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**CONSTITUTIONAL – LEGAL BASES OF THE RIGHT TO
PETITION AND ITS IMPROVEMENT**

Specialty: 5607.01 – Constitution law; municipality law

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ABSTRACT

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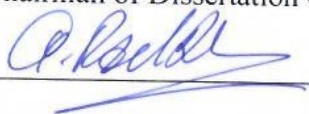
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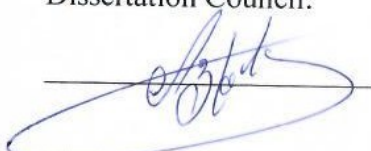
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GENERAL DESCRIPTION OF THE RESEARCH

Relevance of the topic. Recognition of human life, rights and freedom as the highest value and goal of the state as stated in Article 12.1, Constitution of the Republic of Azerbaijan is not of only declarative and complex nature, instead holding a very specific essence and significance. This, in the first place, implies that: “it is the state that must serve the people and not the other way around”. It is not coincidence that Head of State Ilham Aliyev has repeatedly underscored in his speeches that Azerbaijani citizen stands at the core of the state policy and all public officers, including himself, are people’s servicemen. He specifically noted that it is imperative for all government officers, heads of executive powers, and ministers to always serve the people¹.

Generally, the state shall always stay in service of people in civil and democratic countries where rule of law prevails, as long as it is the human beings that create all values available in the society and state by virtue of their intellect and labor and create the state itself through their general efforts. Such values are generated by each person for his/her benefit and therefore all values shall inure to the benefit of the individual.

Taking account the aforementioned, it appears that in-depth exploration of a citizen’s right to petition that define direct and back linkage between the citizen and state at this stage will adequately reflect it. This will certainly demand a qualitatively new approach in order to uncover the people’s potential in building a state newly stepped on the path of independent development. However, the potential expression of will by people has not been properly uncovered in terms of legal scientific and practice. Despite the previous superficial and abstract investigation of the concept of people’s applications, their typological classification in various research

¹ Mahmudov, Y.M. Heydər Əliyev: [2 cilddə] / Y.M.Mahmudov – Bakı: Turxan NPB, – c. 2. – 2013, – 704 s.

conducted in this area, failure to perform a comprehensive, complex, and comparative – legal research still remains a concern.

Ensuring citizen's individual rights to petition to government authorities and local self – administration bodies is a key for people's sovereignty and connection between the people and their representative. Citizen applications serve as a certain important linkage between the people and state that enables the former to convey their views on vital and urgent topics to the government authorities. Additionally, the information on the most urgent concerns set out in such applications will help to prevent and take prompt measures to avoid them in future.

As one of the key components ensuring direct linkage between a citizen and state defining the extent to which a citizen may be “satisfied” or “dissatisfied” with the state, formation of the right to petition, its place in the human rights system, its international and intrastate legal pillars and realization tools, concerns of developing national law establishing the right to petition in the Republic of Azerbaijan, implementation of technological advancements in the works of government authorities assuring the right to petition and implementation of e-applications system are of specific urgency.

Yet another reason pointing to the urgency of this topic is that it fully reflects the topics associated with a human and citizen's rights and freedoms and there is no general scientific research conducted relating to implementation of a citizen's right to petition, who may have complex rights that would enable to objectively assess responses by government authorities to citizens' requests.

Beginning to evolve back in the era of Roman state, the right to petition has made a long historic path of development, being subject to changes and improvement at various phases of history. In modern term, this is recognized as one of the first human rights that emerged at the time of widespread ideas of Enlightenment in West Europe². Finally, it is embedded in 1948 Universal Declaration of Human

² Kishlansky, M.A. A Brief History of Western Civilization: The Unfinished Legacy. – Longman, – 2002, – p. 412. – 713 p.

Rights as fundamental documents on protection of human rights (Articles 7,8) and 1966 International Covenant on Civil and Political Rights (Article 19), including regional legal acts. Article 13 of 1950 European Convention on Human Rights also ratified by the Republic of Azerbaijan reads as follows: “Everyone whose rights and freedoms as set forth in the Convention are violated shall have an effective remedy before a national authority”³. Any country, a member to the Convention shall, under certain circumstances, independently decide which protection forms and remedies to use. In this regard, as long as realization of the right to petition with international legal bases is largely dependent on states’ domestic laws, comparative – legal analysis and exploration of this area is of specific concern.

The right to petition partially overlaps with the state jurisdiction and sovereignty. In this context, a well-known international law expert Hersch Lauterpacht considers that the right to appeal is inseparable from both citizenship status and the entire international community⁴.

