

# ЮРИДИЧНІ НАУКИ

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## DEVELOPMENT STAGES OF THE CONSTITUTION OF THE REPUBLIC OF AZERBAIJAN

**Summary.** In the article the analysis of the stages of development of the Constitution of the Republic of Azerbaijan is reflected. The stages of development of the Constitution are related to the changes in the social and state structure of Azerbaijan. The Constitution contained traces of the ruling view of the state, law, their role in society, economic and social policy, and the situation of the Soviet man (so-called). The adoption of the new Constitution of the Republic of Azerbaijan was conditioned by the need to legally establish the radical socio-political and economic changes taking place in the country. The Constitution of the Republic of Azerbaijan has the highest legal force, direct effect and is applied throughout the territory of the Republic of Azerbaijan. Laws and legally enacting acts adopted in the Republic of Azerbaijan shall not contradict the Constitution of the Republic of Azerbaijan. The Constitution of the Republic of Azerbaijan covers not only the organization of the state, but also non-state spheres – the foundations of socio-economic structure, the cultural life of society, the rights, freedoms and responsibilities of man and citizen. Its regulatory role belongs to the whole state body. Therefore, the Constitution of the Republic of Azerbaijan establishes the foundations of its constitutional structure, the legal status of man and citizen, the main features of civil society, the unitary state structure, the principles of organization and activity of legislative, executive and judicial authorities in the Republic of Azerbaijan.

**Keywords:** state, Republic of Azerbaijan, law, constitution, legal status.

**Introduction.** The first Constitution of the Republic of Azerbaijan was adopted on May 29, 1921 by the First All-Azerbaijani Congress of Soviets. He initiated the development of the Constitution in the socialist type, and developed similar principles by adopting the subsequent constitutions of Azerbaijan in accordance with the constitutions of the USSR.

The social and political changes that took place in our republic after the Constitution of the Azerbaijan SSR in 1921, as a result, necessitated the adoption of new constitutions in 1927, 1937, 1978 and 1995.

### 1921-Constitution of the year

On May 6, 1921, the First All-Azerbaijani Congress of Soviets convened. The most important issues on the agenda were the adoption of the Constitution and the formation of the supreme authority. The first draft of the Constitution of Azerbaijan was discussed during the congress and adopted unanimously at a meeting on May 19. The Constitution established the establishment of the Soviet system in Azerbaijan and the protection of the interests and rights of workers [3].

The Constitution, which defined the form of government as the most democratic political form of the communist dictatorship – the Soviet republic – stated that the supreme power belonged to the workers and working peasants, to all those who lived by their labor.

The Constitution consisted of 5 sections, 15 chapters and 104 articles. The sections contained provisions on the political structure of the state, the rules of organization of the Soviet government, the rules and principles of elections to the Soviet authorities, the main provisions of budget law, the

description of the state symbols of the Azerbaijan SSR (coat of arms and flag). The Constitution enshrines the full sovereignty, independence and supremacy of Azerbaijan, and states that Azerbaijan, in the person of its supreme state power and administration, resolves all domestic and foreign policy issues without exception. Freedom of speech and press, freedom of assembly, rallies, street marches the right to equality, regardless of national, racial or religious affiliation, the right to associate in public organizations, free of charge.

Along with the granting of rights and freedoms and ensuring their implementation, the Constitution imposed certain obligations on citizens. Employment was considered an important duty. Although the constitution established the right to equality, it deprived some categories of people of the right to vote.

The first Constitution of Azerbaijan had a number of features that differed from the Constitution of other Soviet republics, primarily the RSFSR. The Constitution established a system of basic principles for the organization and operation of the state apparatus.

### 1927 Constitution

Establishment of the Transcaucasian Soviet Federative Socialist Republic (ZSFSR) and the USSR, Azerbaijan's accession to these state bodies, as well as the establishment of the Nakhchivan Autonomous Soviet Socialist Republic and the Nagorno-Karabakh Republic, renewal of a number of state bodies and special law enforcement agencies, resulted in changes both in the administrative-territorial division of the republic and in the structure and activity of the state apparatus. For this purpose, on March 14, 1925, numerous amendments

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and additions were made to the Constitution of Azerbaijan, and on April 14, the relevant authorities decided to adopt a new Constitution of the USSR. Socio-political, Innovations in socio-economic and legal life resulted in the adoption of the second Constitution of Azerbaijan on March 26, 1927 by the V All-Azerbaijan Congress of Soviets. The Constitution of Azerbaijan of 1927 consisted of 5 sections, 9 chapters and 101 articles.

The first section was devoted to general provisions. It contains 17 articles on the legal status of Azerbaijan in the USSR and the USSR, the supreme authorities, the rights of its citizens.

