific novelty of the study** lies in the fact that it is the first monographic research work dedicated to a comprehensive study of the concept of popular power (constitutional legal problems of theory and practice) in the Republic of Azerbaijan.

**The theoretical and practical significance of the research.** The general theoretical results obtained in the dissertation research are of methodological importance to other legal sciences (Legal Theory, Constitutional Law, Administrative Law, etc.); - taking into account the proposals put forward as a result of the research conducted in the dissertation can be of practical interest in the organization and operation of the institutions of public power, the state mechanism, and the local self-government system; - justified proposals and scientific results in the dissertation work are of great

importance in the law-making activity of the people (directly) and competent state bodies, in the field of improving legislation; - the results of the dissertation research can be used during scientific research, as well as during the teaching of subjects such as constitutional law, municipal law, administrative law, and legal theory in law faculties of higher schools. Approval and application. Dissertation work was performed and discussed at the Faculty of Law and Economics of the National Aviation Academy. The suggestions and main results of the dissertation research were published in scientific articles and the author's speeches at scientific-practical conferences, in his pedagogical activities at the Police Academy, the Faculty of Law of BSU, the Faculty of Law of the Academy of Administration under the President of the Republic of Azerbaijan, as well as "People's power in the Constitution of the Republic of Azerbaijan concept", "Electoral system and electoral law" monographs, "Legal theory", "Constitutional law" published textbooks.

The author of the dissertation has prepared a textbook entitled "Constitutional Law" and "Legal Theory", which was recommended for publication by the Ministry of Science and Education of the Republic of Azerbaijan. In those textbooks, constitutional legal institutions and state legal phenomena are presented in the context of people's power and people's sovereignty. The name of the institution where the dissertation work was performed.

The dissertation was performed at the Department of "Law" of the Azerbaijan National Aviation Academy on the doctoral program. The total volume of the dissertation with a sign indicating the volume of the structural sections of the dissertation separately.

**The structure of the dissertation is determined by the goals, objectives and methodology of the research.** The dissertation consists of an introduction, 4 chapters, a conclusion and a bibliography of 224 names. The total volume of the dissertation consists of 302 pages and 553789 characters. Including introduction 60528 marks, first chapter 91535 marks, second chapter 133535 marks, third chapter 86322 marks, fourth chapter 135014 marks and conclusion 20237 marks. In the introduction, the relevance of the



topic, the degree of development of the problem, its theoretical and practical importance are justified, the methodological, theoretical and normative foundations, the goals and objectives of the research are defined.

**The first chapter is called "People power and people's sovereignty" and consists of five paragraphs.** In the science of constitutional law, the categories of nation, people and population are studied in a comparative form in the first paragraph called "People", "Nation" and "Population". The author notes that all three concepts are used in different meanings in the Constitution of the Republic of Azerbaijan. Otherwise, the identification of these categories could be considered as a violation of the requirements and principles of legal technique. Thus, in the legislation, different terms cannot express the same concept or one term cannot be expressed in different meanings. It is believed that the characterization of the category of "nation" as a set of citizens of the country and the complete denial of the considerations of the Eastern tradition should be considered as the incompleteness and missing aspect of the Western tradition. On the other hand, it cannot be considered completely correct to accept the considerations of the "eastern" tradition regarding the identification of the concepts of "nation" and "ethnos". So, unlike ethnos, nation is a broader concept, a later and more complex manifestation. Unlike the constitutions of Western European countries and universal international legal acts, the Constitution of the Republic of Azerbaijan distinguishes between the categories of "People" and "Nation". The term "nation" is expressed in the main law of our state, not in a general sense, but in a specific sense. Article 44 of the Constitution of the Republic of Azerbaijan entitled "The right to nationality" states that everyone has the right to preserve their nationality, and no one can be forced to change their nationality. Establishing such a norm in the Constitution of the Republic of Azerbaijan can be considered as a manifestation of modern democracy. On the other hand, it is necessary to distinguish the concepts of "nation" and nationality (nationality), which are

interconnected but not considered the same.<sup>10</sup> Nationality, which expresses ethnic unity, is only one of the nation factors. Therefore, this concept has a narrower meaning than the concept of "nation". In the second paragraph of the first chapter of the dissertation entitled "People's power: concept, signs and principles", it is noted that in the science of constitutional law, the terms "people's power", "people's sovereignty" and "democracy" are sometimes equated. The author believes that despite the fact that the terms people's power, people's sovereignty and democracy are related, they cannot be equated. The Constitution of the Republic of Azerbaijan acts from this position. At the same time, despite the organic connection between the concepts of "people's power" and "state power", they cannot be equated. Despite the presence of many common features, people's power and state power are different, independent types of social power. First, they differ primarily in their subjective composition. Second, the people have sovereignty. The supremacy of the people's power is expressed in the fact that by defining the basic law, the people determine the foundations of constitutional relations. From a legal point of view, the supremacy of the people's power is objectified in the supremacy of the Constitution over other legal acts. Thirdly, people's power and state power also differ in their object. Individuals, legal entities, social groups, and other collective entities belong to the object of state power. The object of people's power is state and municipal power. Fourth, People's power also differs according to its implementation mechanism. The mechanism of people's power is a system of various political-legal and public institutions, organizations and enterprises organized in a certain way, and it is through them that the people exercise and protect their will. Fifth, state power is the main form of people's power, and its other form is local self-government (municipal government).

