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THE IMPORTANCE OF LEGAL REFORMS IN STRENGTHENING AZERBAIJAN'S STATEHOOD (2016–2020)

Since 2016, legal and democratic reforms in Azerbaijan have been aimed at solving various problems in different spheres of society, both individually and completely. The reforms contributed to a new qualitative stage in the protection and provision of fundamental human rights and freedoms, created conditions for achieving effective results in the direction of building a society of civil self-government, and contributed to an increase in the degree of citizen participation in public administration.

Consistent legal democratic reforms carried out on the initiative and leadership of the Azerbaijani state and its head have created favorable conditions for ensuring civil solidarity, recognized even by political figures of the world's leading states, further strengthening socio-political stability, as well as the name of our state is sufficient in the field of democratic values and state building in the world, which led to the fact that we were on a par with the names of states with such influence.

During these years, the main results of political and legal democratic reforms were the improvement of the activities of two other branches of government – the judicial system and the Milli Majlis (The National Council), as well as the implementation of various laws adopted in this area.

Measures taken in the field of modernization of the public administration system and judicial and legal reform necessitate the creation of a penitentiary service and activities related to the execution of punishments in accordance with the requirements of the modern era and the organization of effective management.

One of the areas of legal democratic reforms carried out since 2016 is aimed at preventing corruption in the work of institutions carrying out economic activities in various public administration structures.

The holding of the referendum on September 26, 2016 was also due to the need to take into account the rapid innovations that have occurred in the political, economic and legal spheres in recent years. The amendments and additions approved at the referendum served to improve public administration, improve the legislative framework to ensure more reliable protection of human rights and freedoms, and increase the intensity of subsequent reforms.

Key words: *State of Azerbaijan, legal reform, election, prosecutor's office, court, referendum.*

Introduction. One of the main differences in the content of the new stage of the development of our statehood from 2003 to 2020 from previous years is that the legal-democratic reforms became more intensive and covered all areas of state building. In this regard, what happened in 2016–2020 years were of special importance. Since 2016, legal and democratic reforms in Azerbaijan have been aimed at solving various problems in different areas of society, either separately or completely. The reforms promoted a new qualitative stage in the protection and provision of basic human rights and freedoms, created conditions for achieving effective results in the direction of building a civil self-government society, and helped to increase the degree of participation of citizens in state administration.

It should be noted that Ilham Aliyev noted the importance of achievements related to socio-

economic life, including legal-democratic reforms, during his presidency years, and ensured that concrete and effective results were achieved in this direction.

I. Aliyev specially emphasized such a point during the implementation of legal and democratic reforms that reforms are being carried out boldly in both the political and economic spheres in the country. Such a position of the head of state is fully justified that “political and economic reforms, economic growth and democratization processes should be carried out in parallel, complementing each other. Otherwise, if the economic situation does not improve, if our economic plans are not implemented, of course, there can be no question of establishing a fully democratic society in Azerbaijan” [3, p. 1].

This meant that the development of our state and its prospects depend on the high level of socio-economic progress in the society as well as on the

processes of democratization, civil society building and other socio-political factors.

Taking all these into account, our head of state kept under daily control the issues related to the implementation of legal democratic reforms covering all spheres of activity of the state and society and fundamentally improving the situation there.

Sustainable and dynamic economic progress leading to material well-being of people can be achieved in countries where legal and democratic reforms are carried out consistently. Another important idea or conclusion that proves this is that the indicators of the state of Azerbaijan regarding the material well-being of its citizens at various levels of socio-economic development are much higher than the average world and European indicators, precisely because of the instructions of Ilham Aliyev in 2016-2020. It is the successful implementation of prepared infrastructure programs, projects involving state administration and other fields.

Continuation of legal reforms in the judicial system. The judicial system of the Republic of Azerbaijan has been in a different situation due to the wide scope of the legal-democratic reforms among the legal bodies, their gradual implementation, and the fact that they are more in line with the international level and standards in terms of their content and results.

The reforms started in this field under the leadership of National Leader H. Aliyev have been continued in a more intensive form since 2016. "On the basis of all the innovations implemented in the course of this stage of judicial reform, the new level of socio-economic development created by the renaissance process of our state in all spheres of social life, the transformation of our country into a member of the European legal space, from this point of view, the necessity of restructuring the affairs of the entire judicial and legal system was based" [5]. In the course of the reforms implemented for this purpose, justice has become more qualitative and effective with a new content and form.

In order to ensure the continuous progress of our country, the reforms implemented in all areas require the initiation of a new stage in the development of the judicial system and the deepening of reforms in this area.

