

REPUBLIC OF AZERBAIJAN

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ABSTRACT

of the dissertation for the degree of
Doctor of Sciences

**CONSTITUTIONAL-LEGAL REGULATION OF THE
MUTUAL ACTIVITIES OF LOCAL SELF-GOVERNMENT
BODIES AND STATE AUTHORITIES IN THE REPUBLIC OF
AZERBAIJAN**

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Applicant:

Sahil Zahir Huseynov

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The work was performed at the Department of Law of the National Aviation Academy.

Consultant: **Doctor of Law, Professor
Aykhan Khankishi Rustamzade**

Official opponents: **Doctor of Law, Associate Professor
Farhad Sahib Abdullayev**


**Doctor of Law, Associate Professor
Jeyhun Yasinali Garajayev**


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

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

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

Deputy Chairman of the Dissertation council:  **Doctor of Law, Professor
Firuza Mammad Abbasova**

Scientific secretary of the Dissertation council:  **Doctor of Philosophy in Law,
Associate Professor
Sahil Yagub Gasimov**

Chairman of the scientific seminar:  **Doctor of Law, Associate Professor
Subhan Fermayil Aliyev**

GENERAL CHARACTERISTICS OF WORK

The actuality of the research topic. Among the events that have taken place in the socio-political life of the Republic of Azerbaijan since the restoration of its state independence in 1991, a significant place is occupied by the local governance reform aimed at the organization and implementation of public authority at the local level on the basis of the principles of self-government. Carried out in accordance with the constitutional provisions of the Republic of Azerbaijan, this reform created the conditions for the establishment of a local form of popular power, local self-government in the country. In 1995 and 1999, with the aim of clarifying constitutional provisions, the foundations of municipal legislation regulating public relations in the field of local self-government were formed. Since the legal norms underpinning these relations were enshrined both in the Constitution and in the European Charter of Local Self-Government (Strasbourg, 1985), they may be described as administrative-management relations containing an external (foreign) element. Consequently, by confirming the creation of the municipal system through the Constitution and laws, the Republic of Azerbaijan expressed its consent to implement organisational and legal measures to realise, within its sovereign territory, the ideology of local self-government that evolved over centuries in Western Europe.

When analysing the challenges involved in applying a governance concept grounded in an ideology formed within the Western European to any given country (such as the Republic of Azerbaijan), the need arises to elucidate several theoretical and legal matters. The population of Azerbaijan, administered under the laws of Tsarist Russia from 1820 to 1918, and subsequently under Soviet legislation from 1920 to 1991, faced difficulties in the independent development period beginning in 1992 when determining whether to adopt national governance practices from ancient and medieval periods or modern European governance models. In many parts of the world, particularly in Eastern Europe and the post-Soviet republics, preference was given to the application of the European concept of local self-government and the European Charter of Local Self-Government, which embodies this idea and possesses binding international legal authority, to accelerate and democratise local government reforms. The post-Soviet republics, including the Republic of Azerbaijan, acceded to the European Charter of Local Self-Government and recognised the institution of local self-government within their domestic legal systems. Nevertheless, it must be recognised that an

ideology alone does not provide sufficient guarantees for attaining the expected results within the local governance system of a country that has chosen to adopt it. It should also be emphasised that the practical validity of the self-governance ideology cannot be affirmed without evaluating the qualitative attributes of the elements that constitute its essence and structural framework. On the other hand, it should be recognised that the effectiveness of local government reforms is contingent upon establishing and applying an effective system of legal norms capable of ensuring the realisation of the self-governance ideology.

The strengthening influence of the local self-government ideology that emerged in Western Europe has, as in Eastern Europe, stimulated the development of state and legal theory in Azerbaijan and has led to the formation of a new scientific discipline, Municipal Law. Yet several contradictions intrinsic to this ideology remain unresolved within this field. The existence of utopian elements in the structure of the local self-government ideology, which is defined as a set of fundamental conditions enabling the delegation of local matters to the population and the regulation and management of certain public functions aimed at meeting citizens' socio-economic and cultural needs (particularly the proposition of the population subordinating and governing itself) continues to generate debate in legal scholarship.¹ It is also noticeable that municipal law still contains contentious issues such as the "right of the population to self-government," the "right of a group of people to create its own national state," and the regulation of socio-economic and environmental problems by the "invisible hand" of self-governance.

To justify the relevance of the research topic, a number of initial provisions have been adopted, such as: "the governance of the country as a whole is a function of the state," "municipalities are established on the basis of state laws and entrusted with resolving matters of local importance," and "the autonomy of municipalities in organising economic activity at the local level is recognised." In accordance with these provisions, the resolution of issues such as holding municipal elections, establishing municipalities, organising representative bodies of local self-government, preparing and

¹ G. Khalilov, Local self government and its self determination content: [e-resource] / URL: https://www.elibrary.az/docs/jurnal/jrn2014_649.pdf

S.G. Solovyov, Municipal ideology and modern Russian legislation on local self-government: // S.G. Solovyov. Local law. – 2015 / No 1. p. 21-31

implementing local social, economic development and environmental programmes, and regulating the activities of municipalities is largely ensured through the joint activity of state authorities and local self-government bodies. However, despite the discussion of individual aspects of the right to local self-government within constitutional and municipal law, it must be admitted that there is still a need to examine the following issues that require resolution in regulating the interaction between state authorities and local self-government bodies in the organisation and functioning of local self-government:

1. Elimination of differences between the provisions of the Constitution and laws of the Republic of Azerbaijan concerning the organisation of local self-government and the provisions of the European Charter of Local Self-Government;

2. Delegation of powers to municipalities to resolve matters of local significance in settlements;

3. Determination of the scope of authority of state bodies at the local level;

4. Ensuring the implementation of the Law of the Republic of Azerbaijan "On the Transfer of Property to Municipal Ownership" (7 December 1999);

5. Constitutional and legal assessment of obstacles arising in the process of developing local self-government;

6. Standardisation of local self-government services;

7. Creation of a constitutional and legal framework for regulating the future development of local self-government.

Addressing the issues outlined above, in accordance with the principles of the European Charter of Local Self-Government, would establish a basis for the realisation of representative democracy in the Republic and secure citizens' right to engage in the administration of state affairs. It must be acknowledged that despite the creation of favourable conditions for resolving these matters between 1999 and 2003, the period from 2004 to 2024 did not witness a significant renewal of local government structures. Thus, establishment of a legal framework covered by the approval the adoption of the laws of the Republic of Azerbaijan about "On the status of municipalities" (July 2, 1999), "On the transfer of property to municipal ownership" (December 7, 1999), "On the territories and lands of municipalities" (December 7, 1999), "On the management of municipal lands" (June 29, 2001), "On the ratification of the European Charter on Local

Self-Government” (December 25, 2001) under the leadership of the head of the Azerbaijani state Heydar Aliyev, and the approval of the Regulation “On the procedure and terms for the transfer of state property to municipalities” by the Decree of the President of the Republic of Azerbaijan dated June 11, 2001 were aimed at harmonizing the local self-government system in the Republic of Azerbaijan with the principles of the European Charter of Local Self-Government in 2004-2008. The duties arising from the listed laws have not been fulfilled to date. When examining the organisation of local self-government in Azerbaijan between 2000 and 2004, it should be noted that a substantial portion of local government powers was delegated to local executive authorities, while only a small portion was assigned to municipalities. This contradicts the principles of completeness and exclusivity of powers granted to local self-government bodies, as established by Article 4, Paragraph 4 of the European Charter of Local Self-Government. It must also be recognised that the crisis in municipal development could have been resolved in accordance with the European Charter of Local Self-Government through the approval by the Milli Majlis of the draft law “On the Interaction of Municipalities and Local Executive Authorities,” prepared by the Standing Committee on Regional Issues, during the 2005 spring session. However, the draft law was never debated in the Milli Majlis. It should be noted that adopting the law “On the Interaction of Municipalities and Local Executive Authorities,” is one of the obligations Azerbaijan undertook when joining the Council of Europe. In analysing why this issue has remained unresolved from 2005 to the present, it should be recognised that the population of Azerbaijan, its intellectual elite, and members of the legislative authorities were not adequately prepared for the implementation of the ideals and principles enshrined in the European Charter of Local Self-Government. The uncertainty produced over the past 24 years by the experience of establishing and developing local self-government constitutes a central condition confirming the relevance of the research topic.

Commencing with the clarification of the essence of the ideology of local self-government, the research culminates in the identification of problems in the interactions between state authorities and local self-government bodies in the organisation and implementation of local self-government in Azerbaijan from 2000 to 2025, alongside a substantiation of approaches for their resolution. This framework ensures the internal coherence of the sections encompassed by the research plan. To study the

state of use of ideal constructions based on the ideology of local self-government with foreign elements in the Republic of Azerbaijan, it is necessary to consider the influence of international legal approaches on the organization of local self-government, as well as on the regulation of the interaction of local self-government bodies with state authorities. Investigating the challenges associated with assessing the compliance of Azerbaijan's local self-government with the principles of the European Charter highlights: a) the advisability of refining the organisation of local self-government in Azerbaijan in accordance with the European Charter of Local Self-Government; and b) the potential for formulating recommendations and offers to enhance the European Charter from the standpoint of Azerbaijan.

It is recognised that, in order to eliminate deficiencies identified through the constitutional and legal evaluation of the functioning of Azerbaijan's local self-government system, and to define the prospects and priorities for its development, it is essential to standardise municipal services in compliance with ISO 9001:2015 and to theoretically elaborate the application of the roadmap method grounded in Foresight methodology. The relevance of the research is underpinned by the fact that it addresses the reorganisation of local government in the Republic of Azerbaijan, the establishment of a local self-government system based on the principles of democracy and decentralisation, and the resolution of issues concerning the regulation of interactions between state authorities and local self-government bodies in line with constitutional and legal criteria. The lack of comprehensive constitutional and legal studies regarding the regulation of relations between state and local self-government bodies at the municipal level confirms the problematic character of the topic. Taken together, these considerations demonstrate the theoretical-legal and practical significance of the selected research topic for the dissertation.

Degree of development of the topic. Studies examining the constitutional and legal aspects of the interactions between state authorities and local self-government bodies in the organisation and implementation of local self-government have served as a scholarly foundation for resolving the issues articulated in the dissertation topic. Legal research generally addresses the general concept and principles of local self-government, its functions, organisational and legal forms, the competences of local self-government bodies, and the legal framework governing interactions between state authorities and local self-government institutions. In post-Soviet

republics, including the Republic of Azerbaijan, questions concerning the interpretation of provisions on local self-government in constitutions adopted during the 1990s are reflected in the works of M.V. Baglay, I. M. Jafarov, I. M. Chirkin, Z. A. Asgarov, V. I. Fadeev, E. M. Kovesnikov, E. I. Kozlov, and O. E. Kutafin, particularly in their higher education textbooks on "Constitutional Law" and "Municipal Law." The textbooks referenced in the dissertation provide commentary on the essence, forms, and organisational principles of local self-government law, the rights, powers, and functions of municipalities, and issues pertaining to the regulation of the operational scope of local self-government bodies.