In the third paragraph of this chapter is called "Theoretical and historical aspects of the concept of sovereignty in the science of constitutional law", the categories of state sovereignty, people's

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<sup>10</sup> Azərbaycan Respublikasının Konstitusiyası. Bak, 2016. [https:// e-qanun.az/az/frame work/ 897](https://e-qanun.az/az/frame%20work/897)

sovereignty and national sovereignty are studied in the historical context. Historical analysis shows that the manifestation of sovereignty is not only theoretical and ideological, but also a phenomenal phenomenon with important practical significance. The emergence and development of the phenomenon of sovereignty is the result of a sharp political struggle of certain forces. In modern times, the incorrect assessment of this phenomenal phenomenon or its acceptance as a declarative principle with no practical significance can lead to negative consequences for both the specific state and the international community. The denial of the manifestation of sovereignty or its incorrect understanding can lead to the emergence of an undemocratic regime in the country, the decline of the state, conflicts in society, separatism and other negative situations. Some researchers of the modern era either equate state sovereignty and people's sovereignty, or put them against each other. However, the genesis and historical development of the manifestation of sovereignty showed us that, despite the emergence of the concepts of state sovereignty and people's sovereignty in different historical periods and conditions, they are inextricably linked and complement each other. In a democratic political regime, the concepts of state sovereignty and people's sovereignty overlap.<sup>11</sup> Thus, in a democratic regime, the only source of state power is the people. The terms "people's sovereignty" and "state sovereignty" can both be found in the constitutions of some foreign countries. Only the term "people's sovereignty" is used in the Constitution of the Republic of Azerbaijan. In our opinion, the position of the Constitution of the Republic of Azerbaijan in this matter is more correct. First, sovereignty is unitary, indivisible, and belongs to the people in a democratic political regime; Second, people's sovereignty also includes state sovereignty. We believe that the use of both terms leads to repetition, completely different and organically unrelated ideas about both events in the public mind.<sup>12</sup> (12) The fourth paragraph is

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<sup>11</sup> Мехтиев Р. На пути к демократии: размышляя о наследии, Южэй-Йюжи, Баку, 2007, стр. 15-17

<sup>12</sup> Баглай М.В. Конституционное право РФ. Учебник для вузов. 14-е изд. Изм. И доп. – М.: Норма, 2024, с.704

called "Constitutional forms of people's power in the Republic of Azerbaijan". Here, according to the type of mass power: 1) state power; 2) municipal authorities; 3) forms of people's power related to the implementation of both state power and municipal power are distinguished. According to the territory criterion: 1) at the level of the whole state; 2) in the autonomous territory; 3) the forms of people's power implemented in the municipal territory are distinguished. According to the form of expression of the national will, the Constitution of the Republic of Azerbaijan determines the direct and representative forms of democracy of the people's power.

Imperative and consultative institutions of the form of direct democracy of people's power are distinguished based on the legal significance of decisions made directly by citizens.<sup>13</sup> Decisions made by institutions of imperative democracy are binding for state bodies, officials, and citizens, and these decisions do not need any additional approval. Decisions on the most important issues of public and state life are made directly by citizens through institutions of imperative direct democracy. This includes: elections, referendum, the right of 40,000 citizens of the Republic of Azerbaijan to initiate legislation. Through the institutions of consultative democracy, citizens express their opinions on public, state and local important issues, the will of the people on those issues is revealed, but the final decision is taken by the relevant competent state or municipal bodies. Forms of consultative democracy are consultative and advisory for state bodies, officials, and citizens. This includes public discussion of draft laws and decisions, public opinion polls, etc. According to the Constitution of the Republic of Azerbaijan, another form of people's power is representative democracy. Institutions of representative democracy are classified on the basis of various criteria: 1. According to the type of mass power, a) representative state authorities (Parliament of the Republic of Azerbaijan, President of the Republic of Azerbaijan, Supreme Assembly of the Republic of Azerbaijan); b) representative local self-government bodies (municipalities); 2.

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<sup>13</sup> Камарова В.В. Высшее непосредственное выражение власти народа в РФ: проблемы теории и практики. Дис. д-ра юрид. Наук. М.2007.

According to the criterion of territorial organization and sphere of authority: a) operating in the entire territory of the Republic of Azerbaijan and having powers of a national nature (Milli Majlis of the Republic of Azerbaijan, President of the Republic of Azerbaijan); b) a representative body organized and operating in the territory of the Nakhchivan Autonomous Republic (the Supreme Assembly of the Nakhchivan Autonomous Republic); c) local representative bodies (municipalities); 3. According to the functions of state power: a) representative bodies exercising the function of legislative power (Milli Majlis of the Republic of Azerbaijan, Supreme Majlis of the Nakhchivan Autonomous Republic); b) a representative body performing the function of executive power (President of the Republic of Azerbaijan); c) bodies (municipalities) established for solving locally important issues; 4. According to the rules of making decisions by representative bodies: a) collegial bodies (Milli Majlis of the Republic of Azerbaijan, municipalities); b) Bodies operating on the basis of the principle of independence (President of the Republic of Azerbaijan).

The fifth paragraph is called "Convergence of democracy models in the Constitution of the Republic of Azerbaijan". It is noted here that in the history of the theories of democracy that arose in different periods, it is possible to observe the relationship of succession based on the dialectical development of the past. Thus, the theories of democracy that emerged in each historical period are based on the teachings that came before them, use them, and sometimes criticize them. But in all cases this connection exists. At this level, the models of democracy that arose in different periods of human history enriched the content of the conceptual theory of democracy with new progressive ideas and made invaluable contributions to the countries that embarked on the path of democratic state building and developed it. The world experience shows that in the modern era, the constitutions of democratic states are characterized by the convergence of democracy models that arose in different historical times. But the Convergence theory assumes only the integration of progressive qualities of phenomena. In this sense, it can be emphasized that the convergence of democracy

models is one of the priority principles of the Constitution of the Republic of Azerbaijan.

