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## **Organization of parliamentary institutes in Azerbaijan Democratic Republic**

### ***Abstract***

*The author mentions that a large part of our researchers deals with the problem of parliamentary activity and the main directions of activity of the Azerbaijan Democratic Republic on the issues of the legislative parliament almost do not analyze. So, there is a need to examine the study of this problem in terms of the scientific point of view. It is necessary to take into account the experience and traditions of the Azerbaijan Democratic Republic in the constitutional and legal field. Based on the experience of our country, modern constitution should be one of the methodological principles of legal research. The achievements gained at the level of the theory and the experience of constitutional development in Azerbaijan at the beginning of the twentieth century can be used to improve the modern constitutional system and to build a state of law. The events taking place in the parliament, the parliamentary inquiries, and the ministerial responsibility of the ministers are crucial. The current socio-economic and political situation in the Republic of Azerbaijan once again proves that our country is at the highest stage of development, and this development is characterized by intensive progress. With its achievements as a multicultural and tolerant country, the Republic of Azerbaijan can be an example for some of the world's most developed countries. Establishing a legal state in accordance with the regulations of the era of globalization, Azerbaijan is one of the leading countries, and even the first leading country practicing modern integration processes.*

***Keywords:*** *constitution; constitutional law, human and civil rights, the law*

## Azerbaycan Halk Cumhuriyeti'nde parlamenter enstitülerin organizasyonu

### Öz

*Yazar, araştırmacılarımızın büyük bir kısmının parlamentonun faaliyeti sorunuyla ilgilendiğini ve Azerbaycan Halk Cumhuriyeti'nin yasama parlamentosunun sorunlarına ilişkin ana faaliyet yönlerinin neredeyse analiz edilmediğini belirtmektedir. Dolayısıyla bu problemin incelenmesinin bilimsel açıdan incelenmesine ihtiyaç vardır. Azerbaycan Halk Cumhuriyeti'nin anayasal ve hukuki alandaki tecrübe ve geleneklerini dikkate almak gerekir. Ülkemizin deneyimine dayanarak, modern anayasanın hukuk araştırmalarının metodolojik ilkelerinden biri olması gerekir. Azerbaycan'da yirminci yüzyılın başında teori düzeyinde elde edilen başarılar ve anayasal gelişim deneyimi, modern anayasal sistemin iyileştirilmesi ve hukuk devletinin inşası için kullanılabilir. Parlamentoda yaşanan olaylar, parlamento soruşturmaları ve bakanların bakanlık sorumlulukları çok önemlidir. Azerbaycan Cumhuriyeti'nin mevcut sosyo-ekonomik ve siyasi durumu, ülkemizin kalkınmanın en yüksek aşamasında olduğunu bir kez daha kanıtlıyor ve bu gelişme yoğun bir ilerleme ile karakterizedir. Azerbaycan Cumhuriyeti, çok kültürlü ve hoşgörülü bir ülke olarak başarılarıyla dünyanın en gelişmiş ülkelerinden bazılarını örnek teşkil edebilir. Küreselleşme çağının kurallarına uygun bir hukuk devleti kuran Azerbaycan, modern entegrasyon süreçlerini uygulayan öncü ülkelerden biri, hatta ilk lider ülke konumundadır.*

**Anahtar Kelimeler:** Anayasa, Anayasa hukuku, İnsan ve medeni haklar, Hukuk

### Introduction

There is a rapid development of a number of important social and political events in the modern era, one of which is the parliamentarism institute that has passed a few centuries after the establishment of its. In this sense, despite its short life in the early twentieth century, the Democratic People's Republic of Azerbaijan, which has created a democratic parliamentary structure for the first time in the East, has made a significant contribution to the global parliamentary tradition. The activity of Parliament are of great interest to researchers and experts today in terms of theoretical and practical issues related to its importance. But, unfortunately, a large part of our researchers are only satisfied with the problem of parliamentary activity and the main directions of activity of the Azerbaijan Democratic Republic on the issues of the legislative parliament almost do not analyze. However, there is a need to examine the study of this problem in terms of the scientific point of view because although the first parliamentary republic, the Democratic Republic of Azerbaijan in the Muslim East, existed for almost two years with its rich state-building experience, has accumulated an indelible mark in the history of national statehood with its rich state-building experience and

has built a solid foundation for the future independence of the republic by strengthening its freedom and independence in the hearts of the people.

