REPUBLIC OF AZERBAIJAN

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CONSTITUTIONAL REFORM: CONCEPTUAL MODELS AND PROBLEMS OF REALIZATION

Specialty: 5607.01 – Constitutional Law, Municipal Law

Field of science: Law

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ABSTRACT

of the dissertation for the degree of Doctor of Sciense

BAKU – 2023

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GENERAL DESCRIPTION OF THE RESEARCH

Relevance of the topic and the level of development. Constitutionalism has fundamentally new features as an idea, doctrine and daily political and legal practice at the current stage of legal globalization and the intensification of interstate integration processes. Among them, its transnational volume is the main one, which is expressed in two interrelated and complementary trends - the constitutionalization of international law and the internationalization of constitutional law.

These fundamental processes, which objectively change the architecture of constitutional-legal matter and, in particular, the most important constitutional-legal institutions of modern states, have a direct impact on the content and form of constitutional reform as a means of constitutional modernization of basic public relations.

This view of development paradigm of modern constitutionalism requires a comprehensive theoretical-legal and practical-practical study of the categories of "reform", "constitutional reform", the establishment of regularities and interrelationships between constitutional-legal development and the implementation of universal and European legal standards, the development of conceptual models of constitutional modernization of legal regulation.

The monographic basis of the study is based on the works of Azerbaijani and foreign scientists in the field of constitutional law of foreign countries, legal theory, international law, philosophy of law, European law in the field of the general conceptual-categorical basis for the implementation of constitutional reforms, as well as compilation of optimal practical models and approaches to the constitutional modernization of society and the reform of individual constitutional and legal institutions (governance, local self-government, judiciary institutes).

General and practical aspects of the implementation of constitutional reforms in modern states studied in the works of scientists: Azerbaijani scientists M.F.Malikova, F.S.Abdullayev, Z.A.Asgarov, L.H.Huseynov, J.Y.Garajayev, A.X.Rustemzade, S.F.Aliyev, E.H.Nasirov, A.M.Huseynli, A.I.Aliyev, N.H.Aliyev,

F.T.Nagiyev, Kh.J.Ismayilov, N.H.Jafarli, A.H.Rzayev, H.S.Gurbanov, Sh.M.Aliyev, I.V.Valiyev, I.M.Jafarov, C.A.Suleymanov, R.A.Akbarov from foreign scientists: T.Y.Khabriyeva, O.E.Kutafin, M.V.Baglay, A.A.Mishin, Y.A.Tikhomirov, T.I.Grichkevich, M.N.Marchenko, L.V.Butko, V.V.Kireev, M.I.Kleandrov, T.S.Maslovskaya, M.F.Orzykh. M.A.Baymuratov, S.Battini, A.L.Kopilenko, A.N.Bykov, Y.A.Voloshin, E.A.Grinenko, R.F.Grinyuk, V.N.Denisov, V.I.Evintov, O.V.Zaychuk, V.A.Kartashkin, L.A.Luts, S.L.Lysenkov, M.N.Marchenko, O.V.Marselyak, M.N.Mikievich, N.R.Nijnik, N.M. Onishenko, N.M.Parkhomenko, R.A.Romashov, O.F.Skakun, Y.A.Tikhomirov, S.Floqaitis, Y.Khabermas, S.V.Shevchuk, Y.S.Shemshuchenko, D.M.Patterson, K.W.Abbot, J.S.Kokkot and others.

It is necessary to note the fact that the relevant research analyzes the political and legal aspects of the implementation of constitutional reforms in individual states in the context of the study of available monographic sources,. At the same time, in our opinion, in the context of modern globalization and integration processes, this issue should be considered in the context of the formation of global (transnational) constitutionalism as an integral part of international (universal) European legal matter and as an objective reality in the modern world. In this context, the theoretical and practical problems of the implementation of constitutional reforms have not been studied in existing research, which determines the most important scientific and practical significance of a comprehensive analysis of the category of "constitutional reform" in the modern stage of development of constitutional law doctrine.

Object and subject of the research. The object of the research is the constitutional-legal relations that arise in the process of implementing constitutional reforms in modern states, and the subject is constitutional reforms in modern states.

Aims and objectives of the research. The aim of the work is to comprehensively study the problems of implementing conceptual models and constitutional reforms in modern states.

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

- providing the “reform” category is characterized by content and type;
- determining the concept of "constitutional reform" in the modern constitutional-legal doctrine;
- defining the ratio of the categories of "constitutional reform" and "constitutional modernization" has been determined;
- the necessary methodology for studying constitutional reforms has been developed;
- the content and type characteristics of European standards in the field of constitutional law are defined;
- legal criteria, implementation mechanism and practical aspects of the implementation of certain European standards in the field of constitutional law have been studied;
-comparative-legal analysis of the reflection of the recommendations of the Venice Commission in the constitutional-legal norms was carried out;
- considering the form of government as an object of constitutional reform;
- analyzing local self-government and decentralization have been analyzed as objects of constitutional reform;
- considering the judiciary as an object of constitutional reform, including the problems of its modernization and ensuring international legal standards in the process of self-organization;
- studying the institution of amendments and additions to the constitution has been studied as a formal-procedural objective component of constitutional reform.

Research methods. The theoretical and methodological basis of the research is a system of general scientific and special research methods designed to obtain objectively reliable results.

The formal-legal method also provided an opportunity to analyze the existing norms of international law and constitutional law, which act as a source and object of constitutional reform.

The application of the comparative method has made it possible to compare the conceptual models and practice of

constitutional reform in different countries at the current stage of constitutional and legal development.

The historical method has been used in the assessment of historical processes that determine the formation and development of constitutionalism as a whole, as well as in the assessment of individual major constitutional and legal institutions.

Functions and powers of state bodies and local self-government bodies have been defined in the implementation of the process of constitutional modernization and constitutional reform using system-structural and structural-functional analysis methods.

The use of formal-logical and logical-semantic methods allowed to improve the apparatus of concepts and strengthen theoretical understanding of the categories of "reform" and "constitutional reform".

The comprehensive application of these methods has allowed to draw certain conclusions on improvement of conceptual models for the implementation of constitutional reforms in modern legal states, to make appropriate generalizations and to draw up practical recommendations.

The empirical foundation of the research consists of the international legal treaties, constitutions and constitutional law of European countries, main sources of European Union (EU) law, EU association agreements with third countries, official reports and statistics of international organizations and EU institutions, as well as EU government and local self-government bodies, judicial practice, including law enforcement of general bodies.

Main scientific provisions for the dissertation defense.:

The author's concept of legal understanding of the category of "reform", which should be considered as a dynamically managed structure of the object of legal relations, is proposed; criteria for the classification of reforms in modern society are generalized, which allows a systematic and comprehensive classification of explanations on the object, the direction of the reformer's influence, the placement of the object in the system of public relations, the use of corrective mechanisms and principles in the main processes of social change; the modern legal reform of the Republic of Azerbaijan expresses its

doctrinal characteristics by distinguishing the relevant main features inherent in it;

For the first time in the work, for the category "basis of constitutional reform", the concept of authorship was elaborated and scientifically substantiated in the following content:

The life of the society is based on the principled, valuable foundations of the constitutional structure within the main quantitative and qualitative parameters of the constitutional process, aimed at improving the state organization of society and changing the Basic Law in accordance with the universal (generally accepted) principles and standards of modern constitutionalism. The author's definition is proposed, which should be understood as a political-legal event conditioned by the needs of the activity;

Such a provision is justified in the content of the research that as a necessary condition of basic public relations, which is directly expressed in the acts and actions of all public authorities and officials as subjects of constitutional-legal relations, the constitutional principle of the rule of law is the main ontological dominance of constitutional reform in the modern state;

Internal and external reasons for constitutional modernization are systematized in the countries carrying out complex democratic transformation;

The main importance of ensuring the self-organization of the judiciary and judicial self-government is argued in the constitutional reform and modernization of the judiciary of modern states;

The author's concept of the material boundaries of constitutional amendments is expressed as the main constitutional-legal method of tightening constitutional-legal norms.

Classification of constitutional reforms in terms of the extent of their impact on the constitutional-legal matter; provision on ontological necessity of formalization of new legal, political, social order in the form of adoption of constitutional-legal norms; theoretical and practical approaches to ensuring the effective implementation of international legal standards in the constitutional and legal field; conceptual characteristics of standardization as a

method of creating fundamentally new methods of regulation of public relations at the constitutional-legal level.

Provisions on the object and composition of the object of legal reform in the modern state; the concept of the method of logical (dogmatic) analysis as a fundamental basis of the methodology of research of constitutional reforms; doctrinal understanding of the category of "constitutional process" as a dynamic characteristic of the constitution; theoretical provisions on the form of government of the modern state as an object of constitutional modernization.

The scientific novelty of the obtained results is due to the fact that the dissertation is the first constitutional-legal study of the conceptual models of constitutional reforms, which examines the problem of constitutional renewal in the context of interstate integration of states in modern times and inextricably linked with it.

Theoretical and practical significance. The proposals and results expressed in the dissertation can be used in the following areas:

- Research objectives - further study of conceptual models of constitutional reform in modern states;

- In legal practice - preparation of proposals for the improvement and modernization of the most important constitutional and legal institutions at the present stage;

- In the educational process - preparation of relevant sections of textbooks and teaching aids on constitutional law, constitutional law of foreign countries, constitutional control, legal theory, municipal law, international law, European law; teaching relevant subjects in law-oriented higher education institutions, research work of student-lawyers.

Approbation and implementations. The main provisions of the dissertation are articles published in well-known national and foreign scientific journals, devoted to the research and development of constitutional reforms, as well as the analysis of modern theoretical and practical activities to address the problems of implementing these reforms. Theoretical provisions of the dissertation were used during the teaching process at all levels of higher education at the Academy of Public Administration under the

President of the Republic of Azerbaijan, and were voiced at scientific-theoretical conferences held in our Republic. Also, the main provisions of the dissertation are reflected in scientific articles published in specialized publications on law. These include articles published in Web of Science, Scopus, Index Copernicus International, Ulakbim international Scientometric database, abstracts of reports at international scientific-practical conferences and round tables.

Name of the organization where the dissertation work is performed. The dissertation work was carried out in the "State and Constitutional Law" department of the Institute of Law and Human Rights of the Azerbaijan National Academy of Sciences under the doctoral program.

The total volume of the dissertation with the characters with the volume of structural units of the dissertation separately. The dissertation consists of an introduction (13203 characters), three chapters (I chapter-143213, II chapter-136157, III chapter-286244 characters), a conclusion (17253 characters) and a list of references. The total volume of the dissertation is 596070 characters. The number of sources used is 451. The volume of the abstract consists of 93222 characters.