The second chapter is called **"State authority and local self-government as a form of people's authority in the republic of Azerbaijan"** consists of four paragraphs. This chapter examines the concept, signs, essence and principles of state power and local self-government as the main forms of people's power, including the functions and mechanism of state power. In the first paragraph of this chapter, which is called **"The concept, signs and principles of state power as the main form of people's power"**, it is shown that the state power based on people's power is a great creative force, which has the ability to manage the general affairs of society, and operates on the basis of constant and uninterrupted high professionalism. This force integrates society, eliminates social contradictions, eliminates individual and group interests, subjugates them to the will of a single people by methods of persuasion, encouragement, and, if necessary, coercion. The fact that the majority of citizens in our country participate in the administration of the state, are elected or appointed to the authorities, shows that the state administration in Azerbaijan is first of all people's administration, state power is the primary and main form of people's power. In addition to all this, state power as the main form of people's power differs from other types of social power in the following specific aspects: 1. State power is the main form of people's power. The people of Azerbaijan exercise state power directly (referendum, election, etc.) and through their representatives elected by free, secret and personal voting on the basis of general, equal and direct suffrage. State power is also exercised through a permanent professional apparatus. This includes a special coercion apparatus.; 2. One of the main characteristics of state power is its law-making activity; 3. Another sign of state power is that it has a unique structure. The structure of state power is considered both statically and dynamically. At this time, 4 structural elements of state power are distinguished in the dynamics: subjects of state power; objects of state power; power relations; methods of state power. Subjects of state power are divided into 2 main groups: 1. The first group of subjects of state power is the people, population,

citizens; 2. The second group of subjects includes legislative, executive and judicial bodies of state power. The primary subjects of state power usually exercise constituent power: adoption of the Constitution, election of representative authorities, exercise of supreme control in the country, etc.

The second paragraph of the second chapter is called "State power and division of powers". It is noted here that the functions of state power as a form of implementation of state functions are general and objective. So, they are characteristic of any power, including state power. In this context, 3 functions of state power are distinguished: regulatory, organizational-executive and protection. General functions of state power are divided into specific functions. For example: regulatory-general and individual regulation, legislation and statutory regulatory regulation; the organizational-executive function is mainly expressed in the practical organization of the implementation of state policy and decisions expressed in the executive and administrative activities of the state authorities. However, the organizational-executive function is manifested not only in the execution and disposal activity of the state power, but also in the regulation and protection activity. The protection function includes protection of the rule of law in all organizations and enterprises, provision of public order, security of state borders, etc. protection is included. It is noted that in accordance with the functions of the state, the above-mentioned 3 functions of the state power within the country (economic, political, social, environmental, etc.) and in the field of foreign international activity (defense of the country, support and provision of peace, international security, cooperation with other states and etc.) is manifested. In this paragraph, the mechanism of separation of powers as the main principle of democratic state power is studied based on the comparison of the constitutional legislation of the Republic of Azerbaijan and foreign countries. The author believes that the main essence of the principle of separation of powers is manifested in ensuring people's sovereignty. Thus, the mechanism of separation of powers does not allow the usurpation of sovereignty, the alienation of power from the people, it excludes the use of power against the

people and harming it, and it excludes activities contrary to the will of the people. As a result of the implementation of the principle of separation of powers, permanent, uninterrupted constitutional control is created between the highest bodies of state power, which in turn prevents usurpation of power. At the same time, it leads to the division of labor between state bodies, as a result of which state bodies operate efficiently (each body specializes in a certain area of management). In the third paragraph called "Mechanism of state power: concept, structure and principles", the terms state apparatus, state mechanism and state power mechanism are distinguished. It is noted here that the mechanism of democratic state power ensures people's sovereignty and its concrete manifestation of human and civil rights and freedoms, on the one hand, it interacts according to internally agreed and defined rules, and on the other hand, it is distinguished by its differentiation and relative independence, it is a set of separate parts and elements. The mechanism of democratic state power is a system of state and non-state institutions that are regulated by the Constitution and other legislative acts, influence social processes with unique forms and methods, carry out the duties and functions of the state, and have appropriate powers. 4 subsystems are distinguished: 1) institutional subsystem; 2) regulatory subsystem; 3) functional subsystem; 4) material subsystem.

In the fourth paragraph of the second chapter called "Direct and representative democratic institutions of local self-government as a non-state form of people's power", the local self-government system is studied as a non-state form of people's power. The organization of the local self-government system in the Republic of Azerbaijan, on the one hand, weakened the strong centralization of power, and on the other hand, had a significant impact on increasing the democratic initiative and activity of the people, the creation of democratic management traditions, the increase of the people's management experience and, as a result, the creation of civil society. The author distinguishes two main forms of local self-government democracy (direct and representative). Institutions of direct democracy of local self-government include: local elections, local referendums, local opinion polls, citizens' control over the activities



of municipal bodies and officials, change and reorganization of municipal territories, territorial public self-government, citizens' right of appeal, implementation of municipal service, etc. such issues are related. The relevant legislation of the Republic of Azerbaijan does not envisage the institution of local referendum and the recall of a municipal member by voting by the population. The representative (representative) form of local self-government includes the activities of municipal bodies organized by the local population on the basis of elections.

The third chapter of the dissertation work is called **"Direct democracy form of people's government"**. Here, the concept and types of referendum and elections, social functions and principles of organization, sources of the right to vote are studied as a form of direct democracy of people's power. In the first paragraph entitled "Definition and Types of Referendum", the author offers the following definition of a referendum: "Referendum - a person exercising his sovereign right to adopt (or not adopt) a draft law or other act on a specific issue through voting, or having a higher legal force is a form of direct democracy of the people, which does not need approval by the state authorities, and makes a decision to cancel or change the law or other act, the implementation of which is mandatory for all state bodies, officials and citizens throughout the territory of the Republic of Azerbaijan". Forms of implementation of direct democracy also include general direct election of authorities (parliament, president, municipalities) by citizens. As for the ratio between general direct elections and referendum, it should be taken into account that although many organizational procedures of elections and referendums regulated by a single law, the Election Code of the Republic of Azerbaijan, are the same, this similarity does not give reason to combine them into one institution. Referendums and elections are different, free forms of direct democracy, because, firstly, the purpose of elections is the selection of voters or candidates for elected bodies, while the issue of adopting a law or other state decision is brought to a referendum. Secondly, during the elections, candidates representing different political positions compete in the election campaign process. The initiators of the referendum set

themselves the goal of receiving a positive response from the majority of voters on the issue put to the referendum.