### **1.Literature Review**

15 scientific literature have been used in the research. The literature utilized in the study can be divided into 2 groups according to the information sources: 1- The main structural elements of the control system have been inspected, information such as the importance, tasks and goals of the control have been noted. 2- The legal specifics and legal significance of public control have been examined.

### **2.Organization of parliamentary institutes in Azerbaijan Democratic Republic**

Speaking about Azerbaijan's parliamentarism, it should be noted that the Azerbaijan Democratic Republic, which operated for only 23 months, has a special place and role here. Thus, from the very first day of the formation of the Azerbaijani Parliament, its work was based on the principles of democratic republics (Azerbaijan Democratic Republic 1918-1920, 1998, p.15). Moreover, the militants of the republic have laid the foundations of parliamentary culture in the history of Azerbaijan.

Analysis of activity of separate state structures of the Azerbaijan Democratic Republic shows that there is a reconciliation between the work done in the field of democratic state building and the organization of the Parliament of Azerbaijan Democratic Republic on multi-party basis and taking into account the representation of all nations living in the territory of the state, activity of local self-government bodies, development of national statehood traditions under present conditions and steps in the field of army building (Encyclopedia of Azerbaijan Democratic Republic, p. 29). Parliamentarism can be divided into two stages in Azerbaijan Democratic Republic. The first period began on May 28, 1918 and continued until the opening of the Parliament. On May 28, 1918, the Azerbaijani National Council adopted the "Declaration of Independence" and approved the composition of the First Government of the People's Republic of Azerbaijan led by Fatali Khan Khoyski. "The Declaration of Independence" for the first time in the East has declared the establishment of a democratic republic governance - a parliamentary republic. According to the "Declaration of Independence":

-As the Azerbaijani people have the right to power, Azerbaijan, which covers the South-Eastern Transcaucasia, is also a fully independent state;

- The administrative form of the independent Azerbaijani state is the People's Republic;

- The Azerbaijan Democratic Republic is determined to establish friendly relations with all nations, especially the neighboring nations and states;

- Azerbaijan Democratic Republic provides political rights and the right of citizenship to all its citizens, regardless of nationality, religion, class and gender, within their borders;

- The Azerbaijan Democratic Republic creates wide opportunities for the free development of all the nations living within its territory;

-Until the Assembly of Deputies gather, the provisional government, which is responsible for the National Council and the National Council is elected by the people of Azerbaijan, is at the head of Azerbaijan.

Thus, the Declaration of Independence created the legal foundation for the establishment and functioning of the Azerbaijan Democratic Republic, while six of these are still the main criteria of the constitutional legal status, which are the main criteria for the development of the state and law of Azerbaijan (Ismailov, 1999, p. 67-68). One of the characteristics of the Azerbaijan Democratic Republic at the first stage is the fact that the legislative activity related to severe internal and external conditions was carried out by the Provisional Government of the Democratic Republic of Azerbaijan until December 1918. On June 17, 1918 two important decisions were made on the issuance of the National Council and the transfer of the legislative and executive power to the Azerbaijan Provisional Government. In connection with the dismissal of the National Council, the National Council of Azerbaijan was entrusted to the government established under the chairmanship of Fatali Khan Khoyski and was instructed to not delegate his powers to any body other than the Assembly of Deputies.

In accordance with the second decision of the first government's rights and powers, the Government was not empowered to abolish the state independence and existing political freedoms of Azerbaijan and to change agrarian and other important laws. The new Government had to call the Assembly of Deputies no later than six months. In all other matters, the Government was authorized to exercise all rights.