BRIEF SUMMARY OF RESEARCH

In the introductory part of the research work, substantiates the relevance of the dissertation research, defines the purpose and main objectives of the work, its methodological basis, theoretical and practical significance, the degree of development of the problem, the scientific novelty of the work, the defense and also the approbation results of the research.

Chapter I - "Ontological and axiological problems of defining the category of "constitutional reform" in modern political and legal doctrine" consists of three sub-chapters**.**

The first half of the dissertation called "***Ontological Dimension of the "Reform" Category as a Form of Changing Social and Legal Reality: A Theoretical Characteristic"*** examines

the ontological and axiological problems of the “reform” category, which the author understands as a form of changing social and legal reality in society and in various social systems.

Examining the social events that took place in society at different times, it can be seen that the defining point of events of historical significance is the objective preconditions and the need for the development of society and the implementation of its progressive tasks. In order to determine the ever-evolving development of social systems, certain information and specific scientific knowledge about the subject of the transformative activity directed at it is needed. Because the idea of changing the surrounding reality itself is directly proportional to the formula "I want to change" and "I know how I change or can do it".

The political events that took place in connection with the disintegration of the USSR and their legal consequences were the initiators of the reform process in the main socio-political and economic institutions of society in the newly formed states in the post-Soviet space. The concept of reform began to be used in conjunction with the concepts of socio-political modernization, social transformation. In recent decades, different views and views have been formed in the doctrine of law in the field of understanding the radical changes that have taken place in the economic, political, social and legal spheres, their causes and driving forces.

The social changes that took place in the post-Soviet countries, including Azerbaijan, in the late twentieth century, showed the possibility of special tools for the development of society in times of crisis. Azerbaijan has also defined the rule of law, protection of human rights and freedoms, and the rule of law in society as its main goals since the first stage of state independence.[1]

Such variability in many ways affects the uncertainty of the perception of the reform process in society. The methodological difficulties of their analysis within modern interdisciplinary discourses stem from the ambiguity in defining the content of the concepts of reform, reformer and reformist. The identification of

[1] Jabrayilov, R.K. Legal reforms in the Republic of Azerbaijan / R.K. Jabrailov. - Baku: 2014, - p. 5.

their important features with the cultural and historical diversity of the cases of remedial change raises the problem of selecting a methodological basis that would allow the research to fully reflect the real experience of reforms.

The period of radical changes in the scientific literature is called the period of reformist movements. [2] According to researchers, the essence of such a social phenomenon manifests itself in the spiritual-theoretical and spiritual-practical activities that act as one of the determinants of social development in its historical dynamics. Therefore, the ontology, gnosiology and axiology of reform processes as a whole are determined by the need for knowledge about reform, especially as a category. The need for such aspects of knowledge is met by the objective needs of the implementation of reforms in Azerbaijan in the context of the development of national statehood, the evolution of the system of public relations, aimed at achieving the basic constitutional goals and principles of a democratic, legal, social and unitary state. As the national leader Heydar Aliyev said: *"The powerful economic potential created by Azerbaijan in the twentieth century, the army of great specialists plays the role of a solid base, a favorable ground for the implementation of the most important tasks of our people"*[3]

The author examines the origin of the term "reform" and notes that in scientific doctrine, this concept is also understood as a change in any area of life that does not affect the functional basis, or a change made in the manner prescribed by law. However, the concept of "reform" should be distinguished from concepts such as "improvement" or "modernization". Reform, in essence, is the process of radical change of established processes, traditions, and so on.

According to the author, such a definition of the term "reform" defines its ontological essence only as a category aimed at changing any area of life. The ontological essence is also reflected, first of all,

[2] Vlasov, Y.N. Reformation processes in Russia / Yu.N. Vlasov. M .: Yurait, - 1998. - p. 4-6

[3] Aliyev, H.A. Azerbaijan at the turn of the XXI century and the third millennium / H.A. Aliyev. - Baku: XXI-New Publishing House, - 2001, - p. 53.

directly in its features. The author describes the reform as a necessary element of social change, the evolutionary stage of the social process, the application of innovations, the renewal, modernization, scale and depth of society, its adaptability, growth rates and development potential, as well as existing means of preventing and eliminating conflicts. Looking at it as a category, first examines the category of reform reflected in the socio-philosophical doctrine (T.İ.Qriskevich,[4] Q.Y.Semigin[5], A.M.Lopukhov[6], L.V.Butko[7], İ.İ. Kravchenko[8]).

The author notes that if we look at the types of reforms, to determine the ontological characteristics of the reform phenomenon, we can come across different classifications and characteristics in the scientific literature.

In general, reform is a rational, purposeful process that encompasses all the usual stages of any change: thinking of a new object, setting a goal, allocating resources, choosing tools and methods, planning in space and time, taking into account dependent and independent variables and the probable nature of the process, grouping of executors, decision-making scheme, etc. Therefore, reforms are always carried out "from above" by the ruling forces, the government and are an integral part of public policy.

The most important and complex question that arises in the correct understanding of the essence and possibility of reform is its relation to the revolution. There is a metaphysical limit to the

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[4] Gritskevich, T.I. Reform process as subject-object interaction: / diss. Dr. philosophical sciences / - Novosibirsk, 2011. - c. 5

[5] New philosophical encyclopedia. In four volumes. / Scientific ed. Council: V.S. Stepin, A.A. Гусейнов, Г.Ю. Semigin. - M .: thought, - T. III, H - c. - 2010. - p. 450-451.

[6] Dictionary of terms and concepts of social science // Author-compiler A.M. Лопухов. 7th ed. pereb. and the ball. - M .: Iris-Press, - 2016. - p. 348-349.

[7] Butko, L.V. Constitutional reform (Theoretical and legal analysis): / diss. Dr. юридических наук / - СПб., 1998. - c. 89.

[8] Кравченко, И.И. Реформа: Новая философская энциклопедия: *[Электронный ресурс]* / Электронная библиотека ИФ РАН. URL: https://iphlib.ru/greenstone3/library/collection/newphilenc/document/HASH0155bae06c519c326889cb55

solution of this problem: on the one hand, the reformist denial of the revolution based on the absolute role of reform, on the other hand, the denial of reforms that divert from the revolution as the only way to solve fundamental social problems.

Based on scientific (philosophical, political, economic, legal) research of the category of reform, the author concludes that reform is a hierarchical structure of political and legal institutions, public authorities, implemented by the ruling entity on the basis of a specific reform mechanism aimed at its effective operation. It is an active and effective means of changing social reality and social relations aimed at updating the functions of the system of civil society facilities. It is a managed social structure of the object, the purpose and model of which is the adoption of a conventional decision in the event of a conflict of interests of the participants in the political process in society.

According to the author, reform is: as a reform of social processes and as an institutional and structural reform of objects in the social system; on the placement of the object in the subsystem, such as economic, social, political, moral, legal reforms or their combination with each other; such as reform in the processes of evolution, revolution, modernization and transformation can be classified according to the use of the mechanism and principles of reform in the main processes of changing society. The object of reform is social institutions, human relations with the objects of social reality and means of interaction, which are reflected in the economic, political, legal, socio-cultural and environmental spheres of society.

The second half of Chapter I, entitled *"Constitutional Reform: Concepts and Identifying Ontological Signs,"* examines the concept of constitutional reform and its identifying ontological features. Despite the widespread use of the term "constitutional reform", its generally accepted concept has not been formed in scientific doctrines and theories.[9]

[9] Kabrieva T.Y. Constitutional reform in the modern world / T.Ya. Khabrieva. - M .: Nauka RAN, - 2016. - p. 120

The most important thing to understand the essence of constitutional reform is to understand it as a process of functional-dynamic change of society. According to the author, based on this, the ontological content of such a process can be determined. Constitutional reform is an integral part of the ontology of the legal system of any state, and theoretical knowledge about it is a necessary link in the system of sciences dealing with the study of the state and law.

In the process of constitutional reform, measures to restructure and improve relations between the state, its bodies, territory, individuals, social associations, political associations and public authorities are closely linked. This, of course, is reflected in the process of studying constitutional reform. On the other hand, measures are being taken to reform the law as a whole, each of its branches and norms. This activity is relatively independent in its complexity and scope, is subject to internal systematization, and transfers these qualities to the empirical material used in theoretical analysis.

Constitutional changes take the form of modernization and reform. At the same time, taking into account the fundamentality of constitutional law, constitutional law - constitutional conformity, the necessary constitutional thinking (knowledge, theory, science, ideology, psychology) to achieve a stable constitutional practice that provides for the application of constitutional technology not only to the legal postulates and constitutional ideology of the existing constitutional-legal reality, but also to presumptions, traditions and customs, and even to constitutional-legal fictions of constitutional practice beyond their borders. In the course of the undoubted constitutionalization of state and public life as a complex process, the constitutional basis is updated or has the potential to be updated in the existing sectoral legislation and organizational-legal models. There is a need to justify the possibility of implementing them.

These directions of constitutional-legal practice and relevant scientific-applied research envisage the following: first, an approach that respects the current constitution and does not allow violations

under any pretext[10]; second, "healthy conservatism" that prevents "the deformation of a decent level of constitutionalism"; third, with the modernization of the constitution and the methodological justification of the reform, a clear picture of the ways, levels and limits of constitutional change.

At the same time, it is unlikely that constitutional reform can be considered as a special form, a type of modernization, or related to constitutional modernization. For this reason, it is important to determine the ways of constitutional change - evolutionary or revolutionary, levels and limits. On this basis, constitutional modernization can be defined as "a mechanism for the continuous improvement of legal relations through the systematic implementation of constitutional norms and principles by the relevant legal entities" and "the practice of evolutionary development of the constitutional system unrelated to its radical, fundamental changes."

From the point of view of ontology, agnosticism and axiology of law, such a teleological approach - aimed at the transformation of constitutionalism - allows to emphasize the decisive feature of the reform, as opposed to constitutional modernization, which does not significantly affect the existing system of constitutionalism. These are primarily partial or systemic changes of a normative-legal nature, as well as changes in the constitutional image without changing the text of the constitution, implementation of "veiled attempts" to remove or include constitutional instructions, change the understanding and application of constitutional instructions. is the interpretation.

The author notes that by approving constitutional reforms as an independent scientific direction, it is necessary to determine the scope of problems covered by the subject of this direction. These include: the definition of constitutional reform, its relationship with other reforms; the multilevel nature and diversity of manifestations of constitutional reform; problems of chronology and typology;

[10] Orzikh, M.F. The new Constitution of Ukraine is in effect, the constitutional reform continues // - Kyiv: Legal Bulletin, - 1996. No. 3, - p. 42-46.

formation of conceptual-category apparatus; includes functional features of constitutional reform.