If the conditions established by the law are observed during the referendum, then the decision adopted through the referendum is considered the decision of the people. Its legal force is superior to the legal force of current laws adopted by the parliament. It is no coincidence that in Article 148 of the Constitution of the Republic of Azerbaijan, which defines the list of acts included in the legislative system of the Republic of Azerbaijan, "acts adopted by referendum" are listed second in importance after the Constitution, and only then "laws" are mentioned. Due to its legal nature, the institute is close to the national survey, as well as the national discussion of draft laws and other important state decisions. It helps the development of democracy, public administration, the possibility of exercising the constitutional right to participate in state administration for every citizen (Article 55 of the Constitution of the Republic of Azerbaijan), not only in the discussion of republican and local important draft laws and decisions, but also in some important international issues for the Republic of Azerbaijan. involves participation in the solution. A referendum is a free form of direct democracy, a free state-legal institution, and in some cases it can be held without a preliminary public debate. However, compared to popular voting on bills that do not go through a popular debate, popular voting during the initial popular debate of bills is more effective. Public debate ensures the participation of citizens in the practical preparation of the law, regardless of whether it is adopted directly by the people or the legislative body, and to influence the content of the future law. Therefore, it is necessary to evaluate the national debate as a consultative phase of the referendum, like a national survey in some cases. At this stage, the body that published the draft law (Milli Majlis, President of the Republic of Azerbaijan) consults with the people. Citizens make suggestions for its improvement, and the body that promulgated the law summarizes them and makes the necessary amendments to the initial draft. A public vote following a public debate on a draft law constitutes an imperative mandate. At this stage, the people approve the project prepared with its direct participation.

We think that the mandatory mandate must be preceded by a consultative referendum, during which the voters have the opportunity to familiarize themselves with the content of the draft law in advance and in detail. Constitutional theory divides referendums into different types depending on their content, legal force, and area of influence. In science, a number of types of referendums are distinguished: constitutional and legislative, imperative and consultative, absolute (mandatory) and facultative, legislative and post-legislative, rejecting, statewide (nationwide) and local.

The second paragraph of the third chapter is called "Definition, types, social functions and principles of organization of elections". It is noted here that the term "elections" as a form of direct democracy of people's power means the procedure of formation of the composition of the state body or giving powers to the responsible person through the voting of persons with the right to vote. Provided that two or more candidates shall claim each seat so presented. This definition distinguishes elections from other procedures for the formation of public bodies and the delegation of powers to responsible persons, in particular from the procedure of collegial appointment by voting. The author distinguishes between state and local, direct and indirect, next and extraordinary, general and partial, primary and repeated types of elections based on various criteria. It is also noted that elections as a direct form of people's power must meet a number of important principles: the principle of mandatory and periodic elections; The principle of transparency and openness in elections; The principle of freedom of elections; The principle of alternative elections; The principle of fairness of elections. The second paragraph of the third chapter is divided into two subsections. The semi-paragraph entitled "Definition, subjects and types of the electoral system" describes the electoral system in broad and narrow terms. It is noted here that In a broad sense, the electoral system is a system of social norms related to the election of general authorities and organizing election rules. This system is mainly regulated by constitutional legal norms, but it does not consist only of constitutional legal relations. It is also regulated by non-legal norms

- corporate norms of public organizations participating in elections, customs and traditions, norms of political morality, ethics, etc. belongs to. The main components of the electoral system are electoral subjects and the right to vote. In a broad sense, the legal status of the subject of the election system (voters, political parties, candidates for elected positions, elected bodies, observers, media, state) is characterized. In a limited sense, the electoral system is explained as a method of determining the results of elections. In a narrow sense, the electoral system: includes the method of voting (for example: cumulative, preferential, etc.), the type of voting (for a candidate, for a party), the type of constituency (single-mandate, multi-mandate), rules for determining mandates based on the votes obtained.

The following types of electoral system are applied in the electoral law and practice of modern democratic states: 1. Majoritarian electoral system. The majoritarian electoral system (majority in French means majority) involves voting for individual candidates (independent or nominated by a party).<sup>14</sup> This system envisages holding elections in constituencies with the same mandate (one constituency-one deputy) or a single constituency. The majoritarian system is based on the principle of the majority, that is, the person who won the majority of the voters' votes is considered the winner. The constitutional legislation of the Republic of Azerbaijan and foreign countries distinguish three main types of majoritarian electoral system: absolute majority, relative and qualified majority. In the dissertation, the following advantages of the majoritarian election system are justified based on the analysis of the election experience of the Republic of Azerbaijan and other democratic states: 1. It enables the creation and strengthening of direct relations between candidates and voters. Candidates know better the current situation in the constituencies where they are registered, the interests of the voters, and are in close contact with them. Voters, in turn, get to know their registered candidates for elected bodies in the constituency they live in and know better who to trust; 2. It leads to the election of representatives of stronger