In Article 99 of the 1927 Constitution **State your coat of arms** The description is as follows. The state emblem of the Azerbaijan Soviet Socialist Republic, on the Azerbaijani and Russian languages: "Azerbaijan Soviet Socialist Republic" and "Proletarians of all countries unite!" consists of a star. In the Constitution of 1927 **State hymns** there was no article about [6, p. 181]. In Article 100 of the Constitution **Of the state flag** The national flag of the Azerbaijan Soviet Socialist Republic is made of a golden sickle and a hammer with a radius of 1/6 of the width of the flag in the upper left corner, near the flag tree, with a crescent and a five-pointed star inside a gold border; It consists of a red fabric with a length-to-width ratio of 2: 1. The diameter of the crescent is equal to 1/10 of the width of the flag; On the right side of the sickle and hammer there is an inscription in the old and new Turkish alphabet.

#### 1937 Constitution

It consisted of 14 chapters and 155 articles. The fundamental changes in the economic sphere, the class structure of society and national relations have led to a number of innovations in the system of state bodies and the principle of suffrage in accordance with the principles of socialist democracy started.

Although the state structure of the USSR was defined as a federal union of republics, the Azerbaijan SSR had a unitary structure, despite the presence of two autonomous bodies. While the Supreme Soviet, the supreme governing body of the Soviet Union, consisted of two chambers, the Supreme Soviet of Azerbaijan was unicameral. was selected. Both chambers were supposed to have the same number of deputies, which was a step taken to ensure equality of rights in both chambers. To elect 25 deputies to the Council of Nations from allied republics, 11 from autonomous republics, 5 from autonomous provinces and 1 from autonomous districts; as well as taking into account the presence of one autonomous republic and one autonomous region in the territory of Azerbaijan, it was determined that Azerbaijan will be represented in this council by 41 deputies. The total power of the Soviet Republic of Azerbaijan consisted of two groups of powers. The first group included the powers that make up the combined powers of the Soviet Union and the allied republics, and the second group included the exclusive powers of Azerbaijan [5]. Such a division of powers between the Soviet Union and the allied republics, including Azerbaijan, is an organic connection between their sovereignty, the implementation of the principle of democratic centralism, the "voluntary" transfer of part of Azerbaijan's rights to the Union, the agreement between the allied republics on the establishment

of the USSR agreement, the unified socialist nature of the economic and political system and the unequivocal dominance of socialist forms of property in all spheres of economic life of the Soviet Union, the general federal significance of one or another industry in accordance with the economic laws of socialism, etc. On September 17, 1937, the X Congress of Extraordinary Soviets of the Nakhchivan Autonomous Soviet Socialist Republic adopted a new Constitution of the autonomous republic.

The Constitution, prepared on the basis of the Constitution of the Azerbaijan SSR and reflecting its basic principles, consisting of 11 chapters and 115 articles, considered the legal status of the Nakhchivan Autonomous Soviet Socialist Republic, issues determining relations between Azerbaijan and the autonomous republic, constitutional norms strengthening the independence of the autonomous republic. The USSR was declared a socialist state within the autonomous rights of the Azerbaijan SSR. The Nakhchivan Autonomous Soviet Socialist Republic was represented in the supreme state authorities of Azerbaijan [7, p. 145]. The Nakhchivan Autonomous Soviet Socialist Republic was declared a socialist state within the autonomous rights of the Azerbaijan SSR. The Nakhchivan Autonomous Soviet Socialist Republic was represented in the supreme state authorities of Azerbaijan [7, p. 145]. The Nakhchivan Autonomous Soviet Socialist Republic was declared a socialist state within the autonomous rights of the Azerbaijan SSR. The Nakhchivan Autonomous Soviet Socialist Republic was represented in the supreme state authorities of Azerbaijan [7, p. 145].

#### 1978 Constitution

In the late 1960s, the idea of a rapid transition to communist society gradually collapsed, and in the early 1970s there was a need to develop a new Basic Law for a "developed socialist" society. After long work on a new, third draft Constitution of the Soviet Union, this Constitution was adopted on October 7, 1977. On April 21, 1978, at the seventh extraordinary session of the Supreme Soviet of the Republic, the fourth Constitution of Azerbaijan was adopted. This Constitution consisted of 11 sections, 22 chapters and 185 articles.

Unlike the previous Constitution, the 1978 Constitution combined separate chapters into sections. The Constitution states that Azerbaijan is a socialist nation-state, that all power belongs to the people, the exercise of state power by the people through the soviets, which form the basis of the political system, the organization of socialist ownership of the means of production, the economic independence of the centralized management of the economy and the initiative of enterprises, unions and other organizations, on the basis of state plans of economic and social development, taking into account the principles of the field and territory, the organization of an unshakable union of workers, peasants and intellectuals, the social basis of the state, etc. issues such as The Constitution introduces new forms of "direct democracy" – nationwide discussion and referendum; new civil rights: the right to complain about the actions of officials, the right to judicial protection against attacks on honor and dignity, the right to criticize the actions of state and public organizations, etc. reflected [8, p. 124].