Constitutional reforms are a complex concrete-historical event that objectively has only their own characteristics and qualities: first, they are carried out within a certain period of time; second, constitutional changes cover a certain area; third, crises in the most important spheres of state and public life are considered an integral part of constitutional reform; Fourth, constitutional reform is related to the state of the state and the rule of law, and it is called the transition period caused by the above-mentioned crisis situations. These features affect the essence, typology, scale of constitutional reforms, their functional characteristics and historical significance.

In the characterization of constitutional reforms, their relationship with other content and direction of reforms, such as political and economic system reforms, judicial reform, and local self-government reform is also important. A constitution is considered real only if it corresponds to the relations that actually exist in society. This regularity remains unshakable for the interaction of constitutional reform with all other types of reforms.

However, we must not forget the need for independence of constitutional processes. Otherwise, they cannot be the subject of scientific research. In their research, it is important to distinguish between empirical, functional, conceptual, systemic, fragmentary and institutional. It provides the objective characterization of the constitutional reform at the required methodological level.

The adoption of a new constitution that changed the nature of the state, the form of government, the political regime and the entire state structure, the stability of public life, should be considered as the emergence of a balance capable of ensuring the functioning of state-legal institutions during a certain historical period in which this type of statehood exists until the necessary objective conditions for the transformation of a new quality are created.

The author emphasizes that the theoretical characteristics of constitutional reform include determining its relationship with a concept as important as constitutionalism. Constitutionalism is defined as *"governance limited to the constitution, a political system*

based on the constitution and methods of constitutional governance."[11]

It is necessary to distinguish the stages of development of constitutionalism, as well as constitutional theories and constitutional reforms as a state-legal phenomenon. The stages of development of constitutionalism are, of course, connected with constitutional reforms. However, this connection is not rigid or alternative. Constitutional reforms provide the richest factual material necessary for the further development of constitutionalism, contribute to the conceptual renewal of constitutional and legal thought, re-evaluation and rethinking of views, approaches, the formation of new ideas and theories. In this regard, it should be noted that the activation and quality of development of constitutional-legal thought is associated with the transition period, constitutional changes or the adoption of new constitutions, i.e. the process of renewal of civil society, state and law. In the process of constitutional reform, not only the constitution itself does not change, all legislative processes are activated.

The stages and directions of constitutional reforms allow determining their scale, to distinguish between complete and incomplete reforms. The author emphasizes that there is no official definition of constitutional reform in the legal doctrine and legislation. However, each constitution sets out the procedure for amending it. Amendments to the Constitution is one of the most important constitutional-legal mechanisms for the implementation of constitutional reforms. However, the term "constitutional reform" is rarely used in the constitutional acts of modern states. Section 10 of the Spanish Constitution *("De la reforma institutional"*) and Article 137 of the Cuban Constitution. (*reformata constitucional*) is called similar.

Sometimes the definition of "constitutional reform" is reflected in the law, for example, the Constitution of Nicaragua

[11]Степанов, И.М. Грани Российского конституционализма (XX век) // Конституционный строй России. – М.: Изд-во ИГиП РАН, - 1992. Вып. 1. – с. 30 –31.

(Section X), the Constitution of Bolivia (Article 411), the Constitution of Venezuela (Articles 342-346), the Constitution of Ecuador (Articles 441-444) and so on. In most cases, the constitutional acts of different countries contain special sections on constitutional revision (Greece, Georgia, and France), constitutional amendment (Lithuania, Turkey) and amendments and additions to the constitution (Bulgaria). Respectively, the terms “constitutional review”, “constitutional revision”, and “constitutional amendment” are also used in the legal literature.

The author notes that the variability of the interpretation of constitutional reform is due to the uncertainty of the origin of the term "reform", as well as its interpretation in philosophy, sociology and political science. Constitutional reform is directly linked to changes in the constitution or its main provisions. This is one of the manifestations of constitutional reform.

The content of constitutional reform cannot be equated only with the renewal of the constitution or its individual provisions. The normative-legal basis of constitutionalism is the constitution, which reflects the democratic principles of development of society and the state. Z.A.Asgarov notes that the constitution of each country regulates the relations that form the basis of that state and society. A fundamental change in these relations is a radical change in the socio-political life of the state and society.[12]

At the same time, the implementation of a political regime is in line with the constitutional ideal of a democratic, legal state and necessarily requires the implementation of relevant constitutional provisions. There are a number of problems related to the need to ensure and reform the constitutional stability, the rule of law, the right of the people to determine and change the constitutional structure, the legitimacy of the constitutional process. In this case, attention is focused on the organizational component of the constitutional reform and its multifaceted, multifaceted effectiveness. Undoubtedly, constitutional reform as a complex, multifaceted, multifaceted and systematic case is a set of measures aimed at

[12]Askerov, Z.A. Constitutional law: textbook / ZA Asgarov. - Baku: Baku University Publishing House, - 2011. - p. 556.

solving the urgent problems of the state by updating the constitution and constitutional legislation. At the same time, the renewal of the constitution, all legislation and the state itself must be subject to the interests of society, the development goal of society and the state. Each political and legal process has its own basis. At the same time, changes to the constitution, as a rule, lead to relevant changes in existing legislation. In general, constitutional reform is very common in the modern political history of the world. It is impossible to find a state that has not changed its constitution in the last century. For example, Brazil's seventh constitution, adopted in 1988, has already been amended 64 times. The current Venezuelan Constitution is the country's 26th. The 1995 Constitution of Georgia has been amended 19 times. More than 50 amendments were made to the Constitution of the Federal Republic of Germany, which came into force on May 24, 1949. The 1958 French Constitution is in force with amendments and additions adopted in 1962, 1992, 1993, 1996, 2000, and 2008. More than 400 amendments were made to the Mexican Constitution, which came into force on May 1, 1917. Thus, amendments to the constitution are a common world practice related to the need for legal protection of events in public life.

In most countries of the world, constitutional reforms are carried out through amendments to the constitution, including the adoption of a new version of the constitution or the adoption of a new constitution. At the same time, the procedure for amending the constitution or adopting a new constitution in each country has its own characteristics, and conditioned by various factors such as the historical circumstances of the adoption of the constitution, the characteristics of the form of government, the form of territorial structure, state (political) regime, etc.

The author points out that the main features of constitutional reform in the scientific literature include: the stage of implementation; systematization of constitutional changes; full or partial change of the constitution and constitutional legislation; dynamics of constitutional legal relations; formation of constitutional legal thinking aimed at understanding the implemented constitutional changes, first of all, as an objective-useful necessity; establishment

of a functional mechanism for ensuring and protecting the rule of law and constitutional law; constitutional legislation and integration of constitutional truths into the system of modern constitutionalism. The aspect of functioning in these features is obvious, that is, without talking, forming, implementing, it becomes clear that such acts are a manifestation of the conscious, willful and purposeful activity of certain subjects in the organization of the constitutional principles of society.

The author emphasizes that constitutional reform, as a manifestation of the constituent power, is characterized by the composition of its participants. All of them are subjects of constitutional law and at the same time have different statuses and play their role in the relevant process.

To understand the content of the dynamics of constitutional reform, it is necessary to study its cyclical nature. Thus, it can be noted that a certain period of development of statehood in any country and the end of a constitutional period in its constitutional history.

Since the declaration of independence, political and economic crises and reforms in the countries of the former USSR have become more or less constant from time to time. The escalation of the political crisis constantly raises the issue of constitutional reform as a way out of political conflicts. At the same time, transition periods are not necessarily associated with severe crises in the state and society or constitutional crises. When transitional reforms are perceived by society as socially useful and objectively necessary and legitimate, crises are not long-lasting or devastating for the state and society. In such cases, the transition period is a period of functioning of the state and society, new social and legal institutions, adaptation to new conditions. C.Y. Garajayev notes that *"Practically in all democratic countries, with the development of the public-legal sphere, there is a need for constitutional reforms, and the Republic of Azerbaijan is no exception."*[13]

[13] Гараджаев Д.Я. Роль Конституционного Суда Азербайджанской Республики в процессе конституционных реформ // Материалы международной научно-практической конференции, посвященной 90-летию

It is known that the collapse of complex states leads to an inevitable transition period for newly formed states. With the collapse of the USSR, a transition period began for all its former members. This process also led to the beginning of constitutional and legal reforms. However, in all cases, the transition period included several possible options for the further development of the state and law, leading to a state of uncertainty, the search for models, and the contradictions of future draft changes.

The essence of the constitutional reform is to change the legal basis of the state organization of society. Such changes occur as a result of purposeful activities of the competent authorities, entities and are carried out within the parameters of the constitutional process. The material and procedural side of constitutional amendments is characterized by the rule of law and the requirements of the rule of law, system, democracy and legitimacy. Depending on the content, scope and dynamics of constitutional development, in addition to constitutional reforms, there are a number of other constitutional transformations in the scientific literature, such as constitutional renewal, constitutional modification, constitutional revolution, constitutional review, constitutional amendment and constitutional revision. In general, modernization is the process of changing something in accordance with the requirements of modernity; it means renewal, the transition to more perfect, modern conditions. Therefore, it is impossible to draw any conclusions from the semantic meaning of this concept about the scope and spread of modernization.

So, if the constitutional reform takes place in accordance with the requirements of the time, then such a constitutional transformation can be considered a constitutional modernization, even if there are radical changes in the constitutional structure.

It is also interesting that constitutional reform can turn into a constitutional revolution. The difference between reform and

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со дня рождения профессора М.Н.Алескерова, на тему: «Современные направления и тенденции развития юридической науки в Азербайджанской Республике» (Баку, 2-3 октября 2018 года). – Баку. – Издательство БГУ. - С.149

revolution is the dynamics of events and their consequences. From the point of view of constitutional law, the term "constitutional revolution" seems very contradictory. The term is used to describe constitutional reforms related to changes in the socio-political direction of society accompanied by the adoption of new constitutional acts.

According to the author, the creation of a new constitution with the coordinates and mechanisms of the founding government should not be associated with the application of the constitutional order in the country, the need to overcome the constitutional crisis, the crisis of government and constitutional legitimacy, civil consensus on constitutional development. In this case, the creation of a new constitution will be, in essence, a constitutional reform. In addition, local amendments to the constitution should be considered in each case in connection with the clarification of concise and accurate expressions of norms, as such amendments may not affect the material nature of the constitution, but may change individual constitutional institutions and other vectors of constitutional principles.

Thus, the concept of a complete constitutional reform can be understood as the entry into force of a new constitution. Partial reform can be equated with the amendment of certain provisions of the Basic Law, amendments to its text. Such a division takes into account the external manifestations of the reform, but does not reflect the essence of the changes, and therefore cannot be sufficient for final assessments. The complexity and diversity of constitutional changes, the lack of stable unity in the definition of constitutional reform, along with this concept, conditioned the use of other terms such as "conceptual changes", "radical reform", "radical revision", "radical revision", "change of the existing constitutional model", "general revision of the constitution", "revolutionary changes", "correction of the constitution", "constitutional modification", "constitutional reconstruction", "constitutional modernization" and so on.