The determination international-legal aspects of local self-government, the evaluation of the conformity of Azerbaijan's local self-government system with the principles of the European Charter, and the issues relating to the regulation of interactions between state authorities and local self-government bodies have been examined, to varying extents, in the studies of John P., Kruger D., Goldsmith M., Vogel R., among others, as well as in scholarly articles and conference proceedings.

The level of application of the issues investigated in the sections that make up the structure of the research in legal science is determined by their reflection in the sources cited in the text of the dissertation. The ideology of local self-government and its legal implementation in practice are partially treated in the works of I. Jafarov, Z. Asgarov, S. Aliyev, G. Khalilov, A. Salahzade, S. Solovyev, N. Bowen, D. Jadeddun, B. B. Chichinadze, Ch. Cholak, C. Himsforth, R. Ibadov, J. Yakubek-Lalik, M. Jovicevich, J. Khalilov, K. Kossler, M. Rdvan, J. Mihalik, B. Sramel, C. Garajayev, T. Rabskan, K. Rudgen, A. Rustamzade, I. Satola, A. Stander, R. Sayed, G. Siljanovska-Davkova, T. Tislaun, and others, as reflected in their scholarly publications.

In order to study the theoretical-legal aspects of the organisation of local self-government with consideration of international-legal approaches, the research made use of the "Constitutional Law" and "Municipal Law" textbooks written by Azerbaijani and Russian scholars, as well as scientific articles by Western authors such as T. Brik, B. Herrmann, B. Lavrovsky, B. Brezovnik, I. Hoffman, Ch. Erlingston, M. Fluit, D. Horcher, F. Kamberi, D. Kryger, R. Loven, V. Marchenko, V. Papchunova, B. Perezhnyak, R. Sorensen, M. Warner and V. Lazarev.

Issues relating to the assessment of the compliance of the local self-government system established in the Republic of Azerbaijan with constitutional-legal criteria and the principles of the European Charter have been examined, to varying degrees, in the research of N.H. Aliyev, S.F. Aliyev, H. Gurbanov, Y. Balakishiyeva, Sh. Hajiyeva, A. Salahzade and S. Yusifov, as well as in the scientific articles of I. Adiputra, J. Al-Mulk, S. Andersson, S. Berg, R. Czachor, V. Hernes, K. Ismayilov, O. Jurgilevich, S. Keybat, M. Mikayil, M. Smolnichka, N. Lopez, N. Muminov, I. Niederhand, N. Raster, I. Toskman, K. Rahimbeyov, A. Szpak, Y. Sudiby, H. Ubels, P. Valkama, A. Burun, D. Lyons, A. Serbyaev and N. Yatsenko. Among the most valuable academic sources in the study of the conformity of Azerbaijan's local self-government system with the principles of the European Charter is the article by Ç. Çolak and A. Yıkıcı, "Local Governments in Türkiye and Azerbaijan in the Context of the European Charter of Local Self-Government: Contradictions and Inconsistencies" (*Khazar Journal of Humanities and Social Sciences*, 2024, 27(1), pp. 56-79).

To conduct research into the constitutional-legal issues surrounding the regulation of relations between local self-government bodies and state authorities, the study drew upon scholarly articles authored by Y. Babiy, R. Behin, A. Darkochand, M. Savisko, M. Chulmiran, Kh. Ismayilov, K. Godina, A. Phirtskalashvili, T. Parlyo, R. Horst, H. Khanov, G. Yuniartan, A. Aliyev, A. Botero, B. Jimenez, D. Jong, E. Sason, M. Kravets, V. Krivoshey, A. Kumar, M. Leon-Morita, V. Lobinets, M. Singh, I. Ritonga, Ch. Sanson, V. Hedulianov, D. Vall-Cruz, S. Valtolina, L. Verhoeven and others. A key reference source for this topic was the clauses of M. Ch. Zeynalov's dissertation "Legal Regulation of the Interaction between State Authorities and Municipalities."

In advancing research into the construction of a future constitutional-legal model for local self-government in the Republic of Azerbaijan, the consideration of scholarly assessments regarding existing deficiencies in its organisation and operation was of particular importance. Several matters related to the legal analysis of obstacles hindering the development of local self-government have been addressed in the works of N. H. Aliyev, S. F. Aliyev, A. A. Imamaliyev, S. I. Yusifov and other scholars. The requirements of ISO 9001:2015 were incorporated into the development of a quality-management framework for municipal services. Furthermore, information from electronic resources explaining the Foresight methodology was utilised

in preparing the Road Map for the development of local self-government in Azerbaijan.²

Despite the books, articles, theses and electronic resources employed as scientific sources in the preparation of this dissertation, the issues relating to the prevention of obstacles inhibiting the development of the local self-government system in the Republic of Azerbaijan have not obtained a complete theoretical or practical resolution. It should be recognised that the diminishing influence of the extensive multidisciplinary research undertaken during 2000-2024 on the realisation of the constitutional potential of local self-government is manifested in the lack of reforms in the sphere regulating the interaction between local self-government bodies and state authorities. This situation underscores the necessity for a comprehensive and in-depth examination of the problem within the dissertation.

The object of the research is constituted by the social relations that emerge in connection with the constitutional and legal regulation of the interaction between state authorities and local self-government bodies in the organisation and functioning of local self-government.

The subject of the research covers the legal norms that regulate the social relations arising between state authorities and local self-government bodies in the process of organising and implementing local self-government, as well as the practice of applying these norms.

The aim and objectives of the research. The principal aim of the dissertation is to identify the directions for improving the mechanism of regulating the interaction between state authorities and local self-government bodies in the context of establishing the constitutional and legal framework for the future development of local self-government.

To fulfil the aim of the research, the following objectives have been formulated:

- To clarify the purpose of the ideology of local self-government and to identify the constitutional and legal bases for its practical implementation;

² ISO 9001:2015 International Standard. Quality management systems - requirements [e-resource]: <https://www.aqa.az/az/xidmetler/meslehet/standartlar/iso-9001-2015-keyfiyveti-idarce-tim-sistemleri-telebleri-beynelxalq-standarti/>

Foresight Methods: [Electronic resource] // by Rafael Poppers Blog-Mode of access <https://rafaelpopper.wordpress.com/foresight-methods/>

Methods of Foresight: [Electronic resource] / National Research University "Higher School of Economics" – <https://unescofutures.hse.ru/en/methods>

- To analyse the international legal and theoretical foundations underpinning the organisation of local self-government;
- To assess the conformity of the local self-government system of the Republic of Azerbaijan with constitutional legal standards and the principles of the European Charter of Local Self-Government;
- To determine, on a comparative legal basis, the respective competences of local self-government bodies and state authorities in resolving matters of local significance;
- To evaluate the international legal approaches to regulating the interaction between state authorities and local self-government bodies;
- To investigate the barriers encountered in the development of local self-government;
- To explore the standardisation of local self-government and the establishment of a quality management standard for municipal services;
- To formulate a Roadmap for the future development of local self-government.

The theoretical basis of the research consists of the scientifically and practically significant provisions and conclusions reflected in the research works of local and foreign authors devoted to the regulation of interaction between state authorities and municipalities in the process of organising and implementing local self-government, in the materials of scientific-practical conferences, as well as in the recommendations of national municipal associations to municipalities.

Methodological basis of the research. The Foresight research style, based on a systematic approach to solving problems related to the regulation of the interaction of state authorities and local self-government bodies in the organization and implementation of local self-government, is the methodological basis for the development of the dissertation. The methodology of the research was justified through the provisions of the ideology of local self-government and the scientific concepts of constitutional law and municipal law.

Research Methods. The application of logical rules and the method of authentic interpretation in studying the relations between state authorities and local self-government bodies in the field of local self-government made it possible to identify and assess obstacles that hinder the development of local self-government. In the research, the historical method, the comparative-legal method, the formal-logical method, and the Road map method were applied.

The normative framework of the research is formed by the Constitution of the Republic of Azerbaijan and the relationships regulating the organization and implementation of local self-government, the European Charter of Local Self-Government, the Law of the Republic of Azerbaijan "On the Status of Municipalities", decrees and orders of the President, decisions of the National Assembly, resolutions of the Cabinet of Ministers, the legislation of the Nakhchivan Autonomous Republic, normative acts of the Ministry of Justice, recommendations of the Congress of Local and Regional Authorities, recommendations of the Committee of Ministers of the Council of Europe, as well as the considerations on local self-government by the founder of the Azerbaijani state, Heydar Aliyev, and by President Ilham Aliyev.

The empirical basis of the research consists of classifications compiled through statistical groupings based on statistical data on administrative territorial units, settlements, and the number of municipalities, as well as on municipal powers, interactions between local self-government, state authorities, and local residents, the principles underlying the exercise of powers by local self-government bodies, and the difficulties arising in the implementation of the European Charter of Local Self-Government.

Scientific Novelty and Provisions Submitted for Defence. The scientific novelty of the study is expressed in a new solution to the problems of creating a constitutional-legal framework that ensures effective regulation of interaction between state authorities and local self-government bodies at the municipal level, considering a critical assessment of the local self-government system and international legal approaches to its organization. To implement this solution, the issues of substantiating a roadmap for the standardization and development of local self-government in the science of Municipal Law the first time, with the aim of eliminating the state of uncertainty that emerged in the post-stage following the rapid norm-setting process carried out in 1999-2003 are studied.

The new solution to the problems of constitutional-legal regulation of relations between state authorities and local self-government bodies in the organization of local self-government is expressed through the following scientifically theoretical and practically significant provisions:

1) The ideology of local self-government as expressed in the European Charter of Local Self-Government represents a system of ideas, knowledge, and principles that define the essential conditions for the

exercise of citizens' rights to regulate and manage a certain part of public affairs to ensure the life activities of the population within an administrative territory.

As a result of studying the initial conditions through the method of authentic interpretation for the realization of the ideology of local self-government emerging in Western Europe:

a) The population of post-Soviet republics, including the Republic of Azerbaijan, is not prepared for the practical implementation of the right to local self-government;

b) A number of terms used in the Azerbaijani version of the Charter do not correspond to the conceptual and technical framework applied in the English version, and the organizational and legal forms expressing the exercise of popular sovereignty through state authorities and local self-government bodies are not directly in Article 2 of the Constitution of the Republic of Azerbaijan entitled "Sovereignty of the People";

c) Some studies devoted to the problems of municipal law confirm the utopian nature of provisions that interpret local self-government as "the population's subordination to itself and self-governance," "the right of the population to self-determination," "the right of a group of people to establish its own national state," and "the regulation of socio-economic problems by the 'invisible hand' of self-government."

2) Taking into account the ideals and principles set forth in the Preamble of the European Charter of Local Self-Government, including the attainment of close unity among the members of the Council of Europe for the sake of preserving peace and the provision of this unity through agreements in the field of governance, it is proposed to supplement Article 17 of the European Charter of Local Self-Government with a provision stipulating that "the Charter shall be denounced in respect of a state that has signed the European Charter of Local Self-Government, has enshrined the principle of local self-government in its Constitution, but subsequently commits aggression against the sovereignty, territorial integrity, or political independence of another state."