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<sup>14</sup> Əsgərov Z.A. Konstitusiyə hüququ. Dərs vəsaiti. Bakı Universiteti, 2011, s.302

political unions, which have a great influence among the people, and the removal of small and medium-level parties from the electoral bodies. Representatives elected in the majoritarian electoral system depend more on their voters than on their party and its leaders; 3. It causes the emergence of a two-three party system in the country. Here, well-organized parties with great influence among the people are given the opportunity to win elections and form a stable, efficient government; 4. The majoritarian electoral system makes it possible to give electoral votes to a specific candidate rather than to any recognized party in the form of one or several persons, and provides opportunities to get to know the candidate for deputy in the elections more closely. If the deputy is elected, it increases the moral responsibility to carry out the tasks he undertakes and to the voters, and ensures that the deputy can act freely and independently, guided by the opinion and will of the voters, not the instructions of the party. In contrast to the majoritarian election system, in the proportional election system, deputy mandates are divided proportionally among the parties participating in the elections according to the number of votes cast.<sup>15</sup> In the elections to the representative bodies under the proportional electoral system, candidates are nominated only by political parties (each party presents its list of candidates), and the voter votes for the entire list of the respective party. Proportional election system can be applied in multi-mandate and nationwide constituencies. The author justifies the following advantages of the proportional election system: 1. It determines the influence of the political parties operating in the society among the people; 2. Provides feedback system between state and civil society institutions; 3. Political pluralism affects the development of multipartyism. In the semi-paragraph entitled "The right to vote: concept, sources and principles", the concept of the right to vote is explained in objective and subjective terms. Although objective electoral law regulates the electoral system, it does not cover it completely, as mentioned above. The right to vote in a subjective sense is the right of citizens to participate in the formation of elected authorities. In this sense, active

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<sup>15</sup> Ösgərov Z.A. Konstitusiyə hüququ. Dərs vəsaiti. Bakı Universiteti, 2011, s.302

and passive right to vote is distinguished. Elections are considered democratic and their results are considered legitimate, conditioned by the observance of a number of principles of electoral law. The principles of subjective electoral law are the conditions for recognizing and conducting elections in such a way that, as a result of their observance, these elections truly become an expression of the will of the people. On the contrary, violation of these principles calls into question the legitimacy of elections, government and local self-government elected bodies.

The fourth chapter of the dissertation entitled **"Representative democracy form of people's government"** consists of two paragraphs and six and a half paragraphs. Here, the place and role of the Head of State and the institution of parliament in the system of people's power, the duties and functions, powers of the President of the Republic of Azerbaijan, the constitutional status of the Cabinet of Ministers of the Republic of Azerbaijan, as well as the functions and powers of the Milli Majlis (parliament) of the Republic of Azerbaijan, the constitutional legal status of the deputy of the Milli Majlis of the Republic of Azerbaijan are studied here. In the first paragraph of the fourth chapter entitled "Place and role of the institution of the Head of State in the system of people's power" states that a special place in the system of people's power belongs to the institution of the presidency, which is considered the most important form of representative democracy. First of all, the president is the supreme nationally representative, elected body that performs the functions of the head of state, and is a symbol of the people's statehood. In this paragraph, the President of the Republic of Azerbaijan: 1. Guarantee of people's power and people's sovereignty; 2. National representation; 3. Guarantee of human and civil rights and freedoms; 4. Ensuring National Security, state independence, territorial integrity; 5. Political integrative functions are distinguished.

The second half-paragraph entitled "Powers of the President of the Republic of Azerbaijan" states that the powers of the President in the system of state power depend first of all on the form of state administration. Our Constitution does not specify which type of

republican form of government Azerbaijan should adopt (presidential, parliamentary, mixed). However, based on the interpretation of separate norms of the basic law, it can be concluded that the Constitution of the Republic of Azerbaijan prefers the presidential form of government. Thus, on the basis of the constitutional legislation of the Republic of Azerbaijan, which has adopted the form of presidential republic administration, the powers of the president can be divided into two groups: 1. Powers related to the implementation of the functions of the head of state; 2. Powers of the president in relation to the performance of executive power functions. In this context, the constitutional powers of the President can be divided into the following groups according to the functions of the head of state, his relationship with the branches of government, and the form of state administration: 1. Powers of the President in relations with the supreme representative legislative body; 2. Powers of the President in the field of international relations; 3. Powers of the President in the field of law-making; 4. Powers of the President in the field of ensuring the country's defense and security; 5. The powers of the President in the field of unity of state power, mutual cooperation between state bodies and elimination of conflicts; 6. Effective implementation of one's duties and functions, powers to ensure its activities (organization of the Presidential Administration); 7. Powers of the President in relations with the judiciary; 8. Powers in the field of legal status of the individual; 9. Powers in the field of organization of state bodies, appointment and selection of authorized persons; 10. Organization and implementation powers of the executive power system. The following provisions of the executive power system are justified in the semi-paragraph entitled "Constitutional legal status of the Cabinet of Ministers of the Republic of Azerbaijan as the supreme executive and order body of the President of the Republic of Azerbaijan". The executive power system in the Republic of Azerbaijan: operates on the basis of the principles of people's sovereignty, democracy, legality, unitary, secularism, republicanism, subordination and coordination; It is an independent branch of state power; Its activity is of execution and disposal nature; In relation to the legislative power, the normative

legal acts of the executive power have a statutory character; It operates continuously and continuously; Special mechanisms (state bodies, ministry, committee, service, agency, commission, department, etc.), state enterprises, public legal entities, etc. perform their duties and functions. through; The state has certain resources to implement coercive measures. It is noted here that the Cabinet of Ministers of the Republic of Azerbaijan is one of the state bodies that has an important role in the implementation of the duties and functions of a democratic state in the executive power system. In this context, the concept, composition of the Cabinet of Ministers, relations with the parliament, the president, and the judiciary are studied.