In scientific literature, the right to petition is regarded as one of the crucial and defining components of public governance and subsequently, improvement of the aforementioned law and its development concurrently with the development of the society is an objective necessity. Notably, S.F.Aliyev ascribes the right to petition to citizens’ imperative rights in public governance and the Constitution and legislation of the Republic of Azerbaijan attaches specific importance to the right to petition among the fundamental administrative rights⁵.

Thus, the subject of the right to petition and the person addressed go beyond the scope of citizenship and jurisdiction of a state. Considering the variety of thoughts available in legal literature, the

³ Davis, H. Human Rights Law Directions. – Oxford: Oxford University Press, – 2021, –p. 115. – 480 p.

⁴ Lauterpacht, H. International Law and human rights. – London: – 1950. – p. 287.

⁵ Əliyev, S.F. İnzibati hüquq. Dərslik, – Bakı: Bakı Universiteti Nəşriyyatı, – 2016, s. 75-76. – 686 s.

right to petition is of dual nature and importance such as: 1) a form of implementing the right to be involved in public governance and 2) a legal remedy for protecting human and civil rights and freedoms by sending applications and complaints to government authorities.

Hence, the right to petition may be presented as a form of using the right to be involved in public governance and may, at the time, serve as a way of protecting other subjective rights and freedoms of a person and a citizen.

The relation between the right to petition and other rights and freedoms is in the fact that a citizen's application is a precondition for realization tool of most rights and freedoms. In addition, provision of the right to petition presupposes protection of a person's individual, socio – economic and cultural rights and freedoms. Accordingly, we may state that the right to petition has multifaceted nature, i.e., this right may be viewed as a subjective and collective right; assessed as a political and personal right. It may be seen as a part of other political rights that facilitates implementation of the guidelines of lawful and democratic state only in combination with them.

As may be seen above, the right to petition is namely one of the forms of realizing the guidelines typical for a democratic state and consequently, investigation of theoretical and practical concerns as regards developmental traits and potential for improvement of this right are one of the matters of specific importance and concern for our Republic at present.

The right to petition ensures implementation of the right to petition to government authorities that will facilitate involvement in public governance of the citizens of the Republic of Azerbaijan and put in place the principle of people's governance as the most vital principle of constitutional. This right is also one of the main political rights of the citizens of the Republic of Azerbaijan.

Ensuring the said right depends both on the state itself (thereby, according to the Constitution of the Republic of Azerbaijan, the main task of the state is to protect human rights), and on the citizens'

activities, legal awareness, and readiness to defend their rights, that is, the degree of development of the civil society.

Currently, there are still some negative elements in the legislation of Republic of Azerbaijan regarding the possibility of realizing the right to appeal. Today, those negative factors create obstacles to the more effective and efficient application of the right to petition. In some cases, many acts issued by state bodies regarding the procedure for consideration of citizens' appeals within their powers do not comply with the laws. The inadequacy of a consistent and clear legislative framework, the presence of many normative legal acts that regulate certain issues of consideration of citizens' appeals, their conflict with each other creates difficulties not only for citizens, but also for the state bodies themselves in the process of reviewing appeals and making decisions.

Currently, in the process of formation of the information society in the Republic of Azerbaijan, it is one of the main tasks of the state to ensure the interests, rights and freedoms of the individual. Wide application of modern information technologies, innovative innovations, cloud technology, internet of things, artificial intelligence and other innovations have brought convenience and time saving to our lives.

The modern trend of democratic development in our Republic is the active introduction of the "electronic democracy" model into the legal reality by using the latest information and communication technologies as a special form of interaction between state bodies and the population through the involvement of citizens in the management of state affairs.

On the one hand, this has a positive effect on the strengthening of civil society institutions, and alternatively, it complicates the existing constitutional model of citizens' participation in the management of state affairs since the existing constitutional forms of civil relations are designed to expand the scope of defining and shaping the political will of people to form and express their interests, nonetheless not legally adapted to modern information society.

Proceeding from the aforementioned, the research in this direction is of utmost scientific concern and may serve as a practical way of solution against the backdrop of further improved proposals and legal norms put forward by the author if accepted.

In the same way, integration of the Republic of Azerbaijan into the world community, globalization of economic and social processes, development of information and telecommunication technologies, the steps taken by the Republic of Azerbaijan in the legislation towards the right to petition, urgency of studying the state of above matters in developed foreign countries in reference to international and domestic laws shall also be identified.

All these require detailed analysis of the practice to petition in order to harmonize and improve the domestic law on appeal of the citizen of the Republic of Azerbaijan to government authorities and its Constitution.