3. The legitimacy of the local self-government system depends on the institutional alignment of the legislation of the Republic of Azerbaijan on local self-government with the fundamental principles and requirements of the European Charter of Local Self-Government, and on the organization of municipal activities in accordance with the norms and requirements of national legislation.

4. The recognition of the state's responsibility for the implementation of strategic tasks related to the socio-economic development of regions as the most necessary condition for the implementation of mutual relations between state authorities and local self-government bodies at the local level is ensured based on the principle of subsidiarity in the organization of local self-government.

5. The research confirms that there are no serious differences between the general provisions of the national legislation of the Republic of Azerbaijan on determining the territorial bases of local self-government in accordance with the administrative-territorial division of the country, holding elections to municipalities, approving the rights and duties of municipal members by law, differentiating the powers of elected and executive bodies of local self-government, approving the status of municipal neighbourhood committees, holding citizens' meetings, implementing the initiative of the population to create municipal acts, and other organizational-legal forms of local self-government, and the international-legal forms of organizing local self-government.

6. By taking into account international theoretical and legal approaches, the constitutional-legal assessment of problems related to the establishment and organization of the functioning of the local self-government system confirms through the synthesis of regulatory mechanisms and methods at the current stage of development of local self-government the theory the possibility of unequivocally achieving solutions related to preserving the autonomy of local self-government, expanding central oversight in the legal and financial spheres, and organizing the use of digital governance technologies in relations between state authorities and local self-government bodies.

7. The evaluation of the organization of local self-government based on constitutional-legal criteria confirms that, at present, foreign experience is insufficiently utilized in the implementation of all types and procedures of local self-government, that public participation in resolving issues of local importance remains weak, and that a comprehensive concept of local self-government has not been fully realized in the context of local government reform.

8. The assessment of the alignment of the constitutional-legal foundations of local self-government with the principles of the European Charter of Local Self-Government reveals the necessity of eliminating existing problems through the implementation of institutional measures

aimed at organizing local government on the basis of the principle of counter-centrism, increasing the financial capacity of municipalities, enhancing local citizens' participation in municipal elections, reducing bureaucratic barriers in governance, and ensuring public participation in addressing issues of local significance.

9. The evaluation of the theoretical and legal foundations and the level of compliance with legal criteria of the local self-government system established in the Republic of Azerbaijan during 1999–2025 confirms that resolving the contradictions between the actual state of local self-government and its normative or intended model depends on the implementation of substantive local government reforms.

10. The problem related to the regulation of relations between state authorities and local self-government bodies in the process of organizing local self-government in the Republic of Azerbaijan is associated with ensuring municipal property rights and eliminating duplication within local self-government arising from the delegation of local government powers to both local executive authorities and municipalities. The assignment of local authority to two bodies within administrative-territorial units and the division of the local budget between these two bodies result in an excessive increase in expenditures related to the administration of settlements. For addressing these problems, the following measures are substantiated:

a) ensuring the implementation of the Law of the Republic of Azerbaijan "On the Transfer of Property to Municipal Ownership" (7 December 1999);

b) Considering the results of international legal approaches to solving the problem of differentiating the areas of competence of state authorities and local self-government bodies, the proposals aimed at resolving the problem of delineating the competences of state authorities and local self-government bodies by legally establishing the status of the state authority representing the state at the local level were substantiated

11. In accordance with the concept of regulating interaction between state authorities and local self-government bodies in the implementation of local self-government, the implementation of the following institutional measures is envisaged:

- ensuring the distribution of functions and powers between state authorities and local self-government bodies in the sphere of resolving matters of local significance based on the principles of subsidiarity, collegiality, and transparency;

- ensuring the political and economic autonomy of municipalities within the context of decentralization of public authority;
- utilizing the experience of municipal community organization in Germany, the United Kingdom, and France in the development of a concept for the organization of local self-government;
- legislative consolidation of provisions on targeted state financial assistance to fiscally weak municipalities;
- establishment of a regional state authority within the framework of local government reform and statutory approval of its legal status;
- expansion of the scope of duties and powers of local self-government bodies, ensuring solidarity in state–society–municipality relations, granting additional state powers to local self-government bodies, etc.

12. The study of the problems of constitutional and legal assessment of obstacles arising in the process of development of local self-government in the Republic of Azerbaijan is based on a logical analysis of the criticisms reflected in the recommendations of the Congress of Local and Regional Authorities of the Council of Europe.

The obstacles hindering the development of the local self-government system may be classified into the following groups:

A. As the result of the weak impact of the European Charter on Local Self-Government on the public consciousness of the population, uncertain situation in the organization of local self-government and the lack of definition of the conceptual foundations for reforms aimed at counter-decentralization of power.

B. Failure to ensure the property rights of local self-government bodies and the unresolved issue of transferring property into municipal ownership during the period 2000–2025.

C. Delegation of local government powers to two bodies, the existence of parallel competences between municipalities and local executive authorities in resolving matters of local significance, the dependence of municipalities on executive authorities, the absence of consultations with municipal associations and coordination councils during the planning and adoption of municipal decisions, and the failure to legally establish the status and self-government rights of the capital city.

D. The absence of forecasts for structural changes related to the transfer of state property to municipalities in the Strategic Road Map of the national economy, and the denial of the role of municipalities in the implementation of the Road Map's targets.

E. The lack of provisions for municipal participation in the implementation of tasks set forth by the Social and Economic Development Strategy of the Republic of Azerbaijan and other state documents (programs) on socio-economic development.

F. The external factors hindering the development of local self-government should be recognized as including the absence, in the European Charter of Local Self-Government, of provisions defining the economic foundations of local self-government, the classification of municipal property and the procedure for its establishment, as well as the absence of regulation in the Charter concerning the status of a consultative body providing advisory services in the process of planning and adopting municipal normative acts, and the lack of determination of the legal status and the right to self-government of the capital city.

13. Considering the requirements in the field of governance established by the Law of the Republic of Azerbaijan "On Standardization" (17 May 2019), for the first time in municipal law, proposes a solution to the problem of standardizing local self-government based on the principles and norms of the European Charter of Local Self-Government. In order to articulate the conceptual foundations of this solution, the following notions are introduced into academic discourse: "purpose of the standard," "scope of application of the standard," "definitions of standard-based concepts," "description of the essence of the standard," "certainty of information," and "initial conditions for the entry into force of the standard." The initial solution to the problem of standardization of local self-government is expressed through the following provisions:

- Standardization of local self-government in accordance with the requirements of ISO 9000 and ISO 9001 envisages the creation and implementation of a model that regulates municipals activities in a uniform form and content by eliminating discrepancies on national legal norms between European Charter of Local Self-Government and the member states;

- The model standard document entitled "Quality Management of Municipal Services," developed within the framework of the dissertation based on ISO 9001:2015 requirements, may be used as a normative framework for the separate standardization of municipal competences;

- The absence, in the European Charter of Local Self-Government, of norms regulating relations related to the confirmation of the economic autonomy of municipalities, the establishment of the material and technical

base of local self-government, and the protection of municipal property rights creates significant obstacles to the standardization of municipal economic activity.

14. The restructuring of local government on the basis of the principles of democracy and counter-centralization, and the Road Map for the development of the local self-government system of the Republic of Azerbaijan, constitute a scientific framework reflecting the elimination of obstacles hindering the development of local self-government, as well as the prospects and priorities for its short- and medium-term development. The Road Map, developed on the basis of Foresight methodology, encompasses the assessment of the current state of organization and implementation of local self-government; the substantiation of its development directions; the elimination of uncertainty related to the distribution of local authority and powers between local executive authorities and municipalities; the differentiation of levels of local self-government; ensuring citizens' participation in local self-government; the restructuring of local self-government in districts, cities, and the capital city; and the evaluation of the implementation of the Road Map. The initial solution to the problem of restructuring local self-government and regulating interaction between state authorities and local self-government bodies at the municipal level through the Road Map is expressed in the following provisions:

A. In the Republic of Azerbaijan, the implementation of institutional measures aimed at restructuring the local self-government system is envisaged to be carried out in two stages. At the first stage, during the testing period determined by a pilot project, the capacity of several municipalities - endowed with property rights provided for by the Constitution and laws, as well as with all administrative powers and financial resources - to exercise administrative governance in the fields of socio-economic development, social protection of the population, healthcare, improvement of sanitary and epidemiological conditions, housing and communal services and urban improvement, transport, communications, education, culture, and other areas is to be assessed. At the second stage, it is envisaged to undertake a fundamental restructuring of the activities of state executive authorities at the local level; to establish state authorities based on economic regions and determine their legal status; to assess official and roadmap-regulated scenarios for the territorial reorganization of local self-government; to optimize the number of municipalities; to centralize local self-government at the district and city levels; to reorganize municipal governance in the

capital city; to restore municipal property rights; to delegate local government powers to local self-government bodies; and to solve the issues of balancing the financial resources of municipalities with the powers of government.

B. The improvement of the system of organizing local self-government in settlements is envisaged to be implemented in the following directions:

- In accordance with the scenario for centralizing local self-government at the district and city levels, the interactions of the district municipality with the regional state authority and its territorial representations (city, settlement, and village), as well as with legal entities located within the territory, shall be regulated by legislation;

- In cities of republican subordination possessing the status of district centres, local self-government shall be organized at two levels, separately at the city and district levels, while in the remaining districts local self-government shall be organized at a single level, at the district level;

- In the process of restructuring the local self-government system of the capital city, issues related to the adoption of the Law of the Republic of Azerbaijan "On the Capital City," the establishment of centralized legislative (municipal council) and executive (municipal administration) bodies of the capital city through direct elections, the legislative regulation of the distribution of competences between the central local self-government bodies of the capital and the local self-government bodies of intracity districts, as well as the two-level distribution and earmarked use of the capital city's local revenues and transfers from the state budget, shall be resolved.

C. It is envisaged that the administrative relations between the state authority established within the territory of an economic region and its representative offices in other territorial units of the region (districts, cities, city districts, settlements, and villages) shall be regulated by legislation.

15. The scientific significance of the study of problems related to the constitutional and legal assessment of the future development of local self-government is determined by the substantiation of directions for improving Azerbaijan's local self-government system from the perspective of the European Charter of Local Self-Government, as well as for improving the European Charter of Local Self-Government from the perspective of the Republic of Azerbaijan. The directions for improving the mechanism of organizing local self-government in the Republic of Azerbaijan from the

perspective of the European Charter of Local Self-Government are as follows:

- the enshrinement of local self-government as an organizational and legal form of people's power by the Constitutional Law of the Republic of Azerbaijan;
- development of a concept for the counter-centralization of state power;
- implementation of the Law of the Republic of Azerbaijan "On the Transfer of Property to Municipal Ownership" (7 December 1999);
- implementation of institutional measures aimed at the organizational, legal, and territorial restructuring of local self-government in the Republic of Azerbaijan and the optimization of the number of municipalities;
- delegation of local government powers (except for public order protection, state security services, postal services, communications, and related functions) to municipalities;
- abolition of the practice of indirect election of heads of local self-government bodies;
- improvement of procedures for the exercise of the population's right to local self-government;
- reorganization of the local self-government system of the capital city;
- strengthening the financial capacity of municipalities.