In the second paragraph of the fourth chapter of the dissertation entitled "Milli Majlis of the Republic of Azerbaijan as a nationally representative legislative body", the following main features of the modern Parliament are justified in the context of its creation and historical development: the parliament is created and operates on the basis of constitutional legislation; the parliament is an elected, collegial body with national representation; parliament exercises legislative power; modern parliament is a permanent body. We believe that the following features characterize the Milli Majlis of the Republic of Azerbaijan as a modern parliament. The Milli Majlis of the Republic of Azerbaijan: is established and operates on the basis of constitutional legislation; it is a mechanism for the realization of people's sovereignty; is a nationally representative collegial body; organized on the basis of democratic elections; exercises legislative power in the mechanism of separation of powers; operates in the conditions of political pluralism (multi-party system); It is a permanent body. In the second subsection entitled "Functions and constitutional powers of the Parliament of the Republic of Azerbaijan (Milli Majlis)" 1. Representative function of the parliament; 2. Legislative function; 3. Based on the requirements of the separation of powers concept, the control-deterrence function is distinguished. Also, the following main stages of the legislative process carried out in the Milli Majlis of the Republic of Azerbaijan are characterized: 1. The right of legislative initiative; 2. Consideration of the draft law



in parliamentary committees; 3. Discussion of the draft law in the National Assembly and adoption of the law; 4. Signing, promulgation and publication of the law. It is shown here that in the Republic of Azerbaijan, the direct transfer of legislative powers by the parliament to another body, that is, the type of directly delegated legislation, is not used. However, the precise fixation of parliamentary powers is also characteristic of the Constitution of Azerbaijan. Thus, the Constitution of the Republic of Azerbaijan clearly defines the range of issues resolved by the Milli Majlis, and it does not provide for the transfer of some of the legislative powers of the Parliament to another body. However, Article 109, Clause 32 of the Constitution states that the President resolves other issues not related to the powers of the Milli Majlis (Parliament) of the Republic of Azerbaijan and judicial bodies in an executive manner. On the basis of this norm, it is possible for the head of state to implement legally binding legislation. In the experience of Azerbaijan, one can also find a metaphorical form of delegated legislation. At the same time, although it is not the same as the law in terms of its legal force (that is, they are considered subordinate to the law, although in Azerbaijani jurisprudence we call them legally binding), the adoption of such acts can be provided for by law. For example: Law on Police (Article 33, Part IV - "The procedure for bringing police officers to disciplinary responsibility is regulated by the statute approved by the relevant executive authority of the Republic of Azerbaijan").<sup>16</sup>

The author characterizes parliamentary control as state control, which is closer to public control. Such an approach is first of all connected with the fact that the parliament represents the people as a nationally representative body. On the other hand, in the process of implementation of parliamentary control, many citizens, state and local self-government bodies, mass media, non-governmental organizations, etc. the attention of public institutions is united around certain problems of the application of law and contributes to the more efficient solution of those problems. In this context, the following types of parliamentary control are characterized based on various

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<sup>16</sup> Əsgərov Z.A. Konstitusiyə hüququ. Dərs vəsaiti. Bakı Universiteti, 2011, s.305

criteria: 1. According to the subjects of the control: parliamentary control carried out by the parliament, the bodies included in its structure, and deputies; 2. According to the object of control: parliamentary control of the activities of executive and judicial authorities and their officials, local self-government bodies, non-state organizations; 3. According to the content: compliance with the rule of law, implementation of laws, provision of human and civil rights and freedoms, defense and security of the country, finance, etc. parliamentary control in the fields. More specifically, the following forms of parliamentary control are distinguished in the Republic of Azerbaijan: 1. Resolving the issue of confidence in the Cabinet of Ministers; 2. Reports and reports on the activities of the Cabinet of Ministers, ministries, other state and local self-government bodies at the sessions of the Parliament; 3. Activities of bodies organized under the Parliament; 4. Parliamentary hearings; 5. Participation of the parliament in resolving issues of election, appointment, dismissal and impeachment of high officials; 6. Parliamentary investigation (investigations); 7. One of the most widely used forms of parliamentary control is polls. In this context, three types of inquiry can be distinguished: parliamentary inquiry; survey of the bodies included in the structure of the parliament:

The third half-paragraph of the second paragraph of the fourth chapter is called "**Constitutional legal status of the deputy of the Milli Majlis of the Republic of Azerbaijan**". The author characterizes the constitutional legal status of the deputy as follows:

1. Constitutional legal norms and institutions regulating the status of the deputy;

2. The political-legal nature of the deputy's mandate;

3. Creation and duration of the deputy's mandate;

4. Forms of deputation activity;

5. Rights and duties of the deputy;

6. Guarantees of deputation activity. It is considered that in order to increase the efficiency of the right to represent the people, it is more appropriate for our country to accept some elements of the imperative mandate model based on the free mandate concept. The researcher divides the powers and rights of the deputy of the Milli

Majlis of the Republic of Azerbaijan into two groups: 1. Powers exercised by the deputy in a collective manner. This includes the powers of the Milli Mejlis, its committees and commissions, participation in the work of parliamentary factions and adoption of relevant acts; 2. The powers exercised individually by the deputy include expressing his opinion on all issues discussed in the parliament and its bodies, making proposals and notes, exercising the right of legislative initiative, submitting parliamentary inquiries, receiving and disseminating information, being inviolable, acting as a witness in the cases specified by the Constitution, the right to refuse to testify, to be admitted without delay by officials.

As a result, the conducted research is concluded, based on the generalizations, provisions and recommendations of theoretical and practical importance are put forward regarding the essence of the problem and the perspectives of its solution. The main content and results of the dissertation work are reflected in the following scientific works of the author:

1. The main stages of the development of the constitutional process in the world Scientific article // Law No. 2, Baku-2011, pp. 3-10

2. Constitutional guarantees of the rights and freedom of entrepreneurs in the Republic of Azerbaijan // Scientific article // Law and Law No. 4, 2011, p.