Along these lines, the relevance of the research is related to the problems in the normative-legal regulation of the right to apply and, as a rule, the realization of this right.

Level of scientific development of research topic. The topic under investigation demands reference to be made to general theoretical and areal scientific works. The concerns put forward for thesis work, including the research in the practice of the Republic of Azerbaijan have not been addressed until now, notwithstanding the comparative analysis of doctrinal approaches carried out to study the right to petition by some experts in constitution and administrative law on one hand and human rights defense issues on the other hand.

Therefore, the research comparatively explores the works by a number of local and foreign scientists investigating the international law, defense of human rights, constitution law, civil law, and administrative law.

Thesis work uses works of the following scientists in below fields: *Constitutional Law* - I.M. Jafarov, S.N. Bratus, N.V. Vitruk, N.I. Voevodin, E.A. Lukasheva, N.I. Matuzov, G. McLean, D.M. O'Brien, N. Dorsen, R. Shutze, M. L. Corrado, H. Matias;

Administrative Law - S.F. Aliyev, B.S. Atakishiyev, N.A. Bakhshiyeva, P.A. Belyakova, S.V. Kalinina, I.V. Panova, N.Y. Khamaneva, V.F. Fank, C.S. Sararu, J. Alder, M. Rush, E. Karolan;
Human Rights Protection - A.I. Aliyev, L.H. Huseynov, R.F. Mammadov, T.I. Huseynov, V.G. Rummyantsev, A.Y. Olimpiyev, A.I. Khafizova, N. Lauterpacht, H. Davis, B.G. Ramsharan, M. Freeman, U. Khalig, K. A. Muntagim, S. Maringele, B. Reveni, *Information Technologies* - R. M. Aliguliyev, I. L. Bachilo, T. A. Polyakova, S. A. Dyatlova, V. V. Andrianova, P. S. Pastukhov, V. O. Makarov, A. Toffler, D. West, K. Hacker, M. Marjolis, D. Taylor, D. Fountain, B. Shneiderman, V. Dutton, V. Kutrakou, M. Lipe, B. Lowder, D. Morison, B. Haq, D. Holmes, C. Dragos, C.L. Alvarez, M.A. Munir;
The Right of Appeal - E.R. Adamov, Y.N. Alistratova, A.A. Dvorak, M.A. Mironov, V.G. Skryabina, S.A. Shirobokov, V.A. Mesheryagina, G. Yoannis, S. Keilor, T.D. Shumate, T. Krumins, T. Tiburkio, R.J. Krotoszinski, A. Stone.

Moreover, comparative analysis of the research works currently published shows not all the matters relating to citizens' right to petition to government authorities are covered at present and there is a huge potential for a more detailed and in-depth study of it depending on the prism of legal fields and specifics of their right to petition to government authorities considering the scope and significance of implementing such a right.

This topic has not been subject of detailed monographic research in terms of current legislation in the jurisprudence of Azerbaijan thus far.

Object and subject of the research. The public relationships emerging in international and intrastate legal fields in the right to petition form the object and the international legal acts, decisions and resolutions by international institutions, rulings by courts, legislation of the USA and EU, the legal norms embedded in the law of the Republic of Azerbaijan in the right to petition form the subject of this investigation.

Aims and objectives of the research. The major aim of the thesis work is to analyze the theoretical – legal pillars and aspects of the right to petition to government authorities by citizens. Furthermore, the research intends to elaborate scientifically grounded proposals for developing and improving domestic law ensuring the right to petition and determine general rules.

To achieve the aforementioned, the research works outlines **the following tasks:**

- examine the historical aspects of the emergence of the right to petition;
- study the formation and development of the legislation related to the right of citizens to petition, emphasize the unique features of the mentioned right at different stages of history, determine future development trends;
- study the scientific and theoretical bases that allow to approach the study of citizens' right to petition;
- examine the relationship of the right to petition as a subjective right with other constitutional rights and freedoms;
- study the international legal bases and standards of the right to petition;
- determine the development trend of the right to petition in the United States of America;
- study the development directions of the right to petition in the experience of developed European countries;
- analyze the concept given to the right of citizens to appeal to state bodies in legislation and legal doctrine of the Republic of Azerbaijan;
- analyze the legal framework regulating the implementation of the right to petition of the citizens of the Republic of Azerbaijan;
- determine the directions and principles of action of state bodies in the realization of the right of citizens to petition in the Republic of Azerbaijan;

- reveal the existing problems in the activity of state bodies on the realization of the right to petition in the Republic of Azerbaijan;
- analyze the possibilities of applying innovative innovations in the activity of state bodies on the implementation of the right to petition, especially analyze the legal and organizational problems arising in the application of the electronic application system;
- conduct a comparative-legal analysis of the international and legislation of the Republic of Azerbaijan in force in this field in order to reveal the possibilities of improving the national legislation on the implementation of the right to petition in the Republic of Azerbaijan;
- put forward specific proposals and recommendations on the improvement of the legislation of the Republic of Azerbaijan aimed at international standards in the direction of the implementation of the right to petition in the Republic of Azerbaijan.