The third sub-chapter of Chapter 1 is entitled *"Modern methodology in the study of constitutional reform and its*

axiological significance." Here the author studied the methodology of legal science in the field of studying constitutional changes.

The methodology tries to know the "secret" of the method. Still, T. Kuhn, P. Feyerabend and R. Merton warned about the inadequacy of the purely methodological description of scientific activity. Therefore, it should be completed with an analysis of psychological, political and socio-cultural factors.

Modern law has not been left out of scientific methodological research. Due to methodological uncertainty, a negative trend in scientific research has emerged and continues to intensify. The author notes that a large number of researchers show a stereotypical attitude in the expression of the provisions devoted to the coverage of the methodological basis of their works. At the same time, some researchers have the impression that they thought about this problem only in the last stage of their work and solved it on the principle of minimizing their efforts by mechanically combining the methodological achievements of their predecessors with the problems of their works. Such a recipe for writing a research methodology is very simple and straightforward. Some authors take two standard sets of methods and principles (general scientific and special scientific) and "adapt" them to their topics.

In a standard and unbiased approach to methodological provisions, a number of authors often make misconceptions and logical errors. For example, N.I.Biyushkina mistakenly attributes historical-genetic and concrete-historical methods to general scientific methods.[14] P.A.Markov considers the logical method and systematic approach as special scientific methods.[15] S.N.Yarishev

[14] Biyushkina, N.I. Political and legal development of the Russian state in the conditions of the inter-political course, 1870-1890: / abstract of the dissertation. ... doctor of law. science. / - Nizhny Novgorod, - 2012. - p. 11

[15] Markov, P.A. Theory of reorganization of commercial legal entities: problems of legal regulation and application: / abstract of the dissertation. doctor of juridical sciences. / - M., - 2011. - c. 8.

attributes the method of comparative law to the general method, and the system-structural method to special scientific methods.[16]

The author claims that the methodological provisions of the research should reflect not only the features of the scientific specialty of constitutional law, but also the basic positions of the scientific school.

There are two levels of methodology in the scientific literature: instrumental and constructive[17]. At the first level, the researcher creates a system of methods that ensures the proper conduct of mental and practical operations. At the second level, the researcher seeks to increase knowledge and acquire new meaningful knowledge. Scientific truth cannot be obtained without a constructive-critical attitude of the researcher to reality and existence, which allows to exclude dullness, bigotry and subjectivity in legal thinking. Empirical knowledge is based on principles, postulates, models, etc. It is built on a methodology that allows us to build a "conceptual framework of reality."

The author emphasizes two main parts in the methodology of his research: the first system of cognition, the principles of speech, and the research tools based on these principles. Fundamental principles are, in essence, the result of a scientist's worldview and philosophical ideas. Means and methods constitute the methodology of scientific understanding. Forming a methodological approach, the author draws on his own worldview and understanding of legal reality.

A comprehensive study of a socio-legal phenomenon such as constitutional reform significantly updates its scientific methodology of understanding and requires appropriate justification.

The main task of any scientific work, including the methodology of dissertation research, is to provide a rigorously tested system of scientific understanding of the principles, methods, rules and

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[16] Ярышев, С.Н. International legal issues of formation and functioning of the Common Economic Space: / abstract of the dissertation. ... doc. jurid. science. / - M., - 2012. - p. 6.

[17] Лешкевич, Т. Г. Философия науки: традиции и новации: Учебное пособие для вузов / Т. Г. Лешкевич. - М.: «Издательство ПРИОР», - 2001. - с. 23.

norms that have been tested in the activities of the researcher. This methodological search system is formed on the basis of objective laws of reality. In this regard, it is known that a phenomenon such as constitutional reform is characterized by the complexity of empirical understanding, the features of the formulation of the main methodological positions.

It can be said that the concept of methodology is used in jurisprudence in two senses: the system of principles and methods used by the researcher in his theoretical and practical work in the study of constitutional reforms, as well as the theory of this system providing scientific search for answers to questions. In this regard, the author notes that the main task is to compile and master the epistemological technology of legal thinking of the study of the subject.

At the same time, the scientific literature is dominated by affirmative comparisons of individual parts of constitutional reform, but concepts that reflect its essential features are at best secondary roles and, in many cases, generally overlooked by the researcher.[18]

Constitutional reforms have not yet become the object of systematic theoretical research. For this reason, the set of methods for understanding them is not yet fully formed.

The content of the constitutional reform cannot be linked only to the problems of updating the constitution as a whole as a normative legal act or its individual provisions. That is, the implementation of constitutional reform goes far beyond procedural and legal responsibilities. The essence of constitutional reform, which acts as an important stage in the development of any society and, accordingly, as one of the categories of constitutional-legal doctrine, determines the need to consider it in terms of ontology, gnosiology and axiology of law.

Thus, the study of this complex process inevitably involves the identification of approaches to its perception, the study of the rules and principles of its implementation, the study of socio-legal "existence", the analysis of values acquired political and legal expression as a result of constitutional reform. The peculiarity of

[18] Kutafin, O.E. Subject of constitutional law / O.E. Kutafin. - M .: Jurist, - 2001. - p. 9.

constitutional reform is that it is a socio-political process on the one hand, and a legal process on the other, and reflects both the dynamics of the most important public relations and the dynamics of their legal regulation. Thus, many socially important processes are regulated by the norms of constitutional law. In addition, the articles and normative legal acts determining the rules of formation and operation of state bodies are distinguished by a fully explanatory detail of the legal regulation.

According to the author, a systematic scientific analysis of the development of the theory of constitutional reform, the goals and objectives of constitutional reform, the principles of its implementation, the study of the basic conditions and rules of constitutional reform including the study of the content and structure of the main stages of constitutional reform. The author points out that the factual basis of constitutional reforms does not allow the preference for any of these methods. To ensure the objectivity of the research results, it is necessary to combine them effectively.

While reviewing the main methods of our research subject, the author emphasizes the historical, comparative-legal methods among them. He shows that in scientific researches of S.Monteskyo, G.Hugo, G.Hegel, G.Ellinek, R.Yering, K.Marks, K.Savinyi, G.Pukhta and others widely used this method. Also as supporters of the historical method are A.S.Avtonomov, V.P.Kazimirchuk, S.A.Karimov, V.N.Kudryavtsev, D.I.Lukovskaya, A.V.Malko, L.S.Mamut, V.V.Lazaryev, V.P.Salnikov, L.I.Spiridonov, V.A.Tumanov, L.S.Javich and as well as famous scientists.

The use of the historical method allows to emphasize certain features of constitutional reform, creates a basis for historical systematization. The comparative-legal method is also widely used in scientific research. The comparative method allows revealing the features of legal events, their development trends.

At the same time, it is necessary to use other methods as well as dialectical, formal-legal, functional, systematic, structural, etc. Thus, the dialectical method requires the study of all aspects of a legal event in the context of the laws of dialectics. The formal-legal method defines the main elements, signs and characteristics of legal

events. When such "legal elements" are not understood, the comparison becomes meaningless. Without understanding the nature of legal institutions, property, elections, etc. it is not possible to compare regulatory models[19]. The functional method allows evaluating legal events according to their goals and consequences. The systematic method allows not only a comprehensive assessment of legal events, but also to identify gaps in the legal regulation[20]. Structural analysis allows determining the internal relations of the various components of law, their regularities and development dynamics. The application of the method of logical analysis is also necessary in the study of constitutional reform, which opens wide areas for descriptions, generalizations, systematization, logical ordering of material, compilation of definitions, interpretations, interpretation of the meaning of studied events. This method allows the study of constitutional reform to begin with the simplest means of describing the state-legal measures that take place within it and the legal norms adopted in connection with them. Then the problem of the first possible scientific generalizations can be solved on the basis of the sequential separation of the studied objects, the discovery of qualities, properties, elements that repeat the essence of the period and the independent study of the latter.

Emphasizing the features of the research methodology of the constitutional reform, in addition to the above methods, the author also emphasizes the method of classification, system-structural analysis, analytical development of the material, methods of commenting.

The author also emphasizes that the need for the application of philosophical cognitive methods in the study of constitutional reform is confirmed by the active use of philosophical categories in its assessment, the implementation of all constitutional changes explained by philosophy on the laws of social development, and fully supports the idea that research methodology is based on

[19] Гревцов, Ю.И. Очерки теории и социологии права / Ю.И. Гревцов. - СПб: Знание, - 1996. - с. 8.

[20] Dannemann, G. Comparative Law: Study of Similarities or Differences? // The Oxford handbook of Comparative law. Ed. by M. Reimann, R. Zimmermann. – Oxford: Oxford University Press. - 2018, - p. 416.

philosophical knowledge.[21]

In this regard, the author also points out that the position of S.A.Karimov is very fair, noting that the development of the whole complex of legal sciences, the necessary prerequisites for increasing their theoretical level, the effectiveness of legal influence on all spheres of society stand on the basis of in-depth development of legal philosophy. Thus, defining more precisely the relationship of legal philosophy with legal theory, S.A.Karimov writes: "Legal philosophy is a product of general philosophy and the whole complex of legal sciences. Its purpose is to provide all field legal sciences with a set of methodological tools."[22]

According to the author, the theory of constitutional reform should also adopt such a set of tools from the hands of the philosophy of law. It must be based on philosophical knowledge, both scientifically and practically. It is the philosophical methodology that allows us to identify the logical and historical ones in the constitutional reforms, to understand their ideas, content and essence based on the unity of law and power, law and state.

The author concludes that the set of methodological tools for the study of constitutional reform is complex and diverse, determined by the nature of the constitutional process. However, although the research methodology is quite independent and objective, it bears the traces of stability or destructiveness of public relations. In this regard, the main condition for a constitutional reform researcher to follow is that he or she must rely on the means and methods of research, objective and reliable information, and draw reasonable conclusions on that basis.

Chapter II is entitled **"International standards of constitutional changes in democracies and the mechanism of their implementation"** and consists of three sub-chapters. The first half of this chapter, entitled ***"European standards in the field of constitutional law as a legal category and its type characteristics***",

[21] Butko, L.V. Constitutional reform (Theoretical and legal analysis): / diss. Dr. Legal science / - SPb., 1998. - 426 p. 45

[22] Kerimov, D.A. Subject philosophy of law // - M .: State and law. -1994. № 7. - p. 6.

is devoted to the study and characterization of European standards in constitutional law as a legal category.

For the purposes of the author's dissertation research, certain constitutional values based on European "standards" have been taken. The emergence of these constitutional values was accompanied by the history of the development of secular European law, which over time began to become the standard within the Council of Europe (CoE) and the European Union (EU). Constitutional reforms are to some extent based on these standards, as they are characterized by the universalization of the main categories and elements of constitutionalism.