In general, before the move to Baku, the government of the Democratic Republic of Azerbaijan carried out a number of important activities in Ganja in the field of economic and political life, elimination of anarchy, restoration of railways, establishment of postal telegraph links between different regions of the country and other areas (Pashayev, 2005). Moreover, with the Decision of 23 June 1918 on the temporary abolition of the Russian and Transcaucasian laws, existing laws in force in Azerbaijan were valid until their cancellation or alteration. The changed condition of the state's life and political structure of the country necessitated the alignment of some areas of legislation, such as the criminal code defending the structure. The Commission for the preparation of the Regulation on Elections to the Assembly of Deputies by

the Decision (Decision of the Second Government dated 14 September 1918 The Commission for the preparation of the Regulation on Elections to the Assembly of Deputies/ list 1) of the Second Government dated 14 September 1918 was entrusted to the Council of Ministers, ministries of internal affairs and public education. The commission was instructed to submit a draft law to the government promptly. At the meeting of the Commission held on 5 November 1918, the National Assembly made a proposal to establish an emergency temporary Azerbaijani Parliament, taking into account the impossibility of calling the Assembly of Deputies for technical reasons and the situation in the country. The government decided to convene an assembly of the National Council of Azerbaijan on November 16, at the meeting held on November 9, 1918. On November 16, 1918, the National Council, again in Baku, in a very difficult economic and political context, adopted the Law (Azerbaijan Democratic Republic 1918-1920, 1998). "On the Assembly of the Azerbaijani Parliament" consisting of one hundred and twenty people as the supreme governing body of the state on November 19 and decided to call its first meeting on December 3. On November 29, 1918, the National Council issued an appeal to "all Azerbaijani people!" in Azerbaijani and Russian languages. The appeal states that "the Azerbaijani Assembly will be the owner of our country until the establishment of the institution, it will solve its fate, organize its government and protect its interests" (Appeal to "all Azerbaijani people!" dated 19 november 1918.ADR, f.895, list 1, w.25). The second phase of the history of the parliamentarianism of the Azerbaijan Democratic Republic covers seventeen months. The first meeting of parliament was scheduled for December 3, 1918, but that happened only on December 7, 1918. This was due to the fact that the British military did not agree and that all the MPs could not come to Baku in time.

On December 26, 1918, F. Khoyski made his program in the Parliament and presented the new Third Government for approval. The Parliament adopted the Government's program and expressed confidence in the government of F. Khoyski (Mahmudov, 2001). The coalition government consisted of three Russian nationals, and the Armenians refused from the two proposed ministers. Just after the approval of the Third Government by the Parliament, General Tomson, the representative of the British military leadership in Azerbaijan, issued a statement on December 28: "Regarding the organization of the coalition government under the chairmanship of Khoyski, I declare that the Allied Command will render comprehensive assistance to this government, which is the sole legitimate government within the borders of Azerbaijan" (Taghiyev, 2000). In general, the Azerbaijani parliament has organized the Government of the Republic of Azerbaijan three times and liked it by listening to its activity program.

Particular attention should be paid to an important issue related to the opening and functioning of the parliament. Thus, in the formation of the parliament, "the representation of national representatives as a basic principle was taken" (Rzali, Azerbaijan newspaper, 2003. 7 december). The Law (On the Assembly of the Azerbaijani Parliament dated November 19, 1918, ADR, f.895, list 3, w.7, p-1-2). "On the Assembly of the Azerbaijani Parliament" establishes twenty-one places for the Armenian representatives in accordance with the total population of Azerbaijan and ten places for Russian representatives. Russian and Armenian National Councils were offered to send their representatives to the parliament on 25 November. However, they did not attend the first meeting of the Azerbaijani parliament. The Russian National Council, on January 31, 1919, joined the parliament in February of the same year.

It is also worth mentioning that despite the fact that the Parliamentary Assembly of the Assembly of Azerbaijan (On the Assembly of the Azerbaijani Parliament" dated November 1, 1918, ADR, f.895, list 3, w.7, p-1-2) has about a hundred and twenty people, the Parliament has never functioned for a number of reasons. Ninety-six MPs representing various factions and groups in the Parliament of the Democratic Republic of Azerbaijan. The party factions and groups functioning in the parliament of the Democratic Republic of Azerbaijan were at its meetings in terms of the interests and ideology of their parties and groups.