Research methods. The research work serves the universal dialectical method of cognition and the scientific methods arising from it, the system, specific-sociological, technical-legal, comparative jurisprudence method and socio-political method and other scientific methods. Normative-legal, historical, system-functional, comparative-legal and other special knowledge methods were used in the dissertation work. Their application allowed the dissertator to comprehensively and objectively investigate the considered objects in interaction, as a whole.

Main scientific provisions for the dissertation defense. The new scientific precepts, expressing scientific novelty of the research are presented below:

1. When establishing the content and essence of the right to petition, the scientific precept to be taken into account is that the right to petition is, by definition, a specific right such that this right implies the possibility of the person to both realize his rights before the

government and recover it when it is violated. In this regard, the right to petition to government authorities is a constitutional right to petition to government authorities individually or collectively, orally or in writing in order to protect rights and freedoms, legal interests as well as recover violated rights by a person or individual as well as public institution directly or through their representative. It must be considered in this context that the right to petition is a naturally appearing need and legislative stipulation of this right is deemed to be a qualitatively new stage in the development of a lawful state.

2. Based on the comparative analysis of the right to appeal, that is, with other constitutional rights and freedoms (based on its classification by subject and its establishment in the constitution), it can be concluded that the right to appeal can be attributed to both personal and political rights and social rights as appeals are an imperative condition for the realization of the majority of citizens' constitutional rights. It has been determined that the petition is a complex and universal constitutional right that permits to ensure the interests of the subjects and to exercise their will, regardless of its specific content. Only by taking into account the scope of the right to appeal in a broad sense (that is, as an opportunity for the subject to satisfy his/her interests and exercise his/her will, regardless of the socio-political component of his/her demand), one can think about the acceptable and sufficient measure of the possible behavior of a person acting to satisfy his/her needs.

3. The right to petition, which is a subjective constitutional right, performs the following functions: a) legal defense function (protecting human rights, restoring them in case of violation); b) informational function (that is, citizens' appeals act as the most important source of information that allows the state to solve the problems of its citizens); communication function (communication in which citizens' appeals can be a means of information exchange between the state and citizens and at the same time act as a kind of influence channel that citizens have the opportunity to use).

4. Regarding the international legal basis of the right to petition, it should be emphasized that the formation of this right and its normative determination in international legal documents developed in the context of the protection of human rights and freedoms. Such development resulted in the inclusion of the right to appeal as a separate norm in the constitutions of civilized, democratic and legal states. The fundamental difference between international legal acts related to the right to petition and national legislation is that in international legal acts, the concept of "everyone" is used when defining the subject range of this right, while in national laws and constitutions, the concept of "citizen" is usually preferred.

5. The content and understanding of the right to petition in foreign countries is directly related to the right to freedom of opinion and speech, depending significantly on the type of political regime and form of government. In countries with democratic political regimes, this right has the following goals: protection and restoration of human rights, participation of citizens in the political life of the country; In countries with a totalitarian political regime - the implementation of the state ideology, control over the thoughts and actions of citizens, their obedience to the state ideology; In theocratic monarchies, the content of appeals, like other thoughts and actions of subjects, should not deviate from the requirements, principles and rules of the reigning religion.

6. The content and understanding of the right to petition in foreign countries is directly related to the right to freedom of opinion and speech, depending significantly on the type of political regime and form of government. In countries with democratic political regimes, this right has the following goals: protection and restoration of human rights, participation of citizens in the political life of the country; In countries with a totalitarian political regime - the implementation of the state ideology, control over the thoughts and actions of citizens, their obedience to the state ideology; In theocratic monarchies, the content of appeals, like other thoughts and actions of subjects, should

not deviate from the requirements, principles and rules of the ruling religion.