The decree "On the deepening of reforms in the judicial-legal system" signed by the President of the Republic of Azerbaijan I. Aliyev on April 3, 2019 [6] gave impetus to the beginning of a new quality – modernization phase in the development of the court.

The new decree has given impetus to the acceleration of work towards the resolution of many overdue problems related to judicial activity.

In accordance with the requirements of the aforementioned decree, the procedural rules of the prosecutor's office in the course of court proceedings were further improved, the number of lawyers in the Republican National Lawyers Association, and the efficiency of their legal assistance to the population was further increased.

As a result of fulfilling the important and responsible tasks arising from the requirements of the decree in the following years, the forms of citizens' appeals to the judicial authorities were further simplified, the rules for the state registration of legal entities, the rules for the compilation of civil status acts of natural people, and the forms of obtaining legal assistance among the population in notaries and other structures were almost significantly reduced. helped to improve.

We would probably not be wrong if we say that the effective results of the reforms carried out over the years in the judicial legal system, in all the structures of the Ministry of Justice as a whole, have covered all areas of social life.

Under the leadership of the President of Azerbaijan, Ilham Aliyev, special attention is paid to the modernization of justice and court activities, facilitating the appeal opportunities of the population, and modern infrastructure is being created for this purpose. Over the past years, projects of modern buildings and complexes for up to 50 courts have been prepared at the expense of the state budget and in cooperation with the World Bank, 9 court buildings and 2 court complexes with 6 courts have been built and put into use. Currently, the construction of buildings and complexes for 5 courts is ongoing. President Ilham Aliyev's personal participation in the opening of many buildings and complexes, giving relevant recommendations and tasks is an indication of the high attention and care of our head of state in this area [2].

From the first days of its activity, President Ilham Aliyev, who paid special attention to increasing the efficiency of justice and modernizing the judicial system of our country, signed the Decree on the Humanization of the Penal Policy signed on February 10, 2017. It is a programmatic document in terms of renewing the view on security issues, improving the operation of the penitentiary system, and applying the most advanced practices available in the world in this field [7].

The measures carried out in the field of modernization of the state administration system

and judicial and legal reforms make it necessary to establish the penitentiary service and the activities related to the execution of punishments in accordance with the requirements of the modern era and organize efficient management.

Reforms in the prosecutor's office and the police.

As a result of successive reforms in the legal system and detailed updating of the legislative framework related to this area, the functioning mechanism of the power structures we have mentioned has been further improved.

The issues of improving the activities of these institutions, which have a special role in ensuring statehood and state security, have been one of the areas that I. Aliyev has paid special attention to all these years.

The continuation of legal-democratic reforms in the field of prosecution bodies, which traditionally played a leading role in the legal system after 2016, actually served to adapt the current situation in this direction to the advanced and universally accepted new rules in Europe and the world as a requirement of the time. The conclusion of the reforms carried out in the field of prosecution was to take into account the current development of our country and the principles of democratic legal state-building, to improve the work rules and powers of the prosecutor's office, and to transfer some of the previously performed functions to the court.

In connection with the implementation of the law adopted on October 20, 2017 on amending the criminal legislation in accordance with the requirements of the new stage of development, and in accordance with other legislative documents, the general control authority that hinders the market economy has been abolished, and new principles of cases of restrictions on human rights and freedoms by the prosecutor's office determined, the prosecutor's control was completely abolished in some state structures [1].

According to the new legislative rules, although the activities of prosecutor's offices are somewhat limited, now they are completely clarified, and some cases of duplication and inappropriate interference were eliminated. Initiating a criminal case and conducting a preliminary investigation, supervising the implementation and application of laws in the activities of investigative and operative investigative bodies, filing lawsuits in courts, protesting court decisions, etc. it was about the updated business rules.

As a result of the increasing role of the prosecutor's office in the country's legal system, greater trust and confidence in the prosecutor's office at a higher stage of development of our state, the process of defining new

tasks for this state institution is being carried out. It is no coincidence that in the new Code of Administrative Offenses of the Republic of Azerbaijan, which entered into force on March 1, 2016, special importance was given to the prosecutor's control in ensuring the rule of law, and the prosecutor's control was designed as a guarantee of the principle of rule of law.