3. Ensuring human rights and freedoms in the activities of the DIO. "Actual problems of protecting human rights in the conditions of globalization" Scientific and practical conference. // Scientific article // Scientific News of the Police Academy, No. 4, Baku 2012, pp. 57-62.

4. Actual problems of perfecting the legal culture of the internal affairs bodies of the Azerbaijan Republic. Scientific works. DISTRICT. Moscow. 2012, t. 1, p. 393-396 .

5. Legality and the rule of law: theory and practice. //Scientific article// Scientific News of the Police Academy, No. 1, Baku 2012, pp. 26-35

6. "History of State and Law of Foreign Countries" // Textbook // "Mütərcim", Baku-2013.

7. Formation of a democratic electoral system in the Republic of Azerbaijan // Scientific article // Scientific News of the Police Academy No. 1, Baku-2013, pp.7-11

8. Democratic models and their convergence in the constitution of a legal state. Institute of Philosophy, Sociology and Law of ANAS. Scientific works // Scientific article // International scientific-theoretical journal No. 1, Baku-2013, pp. 177-182.

9. Sustainable development of the local self-government system is one of the main directions of building a consolidated democracy // Scientific article // Scientific News of the Police Academy No. 4, Baku-2013, pp. 6-10.

10. "Human Rights" // Textbook // "Chasioğlu", Baku, 2014.

11. "Constitutional law of foreign countries" // Textbook // "Chasioğlu" printing house, Baku, 2014.

12. "Legal Theory" (album of diagrams) // Textbook // "Mütərcim", Baku-2014.

13. Constitutional Law of the Republic of Azerbaijan (album of schemes) // Textbook // "Mütərcim", Baku-2014.

14. Electoral system and suffrage // Monograph // "Translator", Baku-2014.

15. Constitutional law // Textbook // "Mütərcim", Baku-2014.

16. "Legal Theory" // Textbook // "Translator", Baku-2014.

17. The philosophy of democracy of the great leader Heydar Aliyev // Scientific article // Scientific News of the Police Academy No. 2-3, Baku-2014, pp. 14-20.

18. Legal regulation of people's power in the constitutional history of Azerbaijan // Scientific article // Baku University News Scientific News No. 1, Baku-2014, pp. 22-31.

19. Constitutional reforms have created a solid foundation for the establishment of a consolidated democracy in Azerbaijan. // Scientific article // Baku-2014, No. 3 Academy of Public Administration under the President of the Republic of Azerbaijan. Public Administration: Theory and Practice, pp. 181-190.

20. "State and legal training" (album of schemes) // Teaching and methodological manual // Translator", Baku-2014.

21. Duties of internal affairs bodies in the field of ensuring the electoral rights of citizens. Materials of the International Scientific-Practical Conference on the topic "Actual problems of ensuring human rights in the modern era". // Scientific article // Baku-2014 Police Academy, pp.81-86.

22. The concept, types and social functions of elections as a form of direct democracy of popular power // Scientific article // Scientific News of the Police Academy No. 4, 2014, pp. 7-15.

23. Exposing Armenian fraud in the international community. // Scientific article // Scientific News of the Police Academy, No. 1. Baku 2014, pp. 18-22.

24. The categories of "people", "nation" and "population" in the Constitution of the Republic of Azerbaijan // Current problems of legal state building in Azerbaijan (philosophical, sociological and legal analysis and forecasting) Materials of the II International Scientific Conference // ANAS, Baku, October 23-24, 2014. Pp. 182-186.

25. Constitutional forms of people's power in the Republic of Azerbaijan // Scientific article // Baku University News. No. 2, 2015, pp. 45-58.

26. The concept and characteristics of local self-government as a form of people's power // Materials of the International Scientific and Practical Conference dedicated to the 92nd anniversary of the birth of the national leader of the Azerbaijani people, Heydar Aliyev // BSU, (May 5), B.2015, pp.22-24.

27. People's power: concept, characteristics and principles // Scientific article // Qanun (Journal of Scientific Law) No. 4 Baku-2015, pp. 22-32.

28. Armenian falsification is exposed at the international arena.

29. Concept, types and principles of elections for the legislature of the Azerbaijan Republic // Scientific article // Scientific journal of the Odessa State University of the Ministry of Internal Affairs of Ukraine, No. 5, Odessa, 2015, pp. 53-56.

30. The concept of separation of powers in the Constitution of the Republic of Azerbaijan // Scientific article // Scientific News of the Police Academy No. 3-4, Baku-2015, pp. 72-75.

31. "Legal History of Azerbaijan" // Textbook // "Mütürçim", Baku-2015.

32. "Referendum is a form of direct democracy of popular power" // Monograph // "Qanun" Publishing House, Baku 2016.

33. "Municipal Law" // Textbook // "Translator", Baku-2016.

34. The concept and characteristics of power as a political legal category // Scientific article // Scientific News of the Police Academy, No. 1-2, Baku 2016, pp. 47-53.

35. Principles of local self-government as a form of popular power // Scientific article // Scientific News of the Police Academy, No. 3-4, Baku 2016, pp. 116-122.

36. Some theoretical and historical aspects of the concept of sovereignty // On the topic of new trends in the protection of human rights and freedoms in the Republic of Azerbaijan, Materials of the VI Republican Scientific-Theoretical Conference // May 05-06, ANAS, Baku-2016, pp.168-172.

37. Actual problems of constitutional guarantee of human and civil rights and freedoms // Materials of the International Scientific-Practical Conference // The right of legislative initiative of citizens of the Republic of Azerbaijan // Scientific article //, Baku-2016, pp.172-180.