7. In addition to the countries of the European Union, the experience of the United States should be taken into account in improving the right to petition and changing it according to the realities of the time. In the US legal system, there is a judicial and administrative procedure for processing citizens' appeals. Administrative agencies (sometimes referred to as agencies) are the main body for handling complaints about the actions and decisions of government officials. Under the name of the agency, essentially all government bodies, including departments (ministries), are united. But in practice, hundreds of administrative agencies differ from departments in that they perform "quasi-judicial" functions in addition to their usual administrative functions. A "quasi-judicial" procedure for dealing with cases and disputes generally refers to a procedure in accordance with the principles of "natural justice".

8. The analysis of the issues of consideration of the appeals of the citizens to The National Assembly (Milli Majlis) of the Republic of Azerbaijan, the President of the Republic of Azerbaijan and the executive authorities gives grounds for saying that the appeal of the citizens to the state authorities in our Republic and the timely consideration of these appeals are among the most pressing issues in the modern era in the context of the protection of human rights. The point is that ensuring the subjective rights of citizens to petition to state bodies and local self-government bodies is one of the guarantees of people's sovereignty and is a link between the people and their representatives. Currently, the procedure for submitting and considering citizens' appeals is regulated by many different normative legal acts, but in those normative acts, there are negative situations in terms of terminological differences, diversity of subjects, the procedure for considering appeals and response periods, which makes it difficult to exercise the rights of citizens to appeal to a certain extent.

We believe that first of all, all normative acts in force in the sphere of the right to appeal should be systematized on the basis of

common principles and concepts. There is a need to improve and make specific additions and amendments to the current legislation of the Republic of Azerbaijan regarding the consideration of citizens' appeals.

9. In modern day, the current trend of the legal system of the Republic of Azerbaijan is observed with the transformation of most of the services provided to the population into electronic services. At present, the application of innovative advances is an absolute condition for improving the right of people to petition. The introduction of scientific and technological innovations, first of all, significantly increases the criteria of time saving and efficiency. In our time, the provision of public services and the application of innovative innovations in this field function as an important component of the e-government making process. The primary goal of creating an e-government is to increase the efficiency of public services. The main principle is to provide public services in electronic or online form. Chiefly, e-government is an objective reality reflecting the formation and development of computerized state institutions in the information society. The goal of the e-government is to increase the effectiveness of public services provided to the population.

10. The cases revealed during the analysis of issues related to the content and meaning of the right to petition in other countries were determined by the protection and restoration of human rights, the existence of different opportunities for citizens to participate in the political life of the country. This undoubtedly allows us to think about the analysis of the right to appeal from the point of view of the constitutional right, that the successful steps taken in the direction of the mechanisms for improving the citizens' right to appeal from the quality point of view should be continued and deepened. Unquestionably, the method of comparative analysis is intended to ensure the emergence of opportunities that are more progressive. It should be noted that the Azerbaijani model is being studied and adopted as an example in a number of countries thanks to the relevant

tasks of our head of state in order to ensure operability, transparency, accessibility, and satisfaction in this area.

11. The application of modern information and communication (ICT) technologies has had a positive effect on increasing the efficiency of reforms in the judicial and legal system. The electronic court should increase the effectiveness of court services for the population by using ICT capabilities, ensure transparency and strengthen the public's trust in the court. With reference to international legal documents, let us note that the electronic court should also provide the population with free and unhindered access to information in the legal and judicial sphere. In this process, the main attention should be paid to the issue of electronic exchange of documents. Conditions should be created so that people can restore their rights without wasting time, without incurring additional costs, and without being subjected to procrastination. In other words, the population's real access to justice should be possible as a result of using ICT opportunities.

Scientific novelty of the research. The choice of the research topic is due to the urgency of the problem and insufficient investigation in legal science. In this work, the author for the first time comprehensively investigated the constitutional and legal aspects of the implementation of the right to appeal to state bodies.

The present research work is the first research work dedicated to the study of the general development patterns of the right to appeal. For the first time within the framework of the research work, the international and domestic experience determining the current trends in the legal regulation of public relations related to the right to appeal was analyzed; the prerequisites for the development of the right to petition in the Republic of Azerbaijan have been explained, the place and role of this right in the legal system of the Republic of Azerbaijan have been defined, and its complex nature and interdisciplinary importance have been justified; the purpose of the right to appeal and the theoretical and legal content of the corresponding subjective right are disclosed and clarified; loopholes and deficiencies in the legal

regulation of the social relations under review were discovered; proposals were made to improve the legal regulation of public relations in the field of the development of the right to petition.

In this research, for the first time in national legal science, a comprehensive analysis of the legislation of the United States and developed European countries in the field of the right to petition, emerging approaches related to their application in administrative and judicial practice are studied, the positive elements of foreign experience in the legal system of the Republic of Azerbaijan, specifically, the possibilities of its use in law making and law implementation activities have been clarified.