The author notes that the question arises as to whether the term "standard" can be considered a special legal category from a legal point of view. On the other hand, it can also be understood as a category of law that defines a rising point for the development of standard norms, but does not create clear rights and responsibilities.[23]

European practice standards are divided into two types - mandatory and recommended. Mandatory standards are reflected in legal norms that force them to behave properly. Recommendation standards are developing more "rapidly" in Europe. This phenomenon is reflected in the integration model called "Europe of different speeds". In the implementation of this standard in national law, public relations acquire qualitatively new features.

The vast majority of modern standards are the result of a desire to create a certain abusive generic rule of law. In this regard, the legal standard sometimes emerges as a consensus omnium, that is, as a generally accepted basis for the operation of a particular legal order, as in the Universal Declaration of Human Rights of 1948.

The semiotic aspect of the category "legal standard" is that the latter can be considered not only as a separate norm, but also as a document defining a set of norms, rules, requirements for the object

[23] Patterson, D. M. Philosophy of Law and Legal Theory: an Anthology / D. M. Patterson. – Oxford: Wiley-Blackwell, 2018. – 436 p. 266.

of standardization, which is determined for the voluntary use of object characteristics.

The main condition for the legitimacy of any standard is that it is clearly defined and open to review. It is also necessary to distinguish the difference in the genesis of legal standards, if in fact, the difference in the level of standards. Standards can be formed both within the country (national standards) and interstate relations - at the regional or even universal level (international standards). At the same time, there are different directions of action of legal norms. Thus, a number of standards formed at the level of the national legal system sometimes become international standards, and vice versa. Thus, a fairly clear system of norms and standards can be created, which should be based on them and taken into account in the regulation of a particular area of public relations.

The system of standards includes the Universal Declaration of Human Rights of 1948, which contains universal standards of human rights, especially in the field of human rights, the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and the 1966 European Convention on Human Rights. International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966.[24]

International standards are developed either in a particular region or with the participation of all or most states. As a rule, they belong to the category of "soft rights" and are mainly of a recommendatory nature. The standard is an example of a direction in which it is expedient to apply its effectiveness and strength of practical value. Thus, the harmonization of the norms of national legal systems in socially important areas is ensured. This includes, in particular, human rights, tax and customs policy, law enforcement and the judiciary, energy security, and pertaining to areas.

[24] Addo, M.K. Human rights standards and the responsibility of transnational corporations / M. K. Addo. – The Hague: Kluwer Law International, -2019. - p. 84

However, in any case, international standards can be applied in any democratic country by reception. It is on the basis of these principles that a single European legal space is being established in the Republic of Azerbaijan today, with active participation in the protection of national values. However, the adoption of an international standard is not enough, because it is necessary to create the necessary mechanism for its effective application at the national level by states.

One of the main mechanisms for the application of international standards to domestic law is implementation. In the context of international law, this term mainly means the adoption by states of domestic legislation - laws, by laws, rules of procedure aimed at the implementation of international obligations. In the implementation of legal standards, it is necessary to distinguish two processes - harmonization and unification. In the case of harmonization, it is the creation of a legal regime with the help of similar legal norms based on the same standards. Unification means the adoption of uniform rules in different legal systems. For example, the legal systems of the Scandinavian countries are characterized by a significant number of unification norms. However, the result of the operation of both mechanisms is the same - the creation of the desired legal regime.

The term "standard" is often used in the legal field, but there is no single unified definition of the term "international standard". There is no unified definition of the European legal standard, as this category is further complicated by the existence of different approaches to the formation of legal standards within the two largest regional international organizations in Europe - the Council of Europe and the EU.[25]

First of all, the Council of Europe sets standards in the humanitarian sphere - the protection of human rights, constitutional

[25] Nobel, P. Globalization and International Standards with an Emphasis on Finance Law // International Standards and the Law. – Bern: Staempfli Publishers, - 2018p. 44.

rights and values. The EU sets standards for the economic and social spheres through directives, regulations and other regulations. The main sources of EU standards are its founding agreements. Thus, the EU Action Treaty covers human rights, transport, agriculture and fisheries, economic and monetary policy, employment, social policy, the environment, etc. reflects the standards in the priority areas of public relations. The Lisbon Treaty, which entered into force on 1 December 2009, introduced a new type of EU standard called the Common Values of the EU. According to the Article 2 of the Treaty on European Convention on Human Rights (ECHR), *"The Union is based on the values of human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of minorities. These values are the common values of all member states in a society where pluralism, non-discrimination, tolerance, justice, solidarity and equality prevail between women and men."* It follows that the violation of "common values" by any member state could jeopardize all EU principles and, as a result, call into question the membership of the violating state in the EU.

The analysis of 2nd article of the ECHR shows that the content of the concept of "common values", a new type of EU legal standards, is very difficult to define using only EU legal sources and the experience of the EU Court. For example, EU law does not have an official interpretation of the basic legal standards of the EU, such as "rule of law", "human dignity" and many other legal concepts defined as "common values". Thus, the EU may not only include any element of "common values" in its original legislation, but may or may not interpret this element in the future. For example, the EU recognized the rule of law as a "core value shared by the EU and its member states."

The EU's founding treaties define "common values" as an integral part of European and international legal standards.

The author notes that the European legal standard should be used both in a broad and narrow sense as a separate category of norms of European law. The broad definition in its entirety coincides with the definition of a "legal standard" category and includes elements such as general principles of EU law and the EU's 'common

values', while the narrow definition may have a specific, specific content and may not coincide with the concept. For example, one of the narrow concepts of European standards is technical standards, i.e. technical publications that are used as norms, rules, instructions or definitions according to their content.

Another type of standards is the standards adopted to establish principles. Here we are talking about more general rules. They focus on human rights, the environment, economic issues, and so on. An example of the reflection of such standards is the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms[26]. The content of these principles is determined by the European Court of Human Rights, which in many respects, as a lawmaker, has a significant impact on their content.

The author pays special attention to the study of the standards of the Venice Commission in the field of constitutional construction. The Venice Commission has played a key role in the adoption by Eastern European countries of constitutions that meet the relevant standards of the European constitutional heritage.

European suffrage standards are an important part of the types of standards in the field of constitutional law. Such European standards are very important for understanding the essence of the constitutional mechanisms for the implementation of reforms and are the basis of the mechanism of constitutional changes.

The author notes that a number of international acts contain details of a number of standards. Among them are PACE Resolution No. 1320 of 30 January 2003, entitled "Code on Good Practice in Electoral Affairs", Document entitled "Election Conditions" of the Copenhagen Conference of the CSCE Conference on Human Dimension of 29 June 1990, etc. should be noted. In the context of European standards, the normative acts of the European Congress of Local and Regional Authorities in the field of suffrage are also important. Among them, Recommendation No. 273 (2009) “On Equal Access to Local and Regional Elections” is of particular importance.

[26] Francioni, F. Environment, human rights and international trade / F. Francioni. - Oxford: Hart Publishing, - 2017. - p. 6.

According to the author, a number of documents adopted by the Venice Commission in this area should be noted. These include the “Code of Practice in Electoral Affairs” adopted on 19 October 2002, the Instruction on Media Analysis during the Election Observation Mission of 22 October 2005, the Explanatory Declaration on the Stability of Election Legislation of 17 December 2005, as well as 10 The Declaration on the Participation of Women in Elections of June 2006 should also be mentioned.

Thus, certain international standards that affect constitutional reform arise from the experience of various developed democracies. Of course, although the standard is not mandatory, the main condition for its legitimacy is a clear and precise definition.

The standards are formed especially in the field of human rights and do not affect the national interests of countries. Although they are regional in nature, they are essentially rooted in the universal values of constitutionalism. For this reason, these standards generally guide the development of constitutional reform in order to protect constitutional values.

The second half of Chapter II is entitled ***"Legal Criteria, Implementation Mechanism and Practical Aspects of the Implementation of European Standards in the Field of Constitutional Law"***.

In the study of this issue, the author focuses in detail on the disclosure of some practical aspects of the application of the standards of the Venice Commission. The activity of the Venice Commission is based on the concept of "democracy through law", which emerged in national law and gradually found its application in international law. The main reason for the concept's "entry" from domestic law into international law was the change of political regime and the transition of former member states of the socialist bloc to democratic values and institutions. In the process of transition, European states have received legal support from regional international organizations, including the Council of Europe, whose core values are the rule of law, pluralism, democracy and human rights.

The rule of law is not only about human rights, but also about democracy. The rule of law can only be successfully implemented in a state where the population is collectively responsible for the implementation of this principle and wants to make it an integral part of its legal, political and civic culture.

The Venice Commission, guided by a number of criteria, studies and analyzes in detail the constitutional instructions of the states in various fields related to the normative-legal provisions.

The first such criterion is the rule of law. The priority of the constitution by analyzing this or that constitution with this criterion; compliance with the law; the ratio of international and national law; In emergencies, several aspects need to be considered, such as exceptions (for example, whether there are special national laws for emergencies that threaten the life of the nation, etc.).

The next criterion is equality before the law and non-discrimination. In assessing the provisions of the constitutions according to this criterion, the main aspect is to ensure the principle of equal treatment, the right of citizens to freedom from discrimination and the principle of non-discrimination.

Another criterion is the assessment of the right to a fair trial. Criteria such as ensuring the presumption of innocence, the effectiveness of court decisions, data collection and observation should also be noted.

Documents reflecting the rule of law standards can be divided into two categories: hard law and soft law. Documents of hard law include the 1950 European Convention for the Protection of Human Rights and Freedoms (ECHR), the 2009 EU Charter of Fundamental Rights, the International Covenant on Civil and Political Rights (ICCPR) of 1966, 1998 Rome Statute of the International Criminal Court, etc. Among the soft legal documents are the “Report of the Venice Commission on the Rule of Law, the Index of the Rule of Law of the World Project of Justice, the 2012 ASEAN Declaration of Human Rights, etc. can be noted.

Having studied in detail the mechanism of implementation of European standards into national legal systems, the author concludes that the main obstacles to constitutional amendments in Central and

Eastern Europe were: absolute reflection (provisions and principles that cannot be changed); decision-making by a sufficient majority in parliament; a quorum requirement higher than the quorum requirement for ordinary legislation; time limit; ratification by territorial entities (in countries with a federal system); ratification in a nationwide referendum. It can also be classified as one of the two most widely used mechanisms in European constitutions: a sufficient majority in parliament and a time limit.