The necessity of improving the norms of the European Charter of Local Self-Government from the perspective of the Republic of Azerbaijan is determined by the results of a comparative legal analysis of the obstacles hindering the development of local self-government. In the dissertation, the issue of improving the norms of the European Charter is raised in connection with an assessment of the nature of the criticisms contained in the recommendations of the Congress of Local and Regional Authorities of the Council of Europe. Specifically, where obligations established by the norms of the European Charter are violated by member states, the criticisms contained in the recommendations may be considered justified; conversely, where a particular requirement concerning the organization of local self-government is not provided for by the Charter, such criticisms may be regarded as unfounded. To remove unfounded criticisms from the recommendations of the Congress, it is necessary to introduce amendments to the text of the European Charter. From the perspective of the Republic of Azerbaijan, it is expedient to improve the European Charter of Local Self-Government in the following directions:

- inclusion in the European Charter of Local Self-Government of a provision requiring consideration of the level of preparedness of the population of a candidate country for local self-government;

- addition to the European Charter of Local Self-Government of norms regulating the economic foundations of local self-government and the property rights of municipalities;

- supplementation Article 17 of the European Charter of Local Self-Government with a provision stipulating that "the Charter shall be denounced in respect of a state that has signed the European Charter of Local Self-Government, has enshrined the principle of local self-government in its Constitution, but subsequently commits aggression against the sovereignty, territorial integrity, or political independence of another state";

- addition to the European Charter of Local Self-Government of norms regulating the legal status and the right to self-government of the capital city municipality.

16. The assessment of the implementation status of the tasks defined by the Roadmap is addressed through the monitoring of institutional measures aimed at the reorganization of local self-government. Monitoring of the Roadmap facilitates the creation of an information base for identifying and analysing expected outcomes related to democracy and counter-centralization of power, the restructuring of local government, the reorganization of state authority at the local level, the strengthening of the territorial and economic foundations of local self-government, the delegation of powers for resolving issues of local significance to local self-government bodies, the differentiation of levels of local self-government, the optimization of the number of municipalities, and the improvement of the local self-government system from the perspective of the European Charter, and the European Charter itself from the perspective of the Republic of Azerbaijan.

The theoretical significance of the research. The scientific propositions and recommendations substantiated in the study expand the scope of constitutional law, municipal law, legal theory, and administrative law, contribute to enhancing the role of the state in the organization of local self-government, and assist in developing the conceptual foundations for the advancement of local self-government.

The practical significance of the research. The practically significant proposals put forward in accordance with the specific characteristics of the research topic may serve as guiding sources in the process of incorporating them into the Constitution and legislation of the

Republic of Azerbaijan, as well as into the European Charter of Local Self-Government, and in addressing issues related to the standardization of municipal activities and the development of an official Roadmap for the advancement of local self-government.

Degree of substantiation of the validity of scientific propositions and recommendations. The study of the subject matter, objectives, and tasks of the dissertation research is ensured through a systematic approach to addressing the problems of local self-government and is substantiated by legal theory and practice corresponding to the individual aspects of the topic, as well as by official sources (constitutional law, research works on municipal law, the recommendations of the Congress of Local and Regional Authorities of the Council of Europe). The theoretical conclusions and proposals of the dissertation research are confirmed by the results of an analysis of the legislation of the Republic of Azerbaijan on local self-government and the provisions of the European Charter of Local Self-Government.

The approbation of the research results. The dissertation was prepared at the Department of Law of the National Aviation Academy. The materials and results of the research conducted in accordance with the topic of the study were applied in the educational process in the preparation of lecture materials and the conduct of practical classes in the disciplines "Constitutional Law," "Municipal Law," and "Administrative Law." The research findings were also used in the development of curricula for the courses "Constitutional Law" and "Municipal Law."

Positive evaluations were provided by the Justice Academy of the Ministry of Justice of the Republic of Azerbaijan and the Main Department for Work with Municipalities regarding the model document entitled "Requirements for the Quality Management System of Municipal Services" developed as part of the research.

The main theoretical propositions and practical recommendations of the dissertation were published in journals and other publications recommended by the Higher Attestation Commission under the President of the Republic of Azerbaijan, as well as on relevant internet platforms.

The main provisions and results of the dissertation research were reflected in the materials of the following international and republican scientific-practical conferences.

1. V International Scientific and Practical Conference

«Questions. hypotheses. answers: science XXI century», December 19-20, 2023, Toronto, Canada. 129 p.

DOI <https://doi.org/10.5281/zenodo.10432717>

Legal problems of internationalization of the ideology of local self-government.

2. The modern vector of the development of science

Proceedings of the XVIII International Scientific and Practical Conference 09-10 January 2025 Philadelphia, USA 2024

DOI <https://doi.org/10.5281/zenodo.14646632>

Reorganization of local government.

3. Proceedings of VI International Scientific and Practical Conference Munich, Germany 20-22 January 2025. ISBN 978-3-954753-06-2

<https://sci-conf.com.ua/vi-mizhnarodna-naukovo-praktichna-konferentsiya-scientific-research-modern-challenges-and-future-prospects-20-22-01-2025-myunhen-nimechchina-arhiv/>

Constitutional and legal aspects of assessment of the principles of local self-government.

4. Republican scientific and practical conference on the topic "Heydar Aliyev's state security policy: historical achievements and modern challenges" dedicated to the 102nd anniversary of the birth of the National Leader Heydar Aliyev and the "Year of Constitution and Sovereignty" of the Heydar Aliyev Academy of the State Security Service of the Republic of Azerbaijan. 07 May 2025

Legal aspects of optimizing the number of municipalities in Azerbaijan.

5. First International Congress on the Law of Turkic States, Yeditepe University, May 13-14, 2025.

<https://yeditepe.edu.tr/tr/etkinlik/turk-devletleri-1-uluslararasi-hukuk-kongresi>

Legal aspects of local government organization in Turkic states.

6. VIII Republican Scientific Conference on Science and Educational Research. June 19, 2025.

DOI: <https://doi.org/10.36719/2789-6919/2025/VIII>

Reorganization of Local State Authority.

The structure of the dissertation research. The dissertation consists of an introduction, five chapters comprising thirteen paragraphs, a conclusion, and a list of references. Excluding the list of references, the total volume of the dissertation comprises 526,277 characters (five hundred twenty-six thousand two hundred seventy-seven), excluding spaces.

MAIN CONTENT OF THE WORK

In the introduction, the relevance of the topic chosen for the dissertation is substantiated, the degree of its prior study is determined, and the main purpose and objectives of the research, its scientific novelty, theoretical and practical significance are explained. Information is also provided on the approbation of the research results.

The first chapter of the dissertation, entitled **“The Essence of Local Self-Government and the Legal Aspects of Its Implementation,”** is devoted to the study of the international legal aspects of the implementation of the ideology of local self-government. This chapter examines the emergence, essence, structure, and primary objectives of the realization of the ideology of local self-government, the distinctive features of applying the governance concept formed in Western Europe in other countries, and the international legal mechanisms of local self-government.

The first paragraph of the first chapter, entitled **“The Ideology of Local Self-Government and Provisions of National Legislation on Local Self-Government,”** states that the ideology of local self-government is considered an important factor in the formation of a decentralized form of power at the local level, as well as in improving international law and national legislation regulating the activities of municipal bodies. When assessing the constitutional and legal significance of the ideology of local self-government, its important role in implementing measures aimed at raising public awareness in the field of the application of municipal law and expanding existing knowledge on the organization of local self-government is considered.

The analysis of the historical aspects of the emergence of the ideology of local self-government, taking into consideration the provisions of Gabusname and Tusi’s *“Akhlag-i Nasiri”* concerning the differentiation between urban and rural communities and the regulation of inter-community relations, confirms the possibility of creating a concept of local self-government in the Middle Eastern region that meets modern requirements and challenges. However, when examining the features of the formation and evolution of the modern ideology of local self-government, the viewpoint that its main provisions were formed under the influence of classical Western theories is generally accepted.

In the dissertation, taking into account the results of research studies devoted to substantiating the essence and purpose of the ideology of local

self-government, the elements constituting it, as well as the possibility of its application in other countries, the ideology of local self-government is defined as a system of theoretical knowledge, instruments, and methods that ensures the regulation and management of a certain part of public affairs in order to resolve issues of local significance by the population itself and to meet the socio-economic and cultural needs of citizens residing within an administrative territory. The primary objective of implementing this ideology is to ensure the active and organized involvement of the population, through institutions of local democracy, in solving social, economic, and environmental problems.

The controversial issues raised by lawyers concerning the impossibility of applying the governance concept that originated in Western Europe in other countries, as well as issues related to the method of self-determination of the population and the right of a group of people to secede and establish their own national state, are critically assessed by the author and associated with the presence of a utopian element within the structure of the ideology.

The content of the ideology of local self-government finds its expression in the European Charter of Local Self-Government, which has international legal force. From this, it can be concluded that each member state that has ratified the Charter should implement institutional measures aimed at aligning its legislation on local self-government and its activities in organizing local self-government with the ideas and principles of the European Charter. A critical approach to the study of the issue made it possible to substantiate the proposal to enshrine local self-government in the Constitution of the Republic of Azerbaijan as one of the forms of organization of people's power.

To strengthen the impact of local self-government on international relations, it is proposed to add a provision to Article 17 of the European Charter stipulating the denunciation of a treaty with a state that violates the ideals and principles of the Charter.

The second paragraph of the first chapter, entitled “**International Legal Aspects of Local Self-Government**,” states that priority should be given to studying the international legal aspects of local self-government on the basis of the following criteria: (1) mechanisms for the implementation of local self-government; (2) components of its implementation; and (3) practical experience of its realization. The use of a logical approach and comparative analysis made it possible to assess the main trends in the

formation of local self-government identified in scholarly literature, to examine the qualitative characteristics of implementation mechanisms reflected in legislation and academic sources, and to consider local self-government as a dynamic and evolving phenomenon.

Following the enshrinement of the institution of local self-government in the Constitution of the independent Republic of Azerbaijan, separate provisions regulating municipal governance were incorporated into sectoral legislation. In 1999, the adoption of the Laws "On the Status of Municipalities," "On Municipal Service," and "On the Financial Foundations of Municipalities" introduced legal norms aimed at establishing and implementing mechanisms for local self-government. Through these mechanisms, local elections were held, surveys among residents were organized to establish municipal entities, and elective municipal councils and municipal executive bodies were created as the main institutions of local self-government. Between 2000 and 2025, mechanisms for the implementation of local self-government were predominantly applied in municipal development practice.

The components of the implementation of local self-government were regulated by laws adopted between 1999 and 2003, which established the legal basis for holding extraordinary public meetings with citizen participation, forming neighbourhood committees, and initiating decisions by the population on issues related to the organization of local self-government.