Theoretical and practical significance of the research. The results and practical recommendations developed as a result of the research may be used as a basis for the activities of state bodies to improve and develop the existing legislation in the field of guaranteeing the right to appeal. In addition, the proposed practical recommendations will increase the effectiveness of the protection of other constitutional rights and freedoms of citizens.

The results of dissertation research may be used in the teaching of courses and additional academic subjects such as "Theory of State and Law", "Constitutional Law", "Administrative Law", "Human Rights", "Sociology" and "Political Sciences".

Approbation and implementation. The main provisions of the research work are reflected in the scientific works published by the author in various languages on the topic of the thesis in prestigious scientific journals of local and foreign countries, as well as in the materials of international scientific conferences.

Name of the organization where the dissertation work is carried out. The thesis work was carried out at the Law Department of the National Aviation Academy and recommended for defense after being discussed in detail.

Structure and the scope of the research. Structurally, the research paper consists of 139 pages with an introduction, three chapters of ten paragraphs, a conclusion, and a list of references. It

consists of Introduction (32034), Chapter I (58362), Chapter II (64550), Chapter III (110868), Conclusion (18314), Bibliography (18921) and the total volume of the dissertation (306260).

BRIEF SUMMARY OF RESEARCH

In the introductory part of the research work, the relevance of the topic is justified, the degree of scientific elaboration, the object and subject of the research, its goals and objectives, its methodological and theoretical foundations are defined, the scientific innovation of the work, the new scientific provisions presented for defense and their practical importance are explained, the approval of the research results and the structure of the research information is provided.

The first chapter is entitled as "Formation of the right to appeal: concept, theoretical-legal foundations and place in the human rights system" and consists of three paragraphs.

The first paragraph explores the historical development of the right to appeal.

The first legal mechanisms for both filing and hearing cases in courts appeared mainly in the Roman state. During the early Middle Ages, feudal disarray reigned in Europe. Issues such as the presence of centralized states in the formation stage and the weakness of the state administration system also had a negative impact on people's right to appeal.

The French Constitution of September 3, 1791, granted everyone, as a natural and civil right, "the freedom of applying to the authorities determined by petitions signed by certain citizens." Accordingly, in the history of this country, the right of citizens to petition has gone through a long path of development and has been formed as one of the basic elements of the legal status of a person and a citizen in the developed countries of the world.

In the 20th century, the most important international document establishing the right to petition to state authorities is the Universal Declaration of Human Rights adopted in 1948. However, the right to

petition to state authorities is the same as the right to judicial protection (art. 7), it can result in the right to effective restoration of rights by competent national courts in cases of violation of fundamental rights (art. 8), the right to freedom of belief and free expression (art. 19) was also found in the Declaration.

It is thought-provoking that in modern Europe the right to appeal to state bodies is developing quite dynamically, consequently open and accessible institutions are created that help dialogue and more active involvement of citizens in political processes.

The second paragraph examines the issues related to the concept, essence, structure and legal nature of the right to appeal: theoretical-legal analysis.

The right to appeal, which is a subjective, constitutional right as an element of a democratic, legal state, acts both as a part of the mechanism of democracy and as a form of direct democracy. However, since many lawyers have different points of view regarding the definition of the concept of direct democracy, the issue of classifying the right to appeal into forms of direct democracy cannot be disputed.

The constitutional right of citizens to petition to state bodies and thereby participate in the management of state and public affairs is one of the principles of relations between the state and citizens.

Thus, based on the complicated, complex nature of the essence of the right to appeal, it can be said that it is an information feedback channel and that it consists of a close, interconnected and interdependent relationship with other constitutional rights, and in most cases it is a way. In addition, the right to appeal to state bodies refers to both personal rights (the right to protect rights and freedoms, the right to freedom of expression, etc.) and political rights (the right to participate in the management of state affairs) and is an integral part of a person's legal status.

Third paragraph discusses the place the right to petition holds in the system of human rights and freedoms.

Since the right of citizens to appeal has acquired a constitutional nature, it is necessary to classify subjective rights and

freedoms in terms of the division of personal, political and socio-economical rights that are generally accepted as national state-legal. If we are based on the direct relationship between the right of citizens to appeal and the consideration and satisfaction of individual complaints, it can of course be classified as personal (individual) rights.

The protective function of the right to petition also manifests itself in the implementation of socio-economic rights and freedoms.