38. Principles of local self-government as a form of popular power //Scientific article// Scientific News of the Police Academy, No. 3-4, Baku 2016, pp. 116-121.

39. The concept and essence of state power as the main guarantor of human and civil rights and freedoms. // ANAS, Constitutional Court of the Republic of Azerbaijan, Knowledge Foundation under the President of the Republic of Azerbaijan. Materials of the Republican Scientific Conference on the topic "Protection of human rights as one of the main directions of the state policy of Azerbaijan" // Baku 2016.

40. Convergence of models of democracy in the Constitution of the Republic of Azerbaijan // Scientific article // Materials of the VIII International Scientific and Practical Conference, Odessa State University of the Ministry of Internal Affairs of Ukraine, Odessa, 2016.

41. Constitutional Law of the Republic of Azerbaijan // Curriculum // "Mütərcim", Baku-2017.

42. Actual problems of democratic state power functions // Scientific article // Scientific News of the Police Academy, No. 1, Baku 2017, pp. 91-99.

43. The concept and stages of the electoral process in the Republic of Azerbaijan // Scientific article // Scientific News of the Police Academy, N 2, Baku 2017, pp. 47-57.

44. "Legal Theory" // Curriculum // "Translator", Baku-2017.

45. "General International Law" // Curriculum // «Translator», Baku-2017.

46. "Legal Theory" // Practicum (teaching methodical manual) // "Translator", Baku-2017.

47. "State and legal training" // Curriculum // "Translator", Baku-2017.

48. "Legal History of Azerbaijan" // Curriculum // "Translator", Baku-2017.

49. "Philosophy of Law" // Curriculum // "Translator", Baku-2017.

50. "History and methodology of law" // Curriculum // "Translator", Baku-2017.

51. "Modern Problems of Law" // Curriculum // "Translator", Baku-2017.

52. The concept and characteristics of state power as the main form of popular power. // Scientific article // Theory and practice of public administration Scientific-theoretical journal No. 2, DIA. Baku-2017, pp. 152-162.

53. The concept, subjects and types of the electoral system as the main feature of modern democracy. // Scientific article // Scientific News of the Police Academy, No. 3-4, Baku 2017, pp.72-86.

54. Human rights // Schemes album // "Mütərcim", Baku-2018.

55. "Legal History of Azerbaijan" // Practicum (teaching methodical manual) // "Mütərcim", Baku-2018.

56. "State and legal training" // Practicum (teaching methodical manual) // "Mütərcim", Baku-2018.

57. "European Law"// Practicum (teaching methodical manual)//«Translator», Baku-2018.

58. "General International Law" // Practicum (teaching methodical manual) // "Mütərcim", Baku-2018.

59. "Constitutional Law"// Practicum (teaching methodical manual)//«Mütərcim», Baku-2018.

60. Constitutional legal status of a deputy of the Milli Majlis of the Republic of Azerbaijan // Scientific article // Scientific News of the Police Academy, No. 1-2, Baku 2018, pp. 66-75.

61. Functions and powers of the Parliament of the Republic of Azerbaijan (Milli Majlis) as a national representative body // Scientific article // Scientific News of the Police Academy, No. 3-4, Baku 2018, pp. 37-47.

62. Legal liability for violations of the legislative act of the AR // Scientific article//Scientific-practical conference of the Ufa University of the Ministry of Internal Affairs of the Russian Federation, 2018.

63. The process of forming electronic democracy in the Republic of Azerbaijan // Scientific article // Scientific News of the Police Academy No. 4, B.2019, pp.29-34.

64. Constitutional and legal regulation of the powers of the President of the Republic of Azerbaijan // Scientific article // Scientific News of the Police Academy No. 3, 2019, pp. 39-43.

65. General human values of Islam in the area of management and human rights // Scientific article // Science and life of Kazakhstan #8, Baku 2019.

66. The role of the presidential institution in ensuring people's power // Scientific article // BSU Faculty of Law. Materials of the Republican scientific and practical conference on the topic "Development directions of modern legal science in the Republic of Azerbaijan" dedicated to the 96th anniversary of the birth of the national leader of the Azerbaijani people Heydar Aliyev. Baku 2019, pp.58-62.



67. The place and role of the Cabinet of Ministers of the Republic of Azerbaijan in the system of state power // Scientific article // Journal of scientific and practical conferences of the Constitutional Court. Baku 2020, pp.153-159.

68. European Law // Album of Schemes // "Translator", Baku-2020.

69. The concept of people's power in the Constitution of the Republic of Azerbaijan // Monograph // Baku 2021.

70. Basic status of constitutional legislation of AR on referendum // Scientific article // Vestnik Moskovs k o ro Yniversiteta MB/I Poccii №3, 2021.

71. Stages of development of the judiciary in the modern Republic of Azerbaijan // Scientific article // Scientific News of the Police Academy No. 3 Baku 2021, pp. 52-80.

72. Basic provisions of the constitutional legislation of the Republic of Belarus on the referendum // Scientific article // Mogilev Institute of the Ministry of Internal Affairs of the Republic of Belarus 2021.

73. Human and civil rights and freedoms in the Constitutional history of Azerbaijan. // Scientific article // International Scientific and Practical Conference. Baku, Police Academy, 27.12.2022, pp.28-33.

74. Delegated legislative Institute // Scientific article// Scientific News of the Police Academy, No. 3, Baku 2023, pp. 131-133.

75. "Model of democracy and their convergence in the constitution of the legal state"// Scientific article // "Web of science", 2024.

76. "Constitutional Law" // Textbook // "Zardabi", Baku, 2024.

77. "Legal Theory" // Textbook // "Zardabi", Baku, 2024.

78. Ways to Improve the legal culture of a lawyer in the conditions of digitalization of law. // Methodical recommendation / / Rostov-on-Don, 2024.



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