The exercise of the right to local self-government is based on the provisions of the European Charter of Local Self-Government ratified by the Republic of Azerbaijan. Accordingly, the main problem that needs to be solved in the field of municipal formation is related to ensuring significant institutional harmonization of national legislative norms and practical activities of local self-government implemented in Azerbaijan with the basic principles and requirements of the Charter. Within the framework of institutional harmonization, it is necessary to take organizational and legal measures towards the realization of subsidiarity in the local self-government system, including the assignment of a significant part of state functions to local self-government bodies, more effective regulation of the life activities of local communities, and the intensification of the financial activities of municipalities.

The second chapter is entitled **"Theoretical and Legal Foundations of the Organization of Local Self-Government."** This chapter examines

issues related to the differentiation of the principles of local self-government according to various criteria, analyses the constitutional foundations of the organization of local self-government, and investigates the problems of establishing organizational and legal forms of local self-government in the Republic of Azerbaijan with due regard to the state-building experience of foreign countries. It also formulates approaches to addressing the problems of legal assessment of theoretical and legal perspectives on the organization of local self-government in the Republic of Azerbaijan.

The first paragraph of the second chapter, entitled **“General Principles of Local Self-Government,”** notes that to date, the principles of local self-government have not been studied as an independent subject of research in Azerbaijani legal scholarship. Proceeding from the etymological meaning of the concept of “principle,” the principles of local self-government may be understood as guiding ideas established by legislation that determine the organization and functioning of the local self-government system, as well as its interaction with state authorities. In modern political and legal doctrine, the principles of law form a coherent system, and the principles of local self-government should be characterized as a manifestation of this system.

From a legal perspective, it is appropriate to classify the principles of the local self-government system according to various criteria. Based on the hierarchy of legal principles, the principles of local self-government may be divided into the following groups:

1. General legal principles: freedom, justice, equality, humanism.
2. International legal principles: the elective nature of local self-government bodies; economic and financial independence of local self-government bodies; diversity of forms of local self-government; adequacy of powers in relation to financial resources; administrative supervision of local self-government; judicial protection of local self-government, etc.

The general principles of law determine the foundational and guiding ideas for all branches of law and legal phenomena, including the system of local self-government.³ The generalizing and integrative principle of local self-government is democracy. In this regard, the principle of democracy, understood as the exercise of popular sovereignty, is characterized by the representation of public interests by local self-government bodies, a democratic and transparent electoral system, the provision of human and

³ Constitutional Law: Textbook / Chief Editor V.V. Lazarev. – M.: Lawer, - 1999. Page 592

civil rights and freedoms, and the guarantee of every citizen's right to serve in municipal bodies. At the same time, when the activities of local self-government bodies are evaluated by state authorities, particular attention is paid to compliance with the requirements and obligations arising from the principle of legality. The principle of ensuring human and civil rights and freedoms holds special significance in the functioning of local self-government. Municipalities bear corresponding responsibilities in guaranteeing citizens' personal, political, socio-economic, and cultural rights and freedoms. One of the most important elements of the functioning of the local self-government system is the principle of transparency. In the implementation of local self-government, transparency provides the population with the opportunity to become acquainted with the activities of municipalities and to exercise public oversight over their performance. Thus, for the purpose of assessing the legitimacy of the local self-government system nationwide and its compliance with the requirements of international law, adherence to the principles of legality, democracy, protection of citizens' rights and freedoms, and transparency should be regarded as fundamental criteria.

The second paragraph of the second chapter, entitled **“Constitutional Foundations of the Organization of Local Self-Government,”** proceeds from an interpretation of the provision that local self-government is enshrined in the fourth section of the Constitution of the Republic of Azerbaijan, entitled “Local Self-Government.” The study confirms that local self-government is considered by the Constitution as one of the organizational and legal forms of exercising popular power, and the fourth section shows that it is not less important in terms of structure than other socio-legal institutions.

In accordance with constitutional legislation, citizens of the Republic of Azerbaijan exercise the right to local self-government directly - through local elections, local referenda, and citizens' assemblies - and indirectly through representatives elected based on universal, equal, and direct suffrage by secret and personal ballot, namely municipalities. These constitutional rights of citizens of the Republic of Azerbaijan are also enshrined in Article 54 of the Constitution, as well as in Article 55, which establishes citizens' right to participate in the political life of society and the state and to take part in the administration of the state either directly or through their representatives.

The Constitution of the Republic of Azerbaijan states that the relations forming the legal status of the individual are based on a modern concept of human rights. Article 12 of the Constitution declares that ensuring human and civil rights and freedoms, as well as a decent standard of living for citizens, constitutes the supreme objective of the state. The analysis conducted in the second chapter of the dissertation demonstrates that all human rights and freedoms recognized in international treaties are incorporated into the Constitution of Azerbaijan. An assessment of the constitutionality of normative legal acts that specify constitutional provisions on local self-government confirms the expediency of adopting a Municipal Code, which would ensure systemic regulation in the field of local self-government, eliminate duplication, and address legislative gaps and conflicts.

The study of how the problem concerning legal constructions that define the relationship between central state authority and local government of the centre of modern political-legal doctrine is regulated in the constitutions of foreign countries confirms the legitimacy of recognizing central bodies (parliament, head of state, government), their local representatives (appointed governors, prefects, commissioners), and courts as state authorities, and elected municipalities established in settlements as local self-government bodies. The dissertation's analysis of the criteria for distinguishing between state administration and local self-government contributes to resolving several debates encountered in constitutional law scholarship.

The third paragraph of the second chapter, entitled **“Organizational and Legal Forms of Local Self-Government,”** proceeds from the understanding that the organizational and legal form of local self-government is inseparably linked to its essence and should be regarded as the organization and structure of local self-government regulated by legislative acts. According to the author, the organizational and legal form of local self-government should be characterized from three aspects:

- 1) forms of organizing local self-government within administrative-territorial units;
- 2) forms through which citizens of the Republic of Azerbaijan exercise local self-government;
- 3) the structure and functional forms of local self-government.

In organizing local self-government within the administrative-territorial units of the Republic of Azerbaijan, along with the principle of

effective governance, the country's historical development and traditions have been considered as key criteria, like the practice of foreign states. At present, within the territorial structure of the Republic of Azerbaijan, 685 municipalities have been established across 67 districts, 11 cities of republican subordination, 262 settlements, 1,724 rural territorial districts, and 4,245 rural territorial units.⁴

Under the Constitution of the Republic of Azerbaijan, municipalities constitute the principal organizational and legal form of local self-government. However, citizens of the Republic of Azerbaijan exercise local self-government not only through municipalities but also directly. Forms of direct exercise of local self-government by citizens include local elections, local referenda, and citizens' assemblies.

In accordance with electoral legislation, the exercise of local self-government through local elections is ensured in the following sequence: 1) calling of elections; 2) establishment of electoral districts and polling stations; 3) formation of electoral bodies; 4) nomination and registration of candidates for municipal membership; 5) conduct of the election campaign; 6) holding of municipal elections and determination of election results.

One of the forms of local self-government provided for by the legislation is citizens' assemblies. As a result of reform measures implemented in 2024, municipalities with a population of fewer than 3,000 residents or fewer than 1,000 households were merged with other municipalities by decision of the Milli Majlis of the Republic of Azerbaijan, considering the socio-economic conditions that had emerged within them, as well as historical and other local characteristics. In our opinion, optional citizens' assemblies may be held at the level of neighbourhood committees. The holding of mandatory citizens' assemblies to resolve issues related to the merger of municipalities is provided for by the Law "On Joint Activity, Merger, Separation, and Dissolution of Municipalities." Another form of direct participation of citizens at the level of local self-government is the population's legislative initiative in the creation of municipal acts. The Law "On the Status of Municipalities" establishes a provision allowing citizens residing within a municipal territory to submit a draft normative act for consideration by the municipal council. At the same time, it is noteworthy

⁴ The Law about Amendments to the Law of the Republic of Azerbaijan "On Joint Activity, Merger, Separation, and Liquidation of Municipalities" (05.04.2024) [e-resource]: <https://president.az/az/articles/view/65516>

that the norm that ensures the regulation of the right of municipal residents to initiate norm-setting is not established by legislation.

Another form of direct participation of citizens in the local self-government system is municipal service. The Law 'On Municipal Service' (30 November 1999) defines municipal service as a permanent vocational activity within local self-government bodies (Article 2).

Two main bodies are distinguished within the municipalities of the Republic of Azerbaijan: the elected body (municipal council) and the executive body. The executive body functions on a permanent basis, while the elected body operates periodically as a decision-making body. The legal status of these bodies and the scope of their powers are regulated by legislation on local self-government.

Pursuant to Article 143 of the Constitution of the Republic of Azerbaijan, municipalities may also establish permanent and other commissions. The numerical composition, chairperson, and powers of these commissions are determined by the representative body of the municipality.

The activities of neighbourhood committees of municipalities are considered one of the organizational forms of local self-government. Neighbourhood committees resolve matters within their competence at their assemblies and adopt decisions on such matters by a simple majority of votes.

A comparative analysis of the norms governing local self-government as provided by the legislation of the Republic of Azerbaijan, the European Charter of Local Self-Government, and the relevant legislation of foreign countries confirms that the organizational forms of local self-government do not differ significantly across countries.

The fourth paragraph of the second chapter, entitled "**Problems of the Legal Assessment of Theoretical and Legal Approaches to the Organization of Local Self-Government in the Republic of Azerbaijan,**" notes that the need to formulate and solve research tasks aimed at developing a national concept of local self-government, analysing the main trends in the development of the right of local self-government of the local population at the regional level, and examining the forms and mechanisms of interaction between local self-government bodies and state authorities is indisputable. Undoubtedly, achieving a new quality of local self-government is impossible without fundamental changes in legal approaches to understanding the institutional foundations of the political and administrative processes of local democracy. In the post-Soviet period, there is a clear need to establish

the conceptual foundations for the development of the local self-government system in the Republic of Azerbaijan through identifying its key characteristics, implementing democratic local governance reforms, regulating relations between state authorities and local self-government bodies on the basis of the principle of equality, and drawing on positive foreign experience as well as the results of theoretical and legal approaches to the organization of local self-government.

Despite the considerable number of publications devoted to local self-government, its role in the political system of society and in the governance of local communities remains a poorly understood issue. The primary reason for this should be acknowledged as the ineffectiveness of the practical implementation of forms for exercising the population's right to local self-government. The functioning of local executive authorities as the main governing bodies at the local level, together with the concentration of power in the hands of heads of executive authorities, undermines public confidence in local self-government bodies. At the present stage, it is possible to accelerate reforms of the territorial, financial, and economic foundations of local self-government in the Republic of Azerbaijan by considering the relevant experience of foreign countries.