It should be noted that, "despite the diverse and different approaches to solving these or other problems, all the parliamentary factions were unanimous in one issue: Basic principles such as the protection of Azerbaijan 's independence, its national - political rights, the solidarity of Azerbaijan and all peoples of the Caucasus, the rule of law and the protection of the interests of the working population, and the establishment of a democratic system in the country should be in the spotlight of the activities of the Azerbaijani parliament and all fractions of the parliament should unite with them " (Balayev, 1990). The initial preparation of the issues raised by the Parliament drew on its commissions. Permanent committees were set up for drafting laws and initially addressing issues. In the Parliament, the following permanent and temporary commissions were functioning: financial - budget, legislative proposals, central commissions for holding elections to the Assembly of Entrepreneurs, mandates, military, agrarian issues, inquiries, farms, disposal commissions on the use of country's production forces, editorials and worker commissions.

During the seventeen-month activity of the Parliament of the Democratic Republic of Azerbaijan, 145 meetings were held (Azerbaijan Democratic Republic 1918-1920, 1998). Fifteen of these meetings did not take place because there was not enough. Two hundred out of

thirty sessions were history, four were ceremonial and two were extraordinary. The remaining sessions cover domestic and foreign policy, economic and financial issues, discussion and adoption of legislative acts, judicial reform, army building, etc. dedicated to the discussion of issues. In all these sessions, the Parliament of the Democratic Republic of Azerbaijan adopted very important laws and decisions in order to ensure the territorial integrity of the country and to maintain its independence, to create a legal state in which human rights and freedoms were fully respected, given the principles set forth in the Declaration of Independence. All of these laws and decisions, as a result, served the ultimate goal of forming legislative, executive and judicial bodies. Thus, the laws that were debated in the parliament were generally accepted only after the third reading. During the activity, about three hundred draft laws were submitted to the discussion of the Parliament of Azerbaijan Democratic Republic, about two hundred thirty of them were adopted.

Parliament's activity was directly regulated by the "Parliamentary Instructions" [4, p.12].adopted on March 17, 1919, which regulates its statute and charter. This document, consisting of 200 items distinguished by its detailed definition, defined the rules of operation of the parliament and its bodies. Instructions included the opening of the parliament, holding elections to the leading positions, reviewing the issues on the agenda and the organization of voting procedures and the rules of work, the composition and powers of the Presidium of the parliament, the legal status of the MPs and so on. According to the regulations, parliamentary sessions were held twice a week - Monday and Thursday, according to the rules.

According to the "Parliamentary Instructions" (On the Assembly of the Azerbaijani Parliament" dated November 19, 1918, ADR, f.895, list 3, w.7, p-1-2) parliamentary sessions were conducted in Azerbaijani only. Only representatives of other nationalities could speak in Russian. It should be noted that during the seventeen-month activity, the Parliament of the Democratic Republic of Azerbaijan violated this requirement only twice in the hundred and forty-five sessions. Talking about the working principle of the parliament of the Democratic People's Republic of Azerbaijan, it should be noted that the meeting was held strictly enough to hold meetings. On January 16, 1919, the issue of elimination led to broad debate at the eighth meeting of the parliament. When discussing a general figure for quorum, the parliament took into consideration that it had actually eighty-two members, up to 50 per cent of the parliament, ie forty people.