Thus, the precondition for the connection of the right to appeal with other rights and freedoms is that the precondition for the implementation mechanism of most rights and freedoms is the citizen's appeal. In addition, ensuring the right to appeal is the protection of a person's personal, socio-economic, and cultural rights and freedoms.

The second chapter is entitled as "International and domestic legal foundations and implementation mechanisms of the right to appeal" and consists of three paragraphs.

The first paragraph discusses the international legal bases and standards problem of the right to petition.

The main international legal acts establishing the right to apply to public authorities in one form, or another are the Universal Declaration of Human Rights dated 1948, the International Covenant on Civil and Political Rights dated December 16, 1966, and the International Covenant on Economic, Social and Cultural Rights are pacts. The 1948 Declaration guarantees the right of everyone to an equal level of protection (art. 7), as well as the effective redress of rights in competent national courts (art. 8). In addition, Article 19 of the Declaration declares the freedom of everyone to express their opinions and opinions freely.

Article 10 of the European Convention on Human Rights establishes the norm "everyone has the right to freely express his opinions". This right includes the freedom to express one's opinions, the freedom to receive and disseminate information and ideas without any interference by state authorities or state borders.

The analysis of universal and regional-based international legal acts on the right to appeal also suggests that the right to petition to

public authorities is an independent element of international standards in the field of fundamental rights and freedoms.

The second paragraph discusses the matters relating to the development trends of the right to petition in the United States of America.

In the US legal system, there is a judicial and administrative procedure for processing citizens' appeals. Administrative agencies (sometimes referred to as agencies) are the main body for handling complaints about the actions and decisions of government officials. Under the name of the agency, essentially all government bodies, including departments (ministries), are united. Although in practice, hundreds of administrative agencies differ from departments in that they perform "quasi-judicial" functions in addition to their usual administrative functions.

In many American states, the role of non-traditional forms of democratic control over the legality of the activities of state bodies and their officials is increasing. These forms include the institution of ombudsman.

When studying issues related to citizens' appeals in the United States, we consider it proper to pay attention to the procedures for citizens' appeals to the President of the United States.

The third paragraph discusses issues related to the development directions of the right to apply in the practice of European countries are examined.

Issues of human rights protection are constantly in the focus of the highest state authorities in European countries. In particular, the trends of renewal and improvement are observed in the issues related to the right to appeal. Practically, in all Western European countries the right of citizens to apply to state bodies and local self-government bodies is ensured by legislation. In some countries, this right is established in the constitutional order, and in others, it is confirmed by the law and legal acts.

In the democratic countries of Western Europe, the right to apply is aimed at the participation of citizens in the management of state

affairs, the implementation and protection of human rights and freedoms.

Both normative and organizational mechanisms of this right are widespread in the developed democratic countries of Western Europe. This is not a coincidence, because globalization and international law help to unify the legal systems of different states. International principles, including respect for human rights and freedoms, are binding on all countries of the world community. Foreign countries attach great importance to the right to appeal, to the participation of citizens in the adoption of important public decisions, and to the protection of their rights and freedoms.

Third chapter is titled as “Improvement of legal regulation of the realization tools of the right to petition in Azerbaijan and several concerns in this area” and comprises four paragraphs.

The first paragraph examines matters related to the development of national legislation establishing the right to apply.

The right to appeal, which was first established in the 1995 Constitution of the Republic of Azerbaijan, was later specified, and developed in the field legislation. Legal problems related to the use of the right of citizens to appeal to state bodies have been the subject of discussion in the works of legal scholars and a number of prominent human rights defenders.

There is a need to improve and make concrete additions and amendments to the current legislation of the Republic of Azerbaijan regarding consideration of citizens' appeals. Referring to legal literature and doctrinal approaches, let us mention that the legislation on the right to apply can be divided into general and special acts. First of all, the Constitution of the Republic of Azerbaijan should be applied to acts of a general nature. Articles 24, 50, 54, 55, 57, 60, 68 of the Constitution of the Republic of Azerbaijan generally establish the norms related to the right to appeal.

In the national legislative system regulating the right to apply, after the Constitution of the Republic of Azerbaijan, laws and acts of the President of the Republic of Azerbaijan are of great significance.

The laws specify the norms of the Constitution of the AR regarding the right to apply. The main normative-legal act in this sphere is the Law of September 30, 2015 "On Citizen Appeals".

The second paragraph discusses improvement of the national legislation prescribing constitutional provisions regarding the right to petition and theoretical – legal problems.