The development of a methodology for regulating interaction between state authorities and local self-government bodies constitutes one of the key directions of the concept for the development of local self-government. The effectiveness of theoretical and legal approaches to addressing this problem deserves particular attention. According to the first approach, local self-government represents a symbiosis of state and public principles, within which the overall governance of the country by the state and the recognition of the people as the source of power are indisputable. The powers of local self-government bodies and officials are viewed as a legal form through which the state delegates part of public affairs to these bodies.⁵

⁵ Krüger, D. Local self-governance in antiquity and in the global south: Theoretical and empirical insights from an interdisciplinary perspective / D.Krüger, C.Mohamad Klotzbach, R.Pfeilschifter, Berlin, Boston: De Gruyter. – 2023. – 674 p. [e-resource]: <https://doi.org/10.1515/9783110798098>

Gulay, V.V., Decentralisation mechanisms of local democracy political and administrative processes within contemporary Ukrainian scientific discourse. In Public administration and management: Modern scientific discussions / V.V. Gulay, N.V.Hrynoch. - p. 150–167. [e-resource]: <https://doi.org/10.30525/978-9934-26-022-3-9>
<http://baltijapublishing.lv/omp/index.php/bp/catalog/view/90/2278/4910-1>

According to the second approach, local self-government is regarded as a public-law institution, forming the foundation of civil society and serving as an instrument of democracy. Within this framework, it is accepted that the realization of societal interests can be ensured through the concept of local self-government.

Despite the existence of these approaches, the necessity of resolving the problem of constitutional and legal regulation of interaction between state authorities and local self-government bodies cannot be denied. To ensure the effectiveness of such regulation, the dissertation substantiates a classification of the principles governing state–municipal interaction and identifies their distinctive features.

At the current stage of development of local self-government theories, there is a tendency to synthesize various approaches that combine key points, including: the institutional framework, the expansion of central control in the legal and financial spheres while maintaining a certain autonomy in the competence of local self-government, the need to increase the use of effective management technologies in relations between the centre and local self-government bodies, and the need to study all aspects of issues related to the organization of their activities cannot be denied.

The third chapter, entitled **“Problems of Assessing the Compliance of the Local Self-Government System of the Republic of Azerbaijan with Legal Criteria,”** examines the issues related to evaluating the formation and development of local self-government according to constitutional and legal standards, as well as the assessment of the compliance of local self-government in the Republic of Azerbaijan with the principles of the European Charter of Local Self-Government.

The first paragraph of the third chapter, **“Assessment of the Formation and Development of Local Self-Government According to Constitutional and Legal Criteria,”** notes that the consolidation of the local self-government system in the Republic of Azerbaijan through the Constitution has been implemented based on a dualistic theory: the existence of both local state authorities and municipalities — as representative bodies of local self-government — has been established. The model chosen by Azerbaijan is based on the understanding of local self-government as a specific form of local public administration. According to this model, local executive and self-government bodies have no authority over one another. The powers of local self-government bodies are exercised in accordance with laws adopted by parliament, whereas the heads of local executive

authorities exercise their powers directly derived from the President of the Republic of Azerbaijan, thereby performing state authority functions. It follows that a key direction in the study of the organization of local governance, as well as the formation and development of local self-government based on constitutional and legal criteria, is the delineation of the powers of heads of local executive authorities and municipalities that interact in the local governance process. The powers of local executive authorities are defined by the Constitution and the Regulation on Local Executive Authorities (approved by the Decree of the President of the Republic of Azerbaijan on 21 December 2012) and encompass the overall administration of administrative units. These powers fully correspond to the functions of the executive authorities and do not give rise to any disputes. It should be acknowledged that most disputes arise due to the delegation of a significant portion of powers, foreseen in the Regulation on Local Executive Authorities, to local self-government bodies without adequate legal justification. To resolve the controversial issues related to municipal governance, it is confirmed as appropriate to base the exercise of powers of local self-government bodies on the principles consistent with international law, namely: the independent and definitive resolution and organization of local issues; compliance with the law in performing functions and duties; accountability for the execution of functions; and the provision of public services under the most favourable conditions.⁶

Based on an analysis of Anglo-Saxon, continental, mixed, and other models used in world practice for regulating relations between state authorities and local self-government bodies, as well as contemporary legal publications, the dissertation examines the classification of powers that municipalities in the Republic of Azerbaijan should possess; the forms of delegation of authority to local governments; and the legal aspects of the interaction between local authorities, state bodies, and local residents. The analysis of the interaction processes of local self-government bodies encompasses the types, channels, and content of mutual influence, the

⁶ Muminov, N., Alidjanova O., Mardonov K. Models of the development of local self-government and the experience of decentralization: An institutional approach / N.Muminov, O.Alidjanova, K.Mardonov [et al] International Journal of Psychosocial Rehabilitation, 2020, 24(04), 1954–1964. [e-resource]: <https://doi.org/10.37200/ijpr/v24i4/pr201304>

assessment of its effectiveness, and includes the joint social, economic, cultural, and political activities of self-government bodies together with local communities.

The second paragraph of chapter three, entitled **“Problems of Assessing the Compliance of Local Self-Government in the Republic of Azerbaijan with the Principles of the European Charter,”** notes that the European Charter of Local Self-Government serves as a cornerstone for the organization of local governance by emphasizing such fundamental principles as counter-centralization, democracy, autonomy, and financial independence. The study proceeds from an assessment of the extent to which Azerbaijan’s local self-government system complies with the principles established by the Charter and evaluates the degree of reform required to align the national system with the Charter’s standards. The dissertation employs a qualitative research methodology based on the analysis of legally significant documents, legal interpretations of the resolution of matters of local importance, and expert opinions. The analysis incorporates data and provisions from relevant legal acts, reports, and scholarly articles to assess the level of legal compliance and institutional flexibility in Azerbaijan. The findings indicate that, in Azerbaijan, the implementation of the ideals and principles of the European Charter — particularly in the fields of decentralization and the formation of local self-government bodies — has demonstrated a certain degree of theoretical and legal progress. Nevertheless, significant obstacles remain in ensuring effective local self-government, including the transfer of property into municipal ownership, the delegation of local governmental powers to municipalities, and the realization of local self-government autonomy and financial independence. It is well established that the European Charter of Local Self-Government sets forth the most important framework norms for local democracy and self-government in Europe. States that have ratified the Charter undertake obligations to implement these norms. In Azerbaijan, persistent problems include insufficient guarantees of municipal powers and property rights, inadequate financial support, and deficiencies in the electoral process. Addressing these issues confirms the necessity of implementing institutional measures aimed at aligning Azerbaijan’s local self-government system with the principles of the European Charter.

The European Charter of Local Self-Government, ratified by Azerbaijan in 2002, functions as a framework instrument for local governance and decentralization. Its implementation in Azerbaijan has

required substantial institutional adaptation to the principles and requirements of the Charter.⁷ It is possible to achieve the alignment of local self-government with the principles of the Charter by resolving institutional problems in the field of organizing the activities of municipal councils and executive bodies at the local level in legislation.⁸ The study demonstrates that several issues remain unresolved, including the limited powers of municipal councils, the absence of direct election of council members, the identification and assessment of municipalities' potential resources, and the preparation and submission of municipal reports.

Based on the analysis of the implementation of the European Charter of Local Self-Government in Azerbaijan, it has been established that the Republic faces the following difficulties in fulfilling the requirements of the Charter: 1) limited autonomy; 2) inadequate financial resources; 3) deficiencies in the electoral process; 4) bureaucratic barriers; 5) weak community participation; 6) lack of ensured participation of municipalities in the implementation of regional socio-economic and environmental programs.

Strengthening local autonomy, increasing transparency in the electoral process, improving the financial support of local self-government bodies, reducing bureaucratic obstacles, expanding public participation, and promoting sustainable development constitute key factors in ensuring full compliance with the European Charter and enhancing the system of local governance in Azerbaijan.

Chapter Four, entitled **“Constitutional and Legal Problems of Regulating Relations between Local Self-Government Bodies and State Authorities,”** examines issues related to the comparative legal assessment of the powers of local self-government bodies and state authorities in resolving matters of local importance. The chapter also evaluates the role of international legal approaches in regulating interaction between local self-government bodies and state authorities in the Republic of Azerbaijan.

⁷ Garajayev, C. J. Local self-government in the republic of Azerbaijan: Problems of the administrative supervision // “International Humanitarian University Herald. Jurisprudence.” - 2022. (57). 24–27. [e-resource]: <https://doi.org/10.32841/2307-1745.2022.57.5>

⁸ Erlingsson, G., Odalen J., Wångmar, E. How coerced municipal amalgamations thwart the values of local self-government/ G.Erlingsson, J.Odalén, E.Wångmar, Urban Affairs Review. -2020. -57(5), - p. 1226–1251. [Elektron resurs]: <https://doi.org/10.1177/1078087420921458>

In the first paragraph of the fourth chapter titled “**Comparative-Legal Assessment of the Powers of Local Self-Government Bodies and State Authorities in Resolving Local Matters,**” it is stated that the main goal set before the substantiation of the concept for regulating the interaction between state authorities and local self-government bodies is to determine the composition and functions of state authorities; to approve the structure and functions of local self-government bodies; to substantiate the conditions for implementing the interaction between state authorities and local self-government bodies; to determine the powers of state authorities and local self-government bodies in resolving local matters; and to ensure the application of effective management rules in the administrative territory through the justification of the organizational-legal forms of interaction between state authorities and local self-government bodies.

In the process of implementing local self-government in the Republic of Azerbaijan, the basic legal norms regulating the interaction between state authorities and local self-government bodies are enshrined in Articles 13, 29, 94, 109, and 142–146 of the Constitution of the Republic of Azerbaijan. As organizers of activities ensuring the implementation of the referenced provisions of the Constitution, the state authorities include the National Assembly of the Republic of Azerbaijan, the President of the Republic of Azerbaijan, and the central and local executive authorities.

In the formation of the local self-government system, the National Assembly of the Republic of Azerbaijan plays an important role by adopting constitutional provisions, laws, and decisions regarding the holding of elections to municipalities, the calling of referendums, and the determination of the status of municipalities. In accordance with Article 109 of the Constitution, the interactions between central and local executive authorities and local self-government bodies are carried out based on laws, decrees, and orders signed and published by the President of the Republic of Azerbaijan. The mutual relations between state authorities and municipalities are ensured by the establishment of a norm in Article 149 of the Constitution of a provision that establishes the mandatory application and enforcement of laws and other legally binding acts for municipalities. The research confirms the necessity of constitutionally and legally resolving the issue of determining the binding nature of the decisions of the Cabinet of Ministers of the Republic of Azerbaijan and the acts of central and local executive authorities for municipalities.

Most of the controversial issues related to the regulation of interactions between local state authorities and municipalities in the organization and implementation of local self-government are associated with overlaps in the division of management powers between the two bodies. From a comparative analysis of the provisions of the “Law on the Status of Municipalities” (July 2, 1999) and the Charter on Local Executive Authorities (approved by the Decree of the President of the Republic of Azerbaijan on June 6, 2012), regarding local matters solved within the powers of relevant authorities in the field of socio-economic development, it can be concluded that the resolution of local matters related to the development of administrative territories falls within the powers of both local executive authorities and municipalities. This complicates the management system of administrative-territorial units and leads to unnecessary increases in administrative costs. The dissertation acknowledges the existence of serious problems that must be resolved in establishing the legal mechanism for organizing local self-government, arising from the duplication of local authority powers of identical content and purpose in the Charter on Local Executive Authorities and the Law on the Status of Municipalities. Taking into account the results of studies conducted by domestic and foreign experts and scholars, as well as information presented in electronic resources, a proposal is substantiated for the adoption of a legal act that would ensure the regulation of interaction between state authorities, including regional state authorities, and municipalities within the framework of the general concept for the development of local self-government.