For the first time, the Constitution enshrines the right to health care, the right to housing, the right to enjoy cultural achievements, and creative freedom. The Basic Law states that "rights and responsibilities are inseparable." As in the Constitution of the Union, for the first time in the Constitution of Azerbaijan, chapters such as political system, social development and culture, foreign policy and defense of the socialist homeland, the status of people's deputy were reflected in the preamble. made certain changes in the organization and activity of the bodies of the Azerbaijani SSR. Adoption of the Constitution of the Azerbaijan SSR in the Constitution of Azerbaijan of 1978 then making changes; Submission of the establishment of new autonomous republics and autonomous regions within Azerbaijan for approval by the Supreme Soviet of the USSR; approval of state economic and social development plans, state budget and reports on their implementation; The organization of bodies accountable to the Supreme Soviet of the Azerbaijan SSR was included.

According to the 1978 Constitution, this supreme body of government was to be elected for a term of 5 years in a constituency of 450 deputies with equal population. The chairman and four deputies were elected from among those deputies. Sessions of the Supreme Soviet were to be convened twice a year (spring and autumn sessions). In contrast to the Constitution, the 1978 Constitution established that other bodies also had the right to initiate legislation.

According to the Basic Law, the right of legislative initiative in the Supreme Soviet of the Azerbaijan SSR belongs to the Presidium of the Supreme Soviet of the Republic, it belonged to the Council of Ministers, the Nakhchivan Autonomous Soviet Socialist Republic in the form of its supreme state authorities, the permanent and other commissions of the Supreme Soviet of the Azerbaijan SSR, deputies of the Supreme Soviet of Azerbaijan, the Supreme Court and the Republican Prosecutor. The adopted laws, decisions and other acts of the Supreme Soviet were to be published in the Azerbaijani, Russian and Armenian languages under the signatures of the Chairman and Secretary of the Presidium. The permanent body of the Supreme Soviet of Azerbaijan was its Presidium. The Presidium of the Supreme Soviet was a body that carried out the functions of the supreme state authority of Azerbaijan within the limits provided for in the Constitution between its sessions. According to the 1978 Constitution, the Presidium of the Supreme Soviet of the Republic was to be elected from among the deputies, consisting of a chairman, three deputy chairmen (two of whom were chairmen of the relevant councils of autonomous bodies), a secretary of the Presidium and sixteen members of the Presi-

um. According to the 1978 Constitution, the powers of the Presidium of the Supreme Soviet were transferred to the next session of the Supreme Soviet for approval in the intersessional period. to establish ministries and state committees of the Azerbaijan SSR with the proposal.

#### **1995 Constitution**

In the spring of 1995, on the initiative of the President of the Republic of Azerbaijan, a draft of the new Constitution of the Republic of Azerbaijan was prepared. The new Constitution was adopted by popular vote on November 12, 1995, and entered into force on November 27, 1995, when the results of the referendum were published. Strengthening the foundations of the constitutional system, the Constitution of the Republic of Azerbaijan defines Azerbaijan as a unitary, democratic, legal, secular state with a republican form of government. The Constitution established the following principles by establishing universal values:

1. Man, his rights and freedoms are the highest values (recognition, observance and protection of human and civil rights and freedoms is the duty of the state).

2. The bearer of sovereignty and the only source of power is the people of Azerbaijan.

3. Social policy is aimed at creating conditions that ensure a decent life and free development of man.

4. Forms of state, private and municipal property are equally recognized and protected.

5. State power is exercised on the basis of the division of legislative, executive and judicial powers.

6. Local self-government is recognized and guaranteed as one of the key elements of a democratic state governed by the rule of law.

7. Ideological and political diversity, multi-party system is recognized. No ideology can be state or coercive.

8. The universally accepted principles and norms of international law, international treaties to which the Republic of Azerbaijan is a party are an integral part of its legislative system [10, p. 212].

The Constitution of the Republic of Azerbaijan has the highest legal force, direct effect and is applied throughout the territory of the Republic of Azerbaijan. Laws adopted in the Republic of Azerbaijan and normative legal acts below the law shall not contradict the Constitution of the Republic of Azerbaijan (Constitution of the Republic of Azerbaijan, Article 147). The transition from one social formation to another has led to radical changes in various spheres of society as a whole, which made it necessary to make the first constitutional amendments to the Constitution of the Republic of Azerbaijan of November 12, 1995. Significant changes and additions were made to 24 articles of the Constitution of the Republic of Azerbaijan by referendum on August 24, 2002, 46 articles on March 18, 2009 and 29 articles on September 26, 2016.

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