In recent times, as a result of the joint activity of the Prosecutor's Office of the Republic of Azerbaijan in connection with other law enforcement agencies, first of all, in connection with internal affairs, justice and judicial bodies, serious qualitative changes have occurred in the dynamics and nature of criminality, and the number of registered crimes, including violent, serious and especially serious, criminal the number of crimes committed by groups decreased sharply year by year, crimes committed by organized gangs and criminal associations accounted for a very small percentage of such incidents. As a result of the systematic measures taken, the number of murders and attempted murders has decreased many times compared to the beginning of the 90s of the last century, when arbitrariness and lawlessness were rampant, while the criminogenic situation was kept under strict control, and particularly serious crimes were solved, numerous criminal gangs were neutralized, and guilty persons were brought to justice they deserved [1].

In order to celebrate the one-century jubilee date of the prosecutor's office, systematic and series of measures have been defined and organized and implemented in the General Prosecutor's Office and its structural institutions. For this purpose, by the order of the General Prosecutor's Office dated August 9, 2017, a wide commission was created and operated under the leadership of the Deputy Prosecutor General.

Another area where the reforms in the field of law expanded was the activity of the police. The main content of the new reforms is that the maintenance of public order is extremely important in the protection of statehood and the strengthening of the leading role of the police in this matter. During the research years, the Law on Police was amended twice in the Republic of Azerbaijan. Due to these changes, the police authorities had to raise their work to the level of current requirements and advanced world practice in important areas such as maintaining public order, ensuring public safety, timely detection or prevention of crimes and violations of law. The main purpose of the changes was to determine the mechanism of control over the police, to specify the legal forms of attitude to the illegal actions of police officers.

The implementation of the Decree of President Ilham Aliyev on the implementation of the Law No. 789-VQD dated October 2, 2017 of the Republic of Azerbaijan “On Amendments to the Law of the Republic of Azerbaijan “On Police” significantly improved the situation in this area [8].

Amendments to the Constitution are one of the main directions of legal reforms. When each qualitative stage in the development of the society ends and a new one begins, simultaneously with the increase of economic power in the society, the strengthening of democratic institutions, the expansion of the forms of participation and representation of citizens in the state administration process, making additions and changes to the constitution that envisage these innovations is a completely legal and natural process.

As a whole, the path of rapid development that began in the early years of the XXI century, the strengthening of democratic governance in all spheres of social life, the acceleration of the integration of statehood into the European space and the world, on the one hand, and the impossibility of the Basic Law remaining unchanged against the background of various reforms that modernized public administration and social and economic life, on the other hand, these were the conditions that made it necessary to hold the referendum on September 26.

It should be noted that as life, conditions, and society change, making additions and changes to the existing legislative framework, the Constitution, which is called the Basic Law in this field, was not an extraordinary event, but a slightly different form of ordinary legislative activity arising from the reality of the day and time.

The holding of the referendum on September 26, 2016 was also due to the need to take into account the rapid innovations that have taken place in the political, economic and legal fields in recent years. The amendments and additions approved in the referendum served to improve public administration, to improve the legislative framework that ensures more reliable protection of human rights and freedoms, and to increase the intensity of the next reforms.

Based on the results of the referendum, 23 articles of the Constitution were amended and a total of 6 articles were added. These are primarily aimed at improving the protection of human rights and freedoms, further improving the activity of state administrative bodies, strengthening legislative activity based on new, more advanced experience, strengthening political stability in society, and

ensuring the identification of new opportunities for improving the material well-being of citizens. “The fact that 60 percent or 15 of the changes made in the 23 articles of the Constitution belong to the “Basic human rights and freedoms section” of the Basic Law was in accordance with the content and requirements of the international laws that Azerbaijan has joined in this field in recent years” [10].

“Another innovation is the lowering of the voting age to 21” [4]. This implies the elimination of restrictions in the field of electing, being elected, and being appointed to public positions, as well as existing in the election legislation and basic laws of many countries in international practice.

Based on the results of the referendum held on September 26, 2016, there is no need to say additional arguments to prove that the additions and changes to the Basic Law further improve the state’s management system and further improvement of work in all areas of social life. This is proven by the content of the additions and changes, as well as the attitude and numerous opinions of people from different categories of the population, international analysis, well-known politicians, legal scholars [9].

Further improvement of the management system. The new change, as a completely new event in the history of the development of statehood, served to improve the administrative system, to increase the intensity of construction and management, to bring all areas and branches of administration closer to joint action in a state of unity in a new responsible historical stage.

Although the beginning of a new stage in the course of these reforms starting from 2016 actually came from many reasons, the result played an important role in ensuring the further development, progress, and security of Azerbaijan statehood.

The first steps of structural reforms have shown that it is in the interests of saving considerable state funds by optimizing relatively outdated forms of administration and management bodies that have been repeating each other for years, sometimes covering the same issues, and directing those funds to the development of areas that need it most, and development prospects make it happen faster.