In the second paragraph of the fourth chapter, entitled **“The Role of International Legal Approaches in Regulating the Interaction between Local Self-Government Bodies and State Authorities in the Republic of Azerbaijan,”** the necessity of referring to the research of foreign scholars that reflects approaches to defining the boundaries for regulating relations between state authorities and local self-government bodies is emphasized. Using the method of abstraction, the dissertation highlights that the most important strategic problem in the current relations between state authorities and local self-government bodies in Azerbaijan concerns the determination of powers and responsibilities. As in European countries, the issue of relations between state and municipal bodies in the Republic of Azerbaijan should be resolved within the framework of constitutional law. This naturally raises the issue of the division of powers and the establishment of

interaction between the two levels of government. The effective functioning of municipalities is possible through organizational cooperation between state authorities and local self-government bodies, in which the provisions enshrined in the constitutions of states concerning the latter play an important role.⁹

The results obtained indicate that the establishment of regional state authorities can play an important role in the formation and development of local self-government in Azerbaijan. Interaction between regional state authorities and local self-government bodies would create favourable conditions for enhancing the role of municipalities in the implementation of state programs for the socio-economic development of regions. According to the findings of the study, the application of the institution of delegating certain state powers to local self-government bodies — recognized internationally and enshrined in the European Charter of Local Self-Government — is an objective process aimed at decentralization, which envisages assigning specific functions and responsibilities of local significance to local self-government bodies. There is a need to clarify the legislative concept concerning the subjects of jurisdiction and powers of local self-government bodies, the approaches to defining the boundaries of the competence of the state and local state authorities, as well as the approaches to specifying the powers of local self-government bodies at the constitutional level. In developed countries, it is of great importance for municipalities to fight for the expansion of their rights, to obtain the right to independently resolve as many issues as possible, and to create the opportunity to obtain the necessary financial resources to ensure that many of them currently exit the permanent subsidy regime. The main task is related to the large-scale improvement of municipalities' social relations and the refinement of the mechanism for regulating financial relations, which constitutes one of the most important components of local self-government.

The fifth chapter is titled **“Problems of Constitutional-Legal Assessment of the Future Development of Local Self-Government.”** It examines the problems arising in the constitutional-legal assessment of

⁹ Siur, N. Constitutional Principles of Local Self-Government / N. Siur, H. Kuzmenko, I. Pavlichenko, [et al] *Journal of Law and Sustainable Development*, - 2023. - 11(11). - Article - e2290. [e-resource]:
<https://doi.org/10.55908/sdgs.v11i11.2290>

obstacles in the process of local self-government development, considers the conceptual foundations of the mechanism for standardizing local self-government in the Republic of Azerbaijan, and substantiates a roadmap for the development of local self-government.

In the first paragraph of the fifth chapter, entitled **“Problems of Constitutional-Legal Assessment of Obstacles in the Process of Local Self-Government Development in the Republic of Azerbaijan,”** it is noted that the main goal in implementing the tasks defined by state policy in the field of local self-government development is to establish an effective constitutional-legal regulatory framework that ensures the elimination of internal and external factors hindering the development of local self-government. Differentiating the initial conditions for the implementation of local self-government ideology in Western Europe and post-Soviet republics, including Azerbaijan, reveals that the populations of post-Soviet republics were not fully prepared for the application of local self-government rights, which has resulted in significant obstacles to the realization of local self-government ideas. In order to create a concept for the development of local self-government in the Republic of Azerbaijan, it is of great importance to evaluate the results of organizational and legal measures implemented in the republic in 1999-2025 regarding the organization of local self-government and to take into account the monitoring materials, resolutions, recommendations and information of the Congress of Local and Regional Authorities of the Council of Europe. To identify shortcomings in municipal activity, it is appropriate to conduct a logical analysis of the criticisms noted in Recommendation No. 326 (2012) adopted by the Congress of Local and Regional Authorities on 17 October 2012. By analysing the Congress’s criticisms, factual data on municipal development in Azerbaijan can be compared with the guidelines of the European Charter of Local Self-Government, and existing deviations can be revealed. The Congress’s recommendation includes the following arguments: 1) the unclear definition of the concept of local self-government in the Law on the Status of Municipalities; 2) the parallelism in self-government delegated to local executive authorities and municipalities under the Constitution; 3) in practice, the dependence of municipalities on local executive authorities; 4) the imprecise division of powers and responsibilities between municipalities and local executive authorities; 5) the low level of funds allocated to municipalities by the state and the weak financial potential of municipalities; 6) the absence of proper procedures for

consultations with municipalities represented by national municipal associations in the process of planning and adopting municipal decisions; 7) gaps in legislation regulating the status and powers of municipal officials, as well as their rights and obligations; 8) weak management of municipal property and transfers of property from the state, particularly land; 9) lack of clarity in Article 146.4 of the Constitution regarding the reporting of local self-government bodies to the Parliament about their activities; 10) the absence of consultations between central authorities and representatives of the three national associations that do not practically represent the interests of municipalities at the national level in the process of decision-making in local self-government; 11) the fact that the capital of Azerbaijan is governed not by a democratically elected local council, but by an executive authority appointed solely by the President, without any democratic oversight.

It cannot be denied that addressing the above criticisms now and, in the future, would have a positive impact on the development of local self-government in Azerbaijan. However, it is important to assess whether these criticisms are justified. The criticisms concerning the definition of the status of local self-government, the delegation of local authority powers to local executive authorities and partially to municipalities, the dependence of municipalities on local executive authorities, and the weak financial potential of municipalities are confirmed as justified. This is supported both by the results of the study of constitutional-legal aspects of local self-government organization presented in the first and second chapters of the dissertation and by the relevant provisions enshrined in the European Charter of Local Self-Government. Other arguments indicated in the Congress's recommendation — for example, the absence in the European Charter of provisions defining the economic foundations of local self-government, the composition and establishment procedures of municipal property, the status of the advisory body involved in the planning and adoption of municipal decisions (acts), and the status of the capital city and the mechanism for the realization of self-government rights — are considered in the dissertation as unjustified and groundless.

Taking into account the results of the constitutional-legal assessment of the activities of local self-government bodies and the resolutions and recommendations of the Congress of Local and Regional Authorities of the Council of Europe, it is argued that the obstacles slowing down the establishment and development of the local self-government system in the Republic of Azerbaijan can be removed through the adoption of a state

program for the reconstruction of local governance in the country, and as a result of institutional reforms aimed at creating a local self-government system based on the principles of democracy and counter-centralization of power.

In the second paragraph of the fifth chapter, entitled **“Problems of Standardization of Local Self-Government in the Republic of Azerbaijan,”** it is noted that one of the mechanisms for the effective realization of citizens’ local self-government rights in any country is standardization. To eliminate the uncertain situation that arose in the Republic of Azerbaijan after the end of the period of rapid norm-setting in 1999-2003, it is necessary to implement specific institutional measures to improve the local governance mechanism. The standards intended for the organization and implementation of local self-government are established by the European Charter of Local Self-Government and conventions adopted by the Council of Europe and its bodies. Their practical implementation is carried out by the member state (for example, the Republic of Azerbaijan) through the adoption of relevant laws and is realized based on the framework norms of international law that determine the general principles, forms, and methods of regulating the activities of municipalities.¹⁰

To clarify the issue of standardization of local self-government, it is necessary to consider the provision of the Law of the Republic of Azerbaijan “On Standardization” (May 17, 2019) regarding the application of the concept of standards to the management system, as well as the initial provisions of the conceptual foundations of standardization. These include the purpose of the standard, its scope of application, definitions of standard-based concepts, a description of the essence of the standard, the certainty of information, and the conditions for the entry into force of the standard. The standards applied to regulate the organization and implementation of local self-government are based on the principles, requirements, and norms established by the European Charter of Local Self-Government. For the first time in municipal law, the dissertation develops the structure of a municipal management quality standard in accordance with the requirements of ISO 9001:2015.

¹⁰ Cherkasov A.I. Standards of the Council of Europe in the field of local self-government and problems of their implementation: 2016. [e-resource]: https://cyberleninka.ru/article/n/standarty_soveta_evropy_v_sfere_mestnogo_samoupravleniya_i_problemy_ih_realizatsii/viewer

To regulate the municipal management system based on the ISO 9001:2015 standard, the dissertation presents a sample document titled "Requirements for the Quality Management System of Municipal Services," prepared in accordance with the provisions of the European Charter of Local Self-Government, the Law of the Republic of Azerbaijan "On Standardization," and the Law of the Republic of Azerbaijan "On the Status of Municipalities." The potential use of this sample document for addressing issues related to the standardization of municipal activities cannot be denied. During future institutional reforms, as the scope of municipal powers expands, the standardization of local self-government in areas such as education, healthcare, public utilities, and other sectors should not be excluded. The dissertation emphasizes the advisability of distinguishing the process of standardization of the local self-government system according to the following stages:

- first stage – the creation and application of the basic standards for the establishment and functioning of the local self-government system, (based on the framework norms of the preamble of the European Charter);

- second stage – the national-level implementation of international municipal law norms regulating relations in the field of local self-government;

- third stage – the standardization of the process of establishment and organization of the activities of local self-government bodies (application of derivative standards).

From the research conducted in the dissertation on the standardization of local self-government, it can be concluded that, although the framework norms derived from the European Charter play an exceptional role in the legal regulation mechanism of the rights and responsibilities of local self-government bodies and officials, the criteria for differentiating management powers at various levels of local self-government are not defined by the European Charter. At present, the main task in the standardization of local self-government is to eliminate parallelism in the distribution of local authority powers between local executive authorities and municipalities, and to ensure the completeness and exclusivity of the powers delegated to local self-government bodies.

The effectiveness of local self-government standardization depends on improving the quality characteristics of the framework norms of the Charter,

resolving conflicts between international law and national law, achieving counter-centralization of state power and substantial restructuring of local government, and addressing issues related to ensuring citizen participation in municipal management.

In the third paragraph of the fifth chapter, entitled **“Roadmap for the Development of Local Self-Government in the Republic of Azerbaijan,”** the mechanism for resolving existing problems in the organization and implementation of local self-government within the framework of a Roadmap based on the Foresight methodology is examined. It is noted that with the help of the Roadmap, the situation that emerged between 2000 and 2024 is analysed, the strengths and weaknesses of the development process are identified, existing opportunities and potential threats are assessed, and goals for establishing the desired model of local self-government are justified. The Roadmap also outlines ways to resolve problems and eliminate obstacles during its implementation and establishes criteria and indicators for evaluating the execution of the Roadmap. The existing problems in the field of local self-government were identified in the result of a constitutional-legal assessment of obstacles hindering the development of local self-government. At the current stage, issues related to the development of "Smart City" and "Smart Village" concepts, the establishment of a special representation of the President of the Republic of Azerbaijan for the organization of state administration in the liberated territories, as well as the establishment of a government body representing the state in economic regions in the context of implementing institutional measures to regulate the new division of economic regions, the creation of a legal framework determining its status, the termination of the activities of local executive authorities should be resolved at the state level. Within the framework of the concept for the reconstruction of the local self-government system, the advisability of implementing institutional measures in two stages is emphasized.