Examining the practical aspects of the implementation of European standards, the author notes that the internationalization of positive human rights law is a relatively new condition that dates back to the 1950s. The content and scope of the ECHR in1950 have expanded dramatically in recent decades. This was partly due to the adoption of new protocols to the Convention and the dynamic interpretation given by the Strasbourg-based ECHR. Today, ECHR decisions are referred to in national courts in all European countries. The list of fundamental rights enshrined in international treaties is often reflected in national constitutions, especially post-1990 national constitutions, which include not only civil and political rights, but also social and economic rights. In many cases, these constitutions, unlike international treaties, reflect them in more detail[27]. The author emphasizes that the strengthening of fundamental rights by international human rights standards is widely considered from the point of view of the inexpediency of changing the constitution.

The transition to democracy in Central and Southern Europe requires a more flexible form of constitutionalism than in countries where constitutional democracy has been established. Thus, change in these countries has not happened very quickly without giving young democracies time to develop democratic constitutional traditions based on their needs and characteristics. At the same time, it is impossible to apply democratic principles in taking principles

[27] Доклад о конституционных поправках. Европейская Комиссия За демократию через право (Венецианская комиссия).: [Электронный ресурс]. / URL:https://www.venice.coe.int/webforms/ documents/default.aspx?pdffile=CDL-AD 001.

from other states without taking into account a number of characteristics of specific states (political, cultural, economic, etc.). However, the experience of other countries can be really valuable for a young democracy.

Thus, looking at the experience of Western Europe, where the ideological foundation of modern constitutional democracy was laid, Central and Eastern European countries implemented many principles of democracy in their constitutions, such as the principle of separation of powers or the principle of expression of human rights and protection of human rights.[28]

The author notes that the standards developed by the Council of Europe on interaction between the legislature and civil society are important for the successful implementation of constitutional changes in the field of parliamentary reform, and a number of documents adopted by European institutions in this area (e.g. April 24, 1986). The Committee of Ministers of the Council of Europe adopted the European Convention on the Recognition of International Non-Governmental Organizations as Legal Entities, the 2007 Recommendation of the Committee of Ministers of the Council of Europe on the Legal Status of Non-Governmental Organizations in Europe; Report on Cooperation between the Conference of Organizations, PACE Resolution No. 1547 of 2007 on the Situation of Human Rights and Democracy in Europe, etc.).

The author concludes that the formation of European legal standards takes place, first of all, within the largest international organizations in Europe - the OSCE, the Council of Europe and the EU and contributes to the establishment of national mechanisms. The essence of the approaches and legal standards to the areas of application defined by these institutional mechanisms is determined, first of all, by their areas of activity and goals. This should be taken into account in the analysis and practical application of European legal standards. Thus, the Council of Europe sets standards in the areas of constitutional law, protection of human rights and

[28] Howard, D. K. Constitutional Democracy in the World: The American Look // - Questions of Democracy - 2004. - Vol. 9. №1, - p. 18-26.

environmental protection. The OSCE sets European standards for democratic development, security and conflict resolution. Through EU founding treaties, directives, regulations, guidelines and other *acquis communautaire* acts, most areas of EU member states' livelihoods including the economy (industry, agriculture, banking, tax law), health, social security, the environment and corruption set fighting standards.

The third half of the second chapter is devoted to the study of ***"Comparative and legal analysis of the constitutions of European countries on the basis of the recommendations of the Venice Commission."*** In general, the author notes that an important area of activity of the Venice Commission is the adoption and interpretation of recommendations on the political and constitutional development of non-member states of the Council of Europe, especially in Central and Eastern Europe. The Venice Commission has published more than 100 relevant scientific studies (in addition to hundreds of expert opinions on national constitutions and laws), which are a worthy contribution to modern constitutional comparative studies. They are dedicated to the rights and freedoms of citizens, collectives and social groups, constitutional reforms, electoral systems, constitutional justice, parliamentarism, the judiciary and other important legal issues.

By ratifying the ECHR Convention, States undertake an international obligation to guarantee to persons, groups and non-governmental organizations under their jurisdiction the minimum human rights standards set forth in the provisions of the Convention. The Convention gives individuals and non-governmental organizations under the jurisdiction of Member States, regardless of nationality or nationality, the right to apply to the ECHR.

As for EU legislation, it has an advantage over national legislation for member states. However, the constitutional provisions of some countries do not reflect the relevant requirements, and therefore there is a conflict between EU law and national law. The author cites the example of Bulgaria as an example of such a situation. Thus, the members of the Venice Commission, analyzing the provisions of the Bulgarian Constitution, came to the conclusion

that a number of provisions of the Constitution give the basic rights only to citizens of the state. The Venice Commission concluded that the term "citizen" should be replaced by the equivalent of "everyone" in the Constitution. This would make the wording of the Constitution unambiguous. This problem was resolved in the new version of the Bulgarian Constitution of 2007. Currently the 6th article, the note explains that the term "citizen" refers to all persons to whom the Bulgarian Constitution applies. Analyzing the Constitution of another country, Serbia, the Venice Commission noted that the shortcomings of this Constitution are the overly complex expression of its provisions. As a result, a number of questions may arise in the interpretation of the Constitution, which, in turn, may lead to excessive restrictions on fundamental human rights. According to the Venice Commission, Article 22 of the Serbian Constitution, which includes the right to appeal to international human rights institutions deserves a positive assessment. However, this right should not apply only to citizens. Articles 40-42 of the Serbian Constitution covers various aspects of the right to confidentiality of information, including the right to information protection. At the same time, there is no clear and general guarantee of respect for private and family life, as provided for in Article 8 of the ECHR in the Constitution. Thus, Article 8 of the ECHR is not fully reflected in the Constitution.

The author also examined a number of recommendations of the Venice Commission regarding the study of the revised draft Constitution of the Republic of Georgia. In addition, the recommendations of the Venice Commission on the constitutions of Bosnia and Herzegovina and Malta were studied in detail.

The author pays special attention to the study of the recommendations of the Venice Commission on the Constitution of Azerbaijan. Thus, on January 25, 2001, the Republic of Azerbaijan became a full member of the Council of Europe and signed the ECHR. It should be noted that each member of the Council of Europe enshrines the principle of the rule of law and the principle that all persons under its jurisdiction enjoy human rights and

fundamental freedoms[29]. Focusing primarily on the results of constitutional amendments in the field of human rights, the author also examines the recommendations of the Venice Commission on amendments and additions to the Constitution of Azerbaijan.

After the accession of the Republic of Azerbaijan to the Council of Europe, the Government of Azerbaijan adopted the Constitutional Law "On the Procedure for Ensuring Human Rights and Freedoms in the Republic of Azerbaijan". The main purpose of this document was to bring the legislation of the Republic of Azerbaijan in line with the ECHR and other CoE standards in the field of human rights. After reviewing the relevant bill, the Venice Commission stated in its opinion: "The conditions for the restriction of human rights must be clearly defined in the Constitution." This result is confirmed by the commitment of the Republic of Azerbaijan to compliance with international standards in the field of human and civil rights and freedoms.

One of the innovations proposed in the referendum of 24 August 2002 was an add-on to the Article 71 of the Constitution, which stated that "the restriction of human rights and freedoms must be proportional to the expected results." This amendment was welcomed by the Venice Commission as it was in line with its recommendations submitted in 2001.

At the same time, the Commission noted that the term "expected results" was not the same as the term "legitimate purpose" used in the ECHR and the 2002 Constitutional Law of the Republic of Azerbaijan. This was explained by the fact that not every result that the state could expect after the application of human rights restrictions could be considered a "legitimate goal" from the point of view of the ECHR. Thus, in order to correctly reflect the concept of "legitimate purpose", amendments in the Article 71 were made. The main purpose of the August 24, 2002 referendum was to improve the protection of human rights. In general, the Venice Commission welcomed the amendments to the constitutional provisions on human rights, but at the same time identified a number of points that needed

[29] Hüseynli, Ə.M. Azərbaycanda insan hüquqları və milli qanunvericilik // Çoxşaxəli beynəlxalq hüquq. - Bakı: Elm və təhsil, - 2013. - s. 116.

to be changed. In particular, the Commission commented on the inability to comment on the proposed updates and modifications before they were finalized, as well as on the motives for the reforms.

The Venice Commission also noted that the application of citizenship provisions reduces the scope of existing rights and is an unequivocal step backwards. The reason for the commission's conclusion is making changes in the Article 53, which provides for deprivation of citizenship "in cases provided by law." Unlike some other restrictive provisions, this article posed a risk of discrimination and unjustified deprivation of citizenship compared to the current norm. In its current form, the 53rd article with the accession of the Republic of Azerbaijan to 1961 is in accordance with the UN Convention on the “Reduction of Statelessness” and does not contain any grounds for amending this article. If there are such grounds, the proposed amendments cannot be made through general reference to the legislation. At the very least, the Constitution itself should describe the circumstances in which a person may be deprived of citizenship and reflect the international obligations of the Republic of Azerbaijan in this area, in particular the references to the 1961 UN Convention on Stateless Persons.

However, the development of the institution of citizenship in Azerbaijan is quite liberal, and during the reform period, the establishment of any restrictions was primarily associated with the independence and security of the country.

The author concludes that the Venice Commission, in its decisions on the protection of human rights within the EU, is increasingly becoming one of the subjects and problems of all EU institutions in its decisions. In analyzing the draft constitutional reforms, the Venice Commission considered not only the general principles of law, but also European human rights standards, the ECHR, the experience of the ECHR, etc. sources are guided. In analyzing the provisions of the Constitution, the Venice Commission first of all pays attention to the accuracy of the statements, the compliance of rights with the ECHR and European standards, emphasizes the inadmissibility of excessive restriction of

fundamental human rights and refers to any restriction controls its articulation and substantiation.

Chapter III is entitled **"Objective composition, models and conceptual approaches to the constitutional modernization of states in the modern stage of development of constitutionalism"** and consists of four sub-chapters.

In the first half of third chapter**, entitled** ***"Form of government as an object of constitutional reform",*** the author sequentially examines the different types of state form (form of government, form of government and political regime).

The author notes that the specificity of this or that form of government depends not only on a set of objective factors, but also on the characteristics of the cultural and historical development of the people, its political and psychological will, mentality. The author points out that different criteria can serve as a basis for the classification of forms of governance. And it provides a classification of forms of governance. The author pays special attention to defining the features of the form of the presidential republic.

The goal of constitutional reform depends on the general patterns of development of public relations, the real capabilities of the state and other institutions, and the means used. It must be based on strategic programs for the future. An algorithm must be developed and implemented to implement the reform. Such an algorithm selects adequate tools based on clearly defined objectives, identifies time and stages of reforms, control mechanisms, and criteria for evaluating intermediate and final results. We are talking about the special importance of the purposefulness of the relevant actors in solving long-term issues in the economic, social and other spheres.