In addition to showing that political and legal democratic reforms are of great importance in deepening the process of democratization in our society, we would like to take into account the main directions of their implementation.

First of all, legal reforms have become a particularly important area in the course of political reforms, and strengthening the independence of the court in

accordance with international standards has been the leading direction. In the course of legal democratic reforms, the empowerment of municipalities and other elected authorities and the level of participation in the management system have been increased.

During the research period, election rules and election legislation at all levels were significantly improved and adapted to international standards.

At the same time, the number of institutions whose activities are increasing in the field of civil society building has increased in the country.

As mentioned, the high level achieved in the course of political, administrative, legal and democratic reforms helped to solve new tasks and select higher goals in this direction.

Among the most important results of Ilham Aliyev's statehood development policy in 2016–2020, it was especially important to modernize Azerbaijan, to have a strong army capable of protecting our state's security and territorial integrity.

We must note that after the successful implementation of the legal reforms carried out in 2016-2020, the improvement of the legislative framework and the effective functioning of these structures in all areas of social life.

The most important result of Ilham Aliyev's policy of strengthening statehood is reaching today's high level of development, ensuring and maintaining political and economic stability.

The result. We would also like to express some of our thoughts on the main conclusions of

the path taken and the results of the work done during the research years. One of the main results of the implemented legal democratic reforms is that the establishment of local judicial structures in the regions has significantly reduced the flow of the population in the direction of the capital, unnecessary and meaningless correspondence, disputes and other procedural stages that cause dissatisfaction of the population have been shortened. Based on international experience and world standards in the field of protection and provision of basic human rights and freedoms, high-quality legislative acts and normative documents were prepared and implemented immediately;

– In the course of the legal-democratic reforms, the legal education activity of the population was successfully continued, and it was achieved that the citizens benefited from the necessary information about the fields of legal services and the forms of their use. The current level of political pluralism and civil solidarity in the society has been positively evaluated in the reports of international organizations.

If we briefly evaluate the importance of the results of the work carried out in the direction of the implementation of legal democratic reforms, we can say that today our state has achieved high achievements in the field of guaranteeing basic human rights and freedoms, and in a short period of time it has managed to achieve the results achieved by the leading world states for centuries.

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Шамілова А.М. ЗНАЧЕННЯ ПРАВОВИХ РЕФОРМ У ЗМІЦНЕННІ АЗЕРБАЙДЖАНСЬКОЇ ДЕРЖАВНОСТІ (2016–2020)

З 2016 року правові та демократичні реформи в Азербайджані спрямовані на вирішення різних проблем у різних сферах життя суспільства як окремо, так і повністю. Реформи сприяли новому якісному етапу у захисті та забезпеченні основних прав та свобод людини, створили умови для досягнення ефективних результатів у напрямі побудови суспільства громадянського самоврядування, сприяли підвищенню ступеня участі громадян у державному управлінні.

Послідовні правові демократичні реформи, проведені з ініціативи та керівництва Азербайджанської держави та її глави, створили сприятливі умови для забезпечення громадянської солідарності, визнаної навіть політичними діячами провідних світових держав, подальшого зміцнення суспільно-політичної стабільності, а також імені нашої держави достатня у сфері демократичних цінностей та державного будівництва у світі, що призвело до того, що ми опинилися в одному ряду із назвами держав з таким впливом.

У ці роки основними результатами політико-правових демократичних реформ стало вдосконалення діяльності двох інших гілок державної влади – судової системи та Міллі Меджлісу, а також реалізація різних законів, ухвалених у цій галузі.

Заходи, які здійснюються в галузі модернізації системи державного управління та судово-правової реформи, зумовлюють необхідність створення пенітенціарної служби та діяльності, пов'язаної з виконанням покарань, відповідно до вимог сучасної доби та організації ефективного управління.

Один із напрямів правових демократичних реформ, що проводяться з 2016 року, спрямований на запобігання корупції в роботі установ, які здійснюють економічну діяльність у різних структурах державного управління.

Проведення референдуму 26 вересня 2016 року було також зумовлене необхідністю взяти до уваги стрімкі новації, що сталися у політичній, економічній та правовій сферах за останні роки. Схвалені на референдумі поправки та доповнення послужили вдосконаленню державного управління, вдосконаленню законодавчої бази, що забезпечує більш надійний захист права і свободи людини, підвищення інтенсивності подальших реформ.

Ключові слова: Азербайджанська держава, правова реформа, вибори, прокуратура, суд, референдум.