In the mechanism of implementation of the right to petition to state bodies, applying to law enforcement bodies and especially internal affairs bodies and the activities of those bodies in this direction are of great importance in the direction of ensuring human rights and freedoms. Since the right to petition is an effective way to eliminate possible violations of the law, as well as to prevent criminal cases, the relationship that occurs when citizens apply to the police department is of particular importance. Within the framework of their powers, internal affairs bodies establish very different relations with citizens, including cases related to their rights and freedoms in one way or another.

Courts participate in the mechanism of implementation of the right to petition through justice. Thus, legal entities whose freedoms and legal interests are violated apply to the court for their protection. The importance of justice in the mechanism of implementation of the right to petition is that they ensure the comprehensive protection and effective restoration of the violated rights, freedoms and legal interests of the subjects of the right to petition.

The third paragraph discusses the issues relating to courses of activity of government authorities in enforcing the right to petition.

The legal framework regulating the order and procedure of citizens applying to state bodies in the Republic of Azerbaijan contains many contradictions and loopholes. Similarly, there are certain contradictions in normative legal acts. This is primarily due to the fact that the Law on Citizens' Appeals requires certain additions and changes regarding the scope of the right to petition.

We consider it appropriate to clarify the explanation, content, and essence of the term "appeal" among terminological problems in order to improve the legislation on the right to petition.

Given that the legislative definition is far from ideal, the content of the concept of "appeal" should be clarified by scientists. Science is always characterized by a more complete characterization of the essence of the studied subject, removal of outdated information and acquisition of those that correspond to a specific history and law.

From the point of view of improving our national legislation, the subsequent problem to be considered in the direction of the realization of the right to petition is related to the types of the right to petition. We believe that the next shortcoming in the Law on Citizens' Appeals of the Republic of Azerbaijan is the closed list of types of appeals. In our view, this Law has narrowed the types of appeals in a manner that is inconsistent with established practice and state law, which uses the term "appeal" broadly.

The fourth paragraph discusses the issues relating to enforcement of innovative solutions in the works of government authorities enforcing the right to petition and e-appeals problem.

In order to increase the possibilities of realizing the right of appeal in our Republic, to ensure effectiveness in this field, the web pages of state bodies, especially central executive authorities, have "electronic applications", "electronic services", "interactive contact", "call center", "online contact-live chat" systems are operating, and all these systems effectively regulate important issues such as people's appeal opportunities and timely response to their appeals.

In recent years, official websites for submitting specialized types of applications have appeared in our Republic and are currently actively developing and gaining popularity. Their capabilities greatly exceed the capabilities of traditional methods of submitting and processing requests. Irrefutable advantages of state-created tools are scale, universality, compatibility, and transparency of processing requests. The operation of special official websites is a manifestation of the fact that Article 57 of the Constitution of the Republic of

Azerbaijan (the right to petition) has reached a completely different level of quality. Having common Internet portals for all residents of the country is not only convenient, it also ensures the principle of equality, but also allows the citizen to feel like a part of a large country.

In the final part of the research, significant proposals and results obtained in connection with the research were distinguished, and their theoretical and practical value for international and national law was articulated.

The main content and provisions of the thesis are reflected in author's following scientific articles and conference materials:

1. Development trends of the right to petition in the practice of European countries // Materials of scientific – theoretical conference dedicated to contemporary theoretical and practical approaches in protecting human rights and freedoms in XXI century dedicated to 98th anniversary of the National Leader of the Republic of Azerbaijan Heydar Aliyev. Baku, Azerbaijan, May 5, 2021, p. 698-704.

2. Structure and legal nature of the right to petition: theoretical – legal analysis // Law magazine 6, Baku, Azerbaijan, June 25, 2021, p. 54-61.

3. International legal bases of the right to petition // Law magazine 7, Baku, Azerbaijan, July 26, 2021, p. 33-38.

4. Constitutional – legal norms establishing the right to petition // Law magazine 8, Baku, Azerbaijan, August 25, 2021, p. 21-26.

5. The development trend of the right to petition in the United States of America // Conference: East Ukrainian Scientific Legal Organization international scientific-practical conference "national and international standards of modern state-formation: tendencies and perspective. Kharkiv, Ukraine, September 6-7, 2021, p. 6-9.

6. Historical development of the formation of the right to petition // Науковий вісник ужгородського національного університету, Ukraine, October 25, 2021, p. 12-14.

7. Link between the right to petition and other rights and freedoms // Law magazine 10, Baku, Azerbaijan, October 26, 2021, p. 17-23.

8. Place of the right to petition in the system of human rights // Materials from Republican scientific – practical conference “Constitutional bases of the sovereignty, independence, and territorial integrity of the Republic of Azerbaijan” November 5, 2021, p. 426-434.

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