Finding its expression in law, the goal stimulates, organizes and directs the practical activity of legal entities. The doctrine of law allows for each element of the legislation to have qualitatively different goals compared to other elements, but within the general goals. Legislation is not a set of scattered norms, but a system of interrelated and interdependent rules, combined with common principles and principles. When the goals of lawmaking are consistently achieved at different levels, at some point they may even

require changes to the constitution. The author then analyzes the constitutional reform of the presidential form of government in different countries (for example, in Russia, China, Kazakhstan, Belarus, Turkmenistan, a number of Latin American countries, including Argentina, Brazil, Colombia, Paraguay, Peru, Mexico, etc.). At the same time, the distinctive features of constitutional reforms in countries with parliaments and mixed forms of government are also studied. The author analyzes the emergence of parliamentarism, its characteristics and shows the characteristics of the parliamentary form of government in Germany, Italy, Austria, Moldova, Greece, Switzerland and a number of other countries. The author notes that the classical forms of parliamentary and presidential republics do not always facilitate the coordination and interaction of the highest state bodies, which leads to a reduction in the governance of the state, a crisis of the entire political system. In order to eliminate these and a number of other negative manifestations, modern statehood creates mixed, "hybrid", "mixed forms of government". The author analyzes the types of "semi-presidential", presidential-parliamentary and presidential-prime ministerial forms of government proposed in the scientific literature, and covers Ireland, France, Croatia, Ukraine, Russia and others referring to states with such "mixed forms of government". According to the author, although Azerbaijan is a semi-presidential republic in terms of the form of government, it is generally a presidential republic. The author comprehensively analyzes the reforms in the field of public administration in the Republic of Azerbaijan and divides them into several main groups according to the purpose and content of the relations covered. Regarding the 2016 constitutional reforms, the author notes that they were related to institutional changes in the structure of the executive branch. Thus, the constitution established the position of first vice-president and vice-president, established a constitutional mechanism for the dissolution of parliament, and provided a mechanism for mutual control between branches of government in the system of separation of powers. The President of the Republic of Azerbaijan used this mechanism to call early parliamentary elections in early 2020 in order to stimulate

constitutional reform, and as a result, a parliament meeting the new modern reforms was elected.

According to the author, the most progressive step in terms of improving public administration was the establishment of the vice-presidential institution in 2016. The need for the establishment of this institution has been expressed in recent years in connection with the transition to the next stage of fundamental economic reforms in Azerbaijan. The establishment of the vice-presidential institution allows to monitor the implementation of relevant decrees and orders of the President, as well as to implement economic reforms at a more specialized level. In addition to bringing the post of vice president to the Constitution, it also serves to maintain and strengthen the position of our country in the world economy.

In conclusion, the author concludes that a comparative analysis of constitutional reforms in different countries allows to reveal the sequence of dynamics of these reforms and the regularity of their implementation in the same direction. Strengthening the principle of separation of powers in the field of governance, protection of the rule of law in the activities of public authorities, improving the protection mechanism in ensuring human rights and the establishment of special authorities in this area, the legitimacy of public authorities to increase transparency, improve the electoral system constitute priority areas of constitutional reform.

The second half of Chapter III***, entitled "Problems of the judiciary as an object of constitutional reform and its modernization, the problems of ensuring international legal standards in the process of self-organization"*** examines the characteristics of the judiciary as an object of constitutional reform.

The author notes that in the modern doctrine of law, the judiciary is considered in a broad sense as a political and legal phenomenon, and the category of "judiciary" has a multi-level legal content, used in different senses. The judiciary, with its special functions and specific features of the political-legal phenomenon, has its own dynamics of change and historical evolution. The praxiological significance of the use of the category of constitutional dynamics is that it has the feature of concrete integration, which

includes all aspects related to the development and transformation of the provisions of the Basic Law. The ontological analysis of the dynamics of the Constitution shows the close interaction of the state with the mechanisms of constitutional reform and modernization in any field. Theoretical approaches to the reform of the judiciary are also very diverse.

The author points out that some scientists, given the ontological features of the judiciary, believe that judicial reform can be seen as the transformation of the judiciary into an independent branch of government. The author analyzes the various concepts in the scientific literature on the content of the concept of judicial reform and shows that doctrinal and conceptual approaches to understanding the essence and implementation of judicial reform show that the process of its implementation at any historical stage is contradictory and complex. Examining the legal nature of international standards of judicial power and judicial self-government and self-organization, the author notes that a unified set of unified normative-legal international standards developed by states within international organizations has been formed in various fields of modern international cooperation. Their implementation is proof that the state helps to ensure the effective implementation of universal values. The author notes that the main goal in the implementation of judicial reform is to achieve international legal standards. The author analyzes a number of international acts in the field of judicial reform (UN General Assembly Declaration of 29 November 1985 "On Basic Principles of Justice for Victims of Crime and Abuse of Power", Council of Europe July 8-10, 1998) (European Charter on the Status of Judges, Bangalore Principles of Judicial Conduct, etc.). According to the author, the implementation of international legal standards in the field of judiciary and judicial self-government in national legislation can make an important contribution to the process of reforming the judiciary. Then the author studies the activities of the Consultative Council of European Judges (ECHR) and the normative documents adopted by this body. The 2001 Global Framework for Action for European Courts was also analyzed.

The author notes that the constitutions of a number of countries provide for the transfer of control over the judicial system to the highest courts. In this regard, it analyzes the relevant articles of the constitutions of Mexico, Guatemala (1956), Colombia, Peru and Afghanistan. Another model envisages the transfer of a number of management powers (primarily personnel and discipline) to a special body. Such a body (its name varies from country to country) does not administer justice and has a special status reflected in both national legislation and the constitution. Such a model is valid in the Republic of Ukraine, the Republic of Albania, the Italian Republic, the Kingdom of Cambodia, the Republic of Moldova, and the Portuguese Republic, the Republic of Romania, East Timor, the French Republic, the Argentine Republic, Peru, Macedonia, Bulgaria, Greece and several other countries.

The author concludes that the practice of foreign institutions of judicial self-government requires the application of the best practices of judicial activity in the legislation of our country, taking into account the essence of the concept of judicial self-government as a whole and the experience and realities of modern development. In this regard, the author analyzes the features of the administration of justice in Azerbaijan. He emphasizes that among the post-Soviet countries, Azerbaijan was the first to establish administrative courts in connection with administrative disputes. As the newly established Administrative Justice System in Azerbaijan's legal system covered the stage of administrative proceedings and administrative litigation, constitutional reforms became the guarantors of existing judicial reforms.

According to the author, the 2009 constitutional reforms had a significant impact on judicial reform and the strengthening of justice in Azerbaijan. Thus, in addition to Article 125 of the Constitution, the purpose of the court proceedings (determination of the truth) was clearly stated. Also, Article 129 of the Constitution. In the new section, an important procedural provision on the basis of court decisions based on law and evidence has been raised to the level of a constitutional principle. In addition, the requirement that

court decisions be lawful and reasonable is enshrined in procedural law (Criminal Procedure Code, Civil Procedure Code).

The author concludes that this principle will play an important role in the more effective administration of justice and the elimination of problems in the work of the courts. The constant implementation of judicial reform proves once again that the process of implementing the essence of this category at any historical stage is contradictory and complex. For modern Azerbaijan, taking into account the experience of developing universal and European standards in judicial and legal reforms is an effective tool for achieving any results for a democratically developing state.

As a result of this subsection, the author concludes that, given the ontological features of the judiciary, which is capable of its own development dynamics, it should be noted that judicial reform in various countries, especially post-Soviet countries, is the transformation of the judiciary into an independent branch of government. It can be done. The main goal of judicial reform is to create a new mechanism of judicial activity in accordance with global principles and standards set out in international regulations. The structure of the judiciary cannot be "transferred" from other countries. Although individual elements may be appropriated, the transfer of one national legislative system as a whole to another may seriously impede the free functioning of the judiciary or may formally remain at the normative level. In general, the purpose of judicial reform is understood as its content, areas of reform and the creation of a mechanism for more effective implementation. From a constitutional point of view, judicial reform is a factor that serves to strengthen a just society.

“The third half of Chapter III**, entitled** ***"Local Self-Government and Decentralization as an Object of Constitutional Reform",*** examines the features of local self-government and decentralization as an object of constitutional reform.

The author notes that in most modern European countries, the management of the whole complex of rights on the ground is carried out by special local authorities. They are formed on the basis of universal, equal and direct suffrage by secret ballot. Local self-

government bodies can also be formed by appointment from the center. The modern structure of public power implies the parallel existence of its two independent types - state power and municipal power. This is due to existing European legal standards in the field of local government. The author divides the implementation of municipal government in EU member states into several main systems (Anglo-Saxon, continental) and analyzes them. At the same time, the author considers constitutional models of decentralization of state power in the process of modernization and reform. In modern constitutionalism, decentralization is often conceptually a manifestation of greater democratization of society, as decentralization of public power implies the relative independence of governing structures, giving them the right to make and implement decisions within their powers, as well as legal and political responsibility.

The issue of decentralization was first reflected in the constitutional acts of individual European states in the second half of the twentieth century and is understood in two forms: territorial decentralization of autonomy and sectoral decentralization of government. France, the Kingdom of Spain, Italy, Belgium, Moldova, etc. In analyzing the constitutional acts of such countries, the author identifies the content and characteristics of the concept of decentralization in these countries. As a result, the author notes that decentralization, as an institution (category) of constitutionalism, has different interpretations and concepts, which are reflected in the mechanisms of national constitution. Decentralization is also understood as a form of organization of regional and local elected governing bodies and as a transfer of central government powers to such bodies.

Constitutional reform, as a means of modernizing public administration and decentralizing public administration in modern society, should be aimed primarily at creating a stable mechanism of public power and preventing constitutional legal conflicts that could turn into acute socio-political crises.

Analyzing a number of foreign constitutions, the author draws a general conclusion about the existence of the main directions of

decentralized constitutional reforms in order to eliminate constitutional crises in the distribution and implementation of public-government powers and notes that the implementation of constitutional-legal mechanisms reflected in constitutional-legal norms is complicated. The solution of the political situation takes place at the level of law. The author examines the means of resolving constitutional legal disputes and conflicts (appealing to constitutional review bodies for official interpretation of this or that constitutional norm in other areas, making changes in constitutional legal acts) and the experience of various stories in this area. Among the reforms carried out in Azerbaijan, the author pays special attention to the study of the beginning of the reconstruction of the local self-government system on the basis of modern principles and the organization of local municipal democracy.

The author concludes that:

- Any means and methods that promote local self-government and increase the decentralization of public power, and changes in the division of powers between different levels of government, are legitimate only in the regulation of their fundamental foundations by constitutional and legal norms. At the same time, the mechanisms that are not regulated by the sources of any other constitutional law are only political mechanisms, and therefore must be considered illegitimate and unconstitutional from a formal-legal point of view;
- The most effective means of carrying out constitutional reform in the field of development of local self-government and decentralization of public power is to make changes in constitutional legal acts in order to eliminate specific conflicts of constitutional law or change the general political and legal situation in society and state.