In the first stage, it is planned, under a pilot project, to carry out legal, organizational, and economic measures conditional upon the restoration of property rights and local government powers of two or three municipalities that existed during the functioning of the local executive authorities in the territory of the Republic. The analysis of the results of implementing pilot projects will allow for evaluating the capacity of 2-3 municipalities with

property rights and local government authority to carry out administrative management at the local level during the trial period covered by the project, assessing the obstacles they face, and justifying ways to overcome them.

In the second stage of the reorganization of local government, it will be possible to determine the optimal number of municipalities by evaluating scenarios such as the termination of the activities of local executive authorities, the reduction of the number of currently existing municipalities, and the reorganization of local self-government in terms of territory. Most of the powers of the head of the local executive authority will be transferred to the municipalities, while several other powers will be delegated to the state authority at the economic district level. In 2024, in accordance with the official scenario for reducing the number of existing municipalities, the criterion of "a population of fewer than 3,000 or fewer than 1,000 households" will regulate the reduction of municipalities. However, this official decision does not eliminate the risks associated with fragmentation in the organization of local finances, the differentiation of transfers from the state budget to local budgets, or the emergence of endless disputes regarding whether the transfer is too small or too large. The official decision regulating the reduction of the number of municipalities in accordance with the official scenario for reducing the number of existing municipalities in 2024, "the number of population is less than 3,000 people or the number of households is less than 1,000 units," cannot eliminate the risk of endless disputes related to the elimination of fragmentation in the organization of local finances, the differentiation of transfers from the state budget to local budgets, and the existence of little or much transfer. In the medium-term perspective (after 2030), the scenario proposed in the dissertation for the centralization of local self-government at the district and city levels allows for predicting that the number of municipalities in the Republic will be less than 100 units.

As a result of the institutional changes carried out in accordance with the scenario of centralizing local self-government at the district and city levels, the administrative structure of the district municipality that is created or reorganized includes the apparatus ensuring its managerial functions within the district, representative offices by territorial units (district, city, settlement), and legal entities associated with the municipality. The chairman and members of the representative body of local self-government (council), as well as the head and deputy of the municipal administration,

are elected by the population through open voting. The mutual relations between local self-government bodies and regional state authorities, territorial units of municipalities, and subordinate legal entities must be regulated in accordance with legislative norms. In the roadmap for the development of local self-government, special attention should be paid to the implementation of tasks in the field of taking into account the opinion of the local population in the adoption of municipal decisions, organizing citizens' meetings, supporting the initiative of the population to create municipal acts, adopting decisions on citizens' appeals to municipal bodies and their officials, and organizing organizational and legal measures aimed at implementing other forms of population participation in the implementation of local self-government. The implementation of the measures provided for in the roadmap, as proposed in the dissertation, will make it possible to eliminate a significant part of the traditional criticisms reflected in the recommendations of the Congress of Local and Regional Authorities of the Council of Europe.¹¹

As a result of the changes made to the status of city municipalities during the local government reform, their powers will be expanded, their financial and economic bases will be strengthened, it will be possible to elect the heads of the municipal council and administration through direct voting, and management activities will be regulated based on the "Plan - Do - Check" model.

In cities of republican subordination that have the status of district centres, local self-government will be organized separately by city and district, and in districts that are considered administratively central cities, local self-government will be organized at the district level.

The roadmap envisages the adoption of the law on the capital city, the direct election of the members and chairman of the capital city municipal council as well as the heads of its administration, the distribution of powers between the apparatus of the capital municipality and the intra-city district municipalities and ensuring the efficiency of the financial activities of the capital municipality.

¹¹ Monitoring of the application of the European Charter of Local Self-Government in Ireland / by congress. -2023. [e-resource]: https://rm.coe.int/monitoring_of_the_application_of_the_european_charter_of_local_self_go/1680acd809

The implementation of measures, processes, and actions regulated by the roadmap for the development of the local self-government system is ensured through the monitoring of the roadmap. During monitoring, special attention is given to ensuring that the reform measures and scenarios lead to progressive changes in the local self-government system as intended.

As a result, the main provisions and recommendations on the results of the dissertation research have been substantiated.

List of published scientific works on the topic of the dissertation:

- 1. Problems of the Legal Regulation of the Activities of Local Government Bodies.** Scientific Journal of the National Aviation Academy, Volume 24, No1, 2022, DOI: 10.34826/NAA.2022.24.1.009
<https://scientific-journals.naa.edu.az/api/articles/get/117>
- 2. Differentiation of Standards in the Field of Local Self-Government and the Legal Assessment of Their Role in Regulating the Scope of Authority.** Law Journal. No 08 (358) / 2024, ISSN 2218-9130
<https://www.qanunjurnali.az/az/new/huseynov-sahil-zahir-oglu-yerli-ozunuidare-sahesinde-standartlarin-ferqlendirilmesi-ve-selahyyet-sferasinin-tenzimlenmesinde-rolunun-huquqi-qiymetlendirilmesi>
- 3. Problems of the Constitutional-Legal Differentiation of the Initial Conditions for the Implementation of the Ideology of Local Self-Government.** Scientific Journal of the Police Academy, Journal of Legal Science. No 1 (41), 2024, ISSN 2307-2504
DOI: <https://doi.org/10.62130/ZNZC9089>
- 4. Problems of the Constitutional-Legal Assessment of Obstacles Arising in the Process of Organizing Local Self-Government in the Republic of Azerbaijan.** Scientific Journal of the National Aviation Academy, Volume 26, No3, 2024, DOI:10.30546/EMNAA.2024.03.009
<https://scientific-journals.naa.edu.az/api/articles/get/369>
- 5. The Constitutional Nature of the Idea of Local Self-Government and the Problems of Denunciation in the European Charter.**

- Azerbaijan Law Journal. No1-2024, ISSN 1810-9055, DOI: 10.61638/AZLAWJL
<https://ahj.az/az/8-journal/68-2024-1.html>
6. **Constitutional and legal aspects of creating conceptual foundations for standardizing local self-government in the Republic of Azerbaijan.** Journal of Public Administration: Theory and Practice 4(88) 2024, ISSN 2309-1347
<https://legacy.dia.edu.az/arxivl%C9%99r/research/dovlet-idarecciliyi-nezeriyye-ve-tecrube-jurnali>
 7. **Problems of the Legal Assessment of the Role of Municipalities in the Implementation of Socio-Economic Development Programs and Strategies of the Republic of Azerbaijan.** Journal of Legal Sciences and Education. No (75) 2024, DOI: 10.25108/2304-1730-1749.iolr.2024.75.91-99
<https://www.iolr.org/wp-content/uploads/2024/07/Huseynov-S.Z.-Az%C9%99rbaycan-Respublikasinin-sosial.pdf>
 8. **Controversial Issues in the Standardization of Local Self-Government.** Journal of Legal Sciences and Education No (79) 2025, UOT: 342.553.
DOI: 10.25108/2304-1730-1749.iolr.2025.79.50-55.
<https://www.iolr.org/wp-content/uploads/2025/07/Huseynov-S.Z.-Yerli-ozunuidar%C9%99-sah%C9%99sind%C9%99.pdf>
 9. **Problems of assessing the legal construction of the local self-government system.** Scientific Journal of the Police Academy. No 1 (43), 2025.
DOI: <https://doi.org/10.62130/VNSS9616>
<https://www.pa.edu.az/upload/PA%20jurnal%C4%B1-%201-%202025%20online.pdf>
 10. **Monitoring the Roadmap for the Development of Local Self-Government and the Constitutional-Legal Assessment of the Results of Its Implementation.** Scientific Journal of the Police Academy. No 3 (45), 2025
 11. **Constitutional-Legal Conditions for the Classification of the Principles of Local Self-Government.** Topical Issues of Forensic Examination, Criminalistics, and Criminology. No 69 -2025

12. **Constitutional-Legal Aspects of Assessing the Principles of Local Self-Government.** Azerbaijan Lawyer. 2025-No1 (25). DOI:10.61638/ALJL2023
13. **Legal basis of mutual relations between state authorities and local self-government bodies in the management of settlements.** International Scientific Research Journal. 2025 / Volume: 5 Number: 5 / 11-16 DOI: <https://doi.org/10.36719/2789-6919/45/11-16>
14. **The constitutional nature of local self-government.** Amazonia Investiga – December 29, 2023. DOI: <https://doi.org/10.34069/AI/2023.72.12.20>
15. **Organisation of local self-government in the Republic of Azerbaijan.** Futurity Economics & Law. December 13, 2023. <https://doi.org/10.57125/FEL.2023.12.25.15>
16. **Local Self-Government Bodies in the Republic of Azerbaijan: Legal Status, Tasks and Prospects.** Futurity Economics & Law. May 29, 2023. DOI: <https://doi.org/10.57125/FEL.2023.06.25.02>
17. **European Charter of Local Self-Government and its Implementation in Azerbaijan: Assessing Legal Compliance and Institutional Adaptation.** Path of Science. 31.03.2024. DOI: 10.22178/pos.102-12
18. **Justice and Artificial Intelligence.** Revista Jurídica Portucalense No 36 (2024): July-December. DOI: [https://doi.org/10.34625/issn.2183-2705\(36\)2024](https://doi.org/10.34625/issn.2183-2705(36)2024)
19. **The modern vector of the development of science**
Proceedings of the XVIII International Scientific and Practical Conference 09-10 January 2025 Philadelphia, USA 2024
DOI <https://doi.org/10.5281/zenodo.14646632>
20. **Reorganization of local government.**
V International Scientific and Practical Conference «Questions. hypotheses. answers: science XXI century», December 19-20, 2023, Toronto, Canada. 129 p. DOI <https://doi.org/10.5281/zenodo.10432717>
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Proceedings of the Republican Scientific-Practical Conference named “From Victory to Victory, Azerbaijan!” Academy of the

State Security Service of the Republic of Azerbaijan named after Heydar Aliyev, 2 November 2022.

The Path of Our State's Victory Passes Through National Unity and Solidarity.

22. Proceedings of VI International Scientific and Practical Conference Munich, Germany 20-22 January 2025. ISBN 978-3-954753-06-2
Constitutional and legal aspects of assessment of the principles of local self-government.

<https://sci-conf.com.ua/vi-mizhnarodna-naukovo-praktichna-konferentsiya-scientific-research-modern-challenges-and-future-prospects-20-22-01-2025-myunhen-nimechchina-arhiv/>

23. Republican scientific-practical conference themed "Heydar Aliyev's state security policy: historical achievements and modern challenges" dedicated to the 102nd anniversary of the birth of the National Leader Heydar Aliyev and the "Year of Constitution and Sovereignty" by the Academy of the State Security Service of the Republic of Azerbaijan named after Heydar Aliyev, 7 May 2025. 07.05.2025

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24. VIII Republican Scientific Conference on Science and Education Research, 19 June 2025 / 6-9

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25. 1st International Law Congress of the Turkic States, Yeditepe University, 13-14 May 2025.

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