In the fourth half of Chapter III, entitled **"Making additions and amendments to the Constitution as an objective formal-procedural component of constitutional reform",** the author analyzes the legal aspects of the process of making additions and amendments to the constitution.

Constitutional changes are changes not only in the textual amendment of the Constitution, its verbal-deontic content, but, above all, in the system of constitutional relations. Depending on the degree

of influence on the qualitative characteristics of the country's constitutional system, constitutional modernization and constitutional reform differ.

The readiness of society and the state for a certain form of constitutional change determines the choice of legitimate ways, means and methods of achieving the goals of constitutional legal relations, depending on the degree of radicalization of the proposed changes.

The author notes that modern experience shows that constitutional changes are very diverse, and only part of them constitutes constitutional reform, and the experience of studying amendments to the constitutions of countries around the world allows us to divide such changes into several groups depending on the nature and scope of the text. Thus, a significant part of the constitutional amendments are amendments to individual words and symbols of the texts of the basic laws (for example, Austria, Norway). These types of changes are often associated with stylistic adjustments to the text.

Another type of numerous amendments to the text of the Constitution is terminological. They involve the replacement of one term or terminological expression with another, one with a different or clarifying meaning. Unlike the previous type, such changes are not formal, but substantive. For example, the removal of the word "socialist" from the name of the Czechoslovak Constitution and other similar amendments made in the 1980s and 1990s. The introduction of the word "socialist" in the constitutions of Eastern European countries in the late 1990s marked the beginning of constitutional reform, reflecting social, political and economic changes, as well as changes in legislation and the legal system..

When constitutions are amended, there is often a partial internal institutional adjustment of their meaning. Constitutional changes may be expressed in the inclusion of a new institution of constitutional law in the text of the constitution, in the replacement or abolition of an existing institution with a new one. This is no longer a partial, but a whole constitutional change.

Constitutional reform is a purposeful action or a set of similar purposeful actions that have been extended over time. In the history of different countries, many new constitutions - legal institutions - were included in the constitutions through special amendments. However, not all amendments can be attributed to constitutional reform. Constitutional changes can also take place through changes in the main ideology. They may be related to revolutionary events and, as a rule, are most clearly defined in the adoption of new constitutions after the interim constitutional acts, which are often the transition to other types of constitutions.

According to the author, changes in the constitution mean various amendments to its text (change of individual terms and symbols, introduction of new institutions, etc.). The author examines the stages of the procedure for changing the constitution in different countries (USA, France, Italy, India, Japan, Germany, Greece, China, etc.).

The author pays special attention to a comprehensive analysis of the reforms implemented in the CIS countries in connection with the amendments to the constitution and the stages of their implementation. Then the author examines the features of making additions and changes to the constitution in the Republic of Azerbaijan.

The **conclusion** of the dissertation summarizes the main results of the current research and shows the results of the work.

The main provisions of the dissertation research are reflected in the following published scientific works of the author:

1. Traditions of parliamentarism in the Republic of Azerbaijan: history and modernity. // Baku: Law, 2014. - 200 p.
2. Commentary to the Code of Administrative Offenses of the Republic of Azerbaijan // (with co-authors) Law Publishing House, Baku, 2015.
3. The Functioning of the Basic Organs of the State Using Legislative, Executive and Judicial Powers in Azerbaijan and the Mutual Relations Between These Organs // Proceedings of

the International Congress of Turkish World Educational Sciences and Social Sciences. VI Vol. (2016 In Memory of Hodja Ahmet Yesevi Year). Ankara, Turkey Republic, 2016, pp.755-760.
4. Interaction of the Milli Majlis of the Republic of Azerbaijan with the executive and judicial authorities on the basis of the principle of separation of powers // Scientific Law Journal "Police Academy", Publishing House of the Police Academy of the Ministry of Internal Affairs of the Republic of Azerbaijan, №3-4 (16), Baku, 2016 , pp.122-127.
5. Law Reform in the Republic of Azerbaijan with regard to local administrations in the digital age // Public Administration Forum (KAYFOR 15), materials of the conference entitled "Public Administration and Policies in the Digital Age", Isparta, Republic of Turkey, 1-4 noyabr 2017, p.508-511.
6. Efficiency criteria for optimizing the activities of the executive power // "Young researcher" scientific-practical magazine, Council of Young Scientists and Specialists of the Azerbaijan National Academy of Sciences, volume III, №1, Baku, 2017, p.212-220.
7. Theoretical and methodological approaches to the definition of the legal category "reform" // Bulletin of the Marupol Sovereign University Series: Law, Issue 13, Ministry of Education and Science of Ukraine, Mariupol, 2017, pp. 192-197.
8. Some aspects of optimizing the activities of the executive power // Materials of the Republican scientific-practical conference on "The main directions of sustainable development management in modern times." Baku, May 4, 2017, p. 262-274.
9. Ontological dimension of the category "reform" in social and legal discourse: theoretical characteristics // Bulletin of the Marupol Sovereign University Series: Law, Issue 14, Ministry of Education and Science of Ukraine, Mariupol, 2017, pp. 134-141.
10. The main directions of legislative reforms of the Parliament of

the Azerbaijan Democratic Republic // Materials of the Republican scientific-theoretical conference on "Modern theoretical and practical approaches in the field of protection of human rights and freedoms in the XXI century". Baku, May 3, 2018, pp.89-97.
11. Local self-government and decentralization as an object of constitutional modernization: a comparative legal analysis // Astana: Science and Life of Kazakhstan, - 2018. No. 6 (66), - p. 32-38.
12. The doctrine of modern constitutional law of the Republic of Azerbaijan as an axiological phenomenon in the paradigm system of world constitutionalism // "Young researcher" scientific-practical magazine, Council of Young Scientists and Specialists of the Azerbaijan National Academy of Sciences, volume IV, №2, Baku, 2018, pp.163-172 .
13. Contemporary point of constitutional reforms in Postsovet countries: conceptual principles and innovations // II International Turkish World Congress of Educational Sciences and Social Sciences, Antalya, Turkey, 01-04 dekabr 2018, pp.334-338.
14. Theoretical and legal approaches to the concept of "reform" in the conditions of modern social transformations // Current development of state-creation and law-making in Ukraine: Problems of Theory and Practice. Collection of materials from the 7th International Scientific and Practical Conference of Young Students, Ukraine, Mariupol, 29 March 2018, pp. 30-32.
15. The modern constitutional law doctrine of the Republic of Azerbaijan, axiology phenomenon, in the paradigm system of world constitutionalism // Public Administration Symposium (KAYSEM 12), materials of the conference entitled “Society, Settlement and Management Discussions in Turkey”, Kırıkkale, Türkiyə Cümhuriyyəti, 25-27 oktyabr 2018, p. 627-635.
16. Some characteristic aspects during the Soviet period of constitutional reforms in Azerbaijan // “Contemporary problems of the government: The new literature of the defense of human law in the Republic of Azerbaijan” Baku, 3 May

2019, səh.250-260
17. In the context of Məhkəmə judgeiyyəti constitutional reforms // "Dövlət Administrative: nəzəriyyə ve təcrübə" elmi-nəzəri, təcrübi aylıq journal, №2 (66), Azərbaycan, 2019-175
18. Genesis, main stages and features of the implementation of constitutional reforms in the Republic of Azerbaijan in modern times // Materials of the scientific conference of doctoral students and dissertators on "Heydar Aliyev's rich political and spiritual heritage is our national wealth" dedicated to the 96th anniversary of our national leader Heydar Aliyev, ARPDIA, "Chashyoglu", 2019 p. 24-34.
19. Some features of modern methodology in the study of constitutional reforms // Juridicheskie nauki i obrazovanie, scientific journal of law, International Organization of Legal Studies, №60, Baku, 2019. p.78-100
20. Problems in modern legal science and their constitutional legal solutions // Science and Education Publishing House, Baku: 2019. 372 p.
21. The doctrine of modern constitutional law of the Republic of Azerbaijan // Хуманитарни Балкански изследования, Sofiya, Bolqarıstan Respublikası, T.4, №2 (8) 2020, səh. 44-49.
22. Artificial intelligence and robotics in the context of human rights // Science and Education Publishing House, Baku: 2020. 328 p.
23. Key features of the legal regulation of sustainable development // 55th International Scientific Conference on Economic and Social Development, Park İnn By Radisson, Bakı: 18-19 iyun 2020. Səh.59-65
24. The main features of constitutional reforms in modern times // "Young researcher" scientific-practical magazine, Council of Young Scientists and Specialists of the Azerbaijan National Academy of Sciences, volume VI, №1, Baku, 2020 Pages 159-170
25. Basic and ontological features of constitutional reforms // Юридические науки и образование. - Baku, № 62, 2020, - p. 64-77.

26. The problems of maximizing human potential and attracting talent in the civil service // 55th International Scientific Conference on Economic and Social Development, Park İnn By Radisson, Bakı: 18-19 iyun 2020, Səh.66-75.
27. The essence of constitutional reforms in the field of public administration in the Republic of Azerbaijan // Materials of the online scientific-theoretical conference on "Modern theoretical and practical approaches to the protection of human rights and freedoms in the XXI century." Baku, May 7, 2020, pp.186-193.
28. Ontological dimension of the “Reform” category as a form of changing social and legal reality: theoretical characteristics // Materials of the scientific conference of doctoral students and dissertators on “New stage of public administration reforms” dedicated to the 97th anniversary of our national leader Heydar Aliyev, ARPDIA, « Chashyoglu », 2020 p. 58-70.
29. Theoretical bases of the category "Reform" as a form of change of social and legal reality // Materials of the online scientific-theoretical conference on "Modern theoretical and practical approaches in the field of protection of human rights and freedoms in the XXI century". Baku, May 6, 2021, pp.185-192
30. Ontological dimension of the category of "reform" as a form of changing the social and legal reality: theoretical characteristics // Scientific News Journal of the Police Academy, Publishing House of the Police Academy of the Ministry of Internal Affairs of the Republic of Azerbaijan, №1 (29), Baku, 2021, p..26-35
31. The 30-year Journey of the Constitutions in the post-Soviet states after Independence // Public Administration.Taylor & Francis, 2023, pp. 450-465

The defense of the dissertation will be held on_____ 2023 at _____ o'clock at the meeting of the ED 2.45 Dissertation Council operating under the National Aviation Academy.

Address: AZ 1045, Baku city, Mardakan avenue 30, National Aviation Academy,___educational building, auditorium number ___.

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Electronic versions of the dissertation and abstract are posted on the official website of National Aviation Academy (www.naa.az).

The abstract was sent to the necessary addresses on _____2023

Signed for print: 25.02.2023.

Paper format: A5 (210 x 148 mm)

Volume: 99811 characters

Number of hard copies: 30