Legislative initiative in the Parliament of the Azerbaijan Democratic Republic was the only government owned by deputies. The Regulations approved by the Council of Ministers on 18 January 1919 on the submission of draft laws to the parliament were determined by the

parliament and no matter which was to be repealed can not be submitted to parliament without the Council of Ministers. For this reason, any legislative proposal proposed by the Minister was submitted to the Council of Ministers with a relevant explanatory letter on the reason, grounds and purpose of the issue related to this draft law through the Chairman. After receiving the draft law, the Chairman of the Council of Ministers could apply to relevant authorities and organizations to obtain the necessary information and explanations related to this project. The Chairman of the Council of Ministers brought the bill to him for consideration at the Council of Ministers. The Minister or his companion, who led the businesses involved, had to take part in the discussion. When the Cabinet of Ministers considers it necessary to make significant changes to the draft law or its revision, the chairman returns it to the relevant minister and explained that after the amendments the bill should be submitted for consideration by the Council of Ministers. If the Council of Ministers considers it necessary to make slight amendments to the draft law, these amendments are made at that meeting of the Council of Ministers or at its next meeting and precisely formed in the protocol, as well as in the Journal of the session.

According to the Law of 25 January 1919 "On Difference between civil service and public service " except the ministers, all civil servants, can not be a member of parliament at the same time. Exceptions only apply to professors and teachers in Baku, as well as to free professional owners, such as legal advisers, doctors, on the one hand, those who are civil servants and are not considered government officials. All other members of the parliament's civil service should either withdraw from their official duties or the parliament. For this reason, since the time when this law was published, the term is for three days for those living in Baku, and for those who live outside Baku - ten days later. Accordingly, for example, a member of the parliament, S.M Ganiyev resigned from the post of Minister of Public Education and remained a member of parliament (Azərbaycan newspaper, 1919, 30 January). It is remarkable that on the basis of the assembly of the parliament there were also democratic principles- the proportion of the electoral deputies was based on the principle of proportionality to the social and national composition of the population. Its members were a valuable part of the nation and were educated in European countries. For this reason, it is not surprising that the principles of democratic multi-party system and pluralism are based on the work of the parliament.

According to the law "On the Assembly of Azerbaijan" (On the Assembly of the Azerbaijani Parliament" dated November 19, 1918, ADR, f.895, list 3, w.7, p-1-2). about 1/3 of the Parliament's constituencies were formed by representatives of four political parties, about



1/4 of them - by representatives of national minorities authorized by the authorities. Almost half of the nominees were nominated by national committees and city self-governing bodies, including the deputies nominated by the Baku union of the trade unions, trade-industrial union and the Oil Industry Council.

On July 21, 1919 the Parliament of the Democratic Republic of Azerbaijan approved the Regulation (Decision of the Second Government dated 14 September 1918 The Commission for the preparation of the Regulation on Elections to the Assembly of Deputies/ list 1, w.1). "On elections to the Assembly of Deputies".The "Regulation" consisted of 10 chapters and 136 articles. The Assembly should be elected by equal, direct and secret ballot by all citizens of the Republic who have reached the age of twenty, regardless of gender. Those who were in military service had only passive electoral rights. Administrators, prefectors, criminals' assistants, police assistants, governors and their assistants could use active suffrage.

Those in custody, illiterate people could not attend the elections. In addition, those who were imprisoned on the basis of a court order, persons who have been involved in a ten-year work until the end of the penalty period, persons exiled from their homes, involved in forced labor in the detention facilities, those who imprisoned or expelled, persons partially or completely deprived of their rights were deprived of the right to participate in the elections for five years. The Regulation provides for the right of persons deprived of their liberty for burglary, fraud, appropriation, wastefulness, forgery, usuriousness and bribery within three years. With the court's decision approved debt owed to drop and individuals who have been bankrupt the limit was imposed for a period of three years. The election limit was also applied to those who abandoned the ranks of the army unwarranted. In other words, people included in the list of polling stations could directly participate in the election.

Amnesty acts adopted by the Parliament of the Azerbaijan Democratic Republic were a manifestation of the principle of humanism in its legislative activity and a clear example of reconciliation in the country. Thus, on January 8, 1919 the Parliament of Azerbaijan Democratic Republic adopted the amnesty act for the first time in the history of Azerbaijan on the occasion of the opening of the Azerbaijani parliament. On February 9, 1920, the second amnesty act was adopted on the international recognition of the independence of the Republic of Azerbaijan. This act not only provided amnesty for a criminal offense, but also granted the citizens various debts and taxes. The relevant amnesty act did not extend to those who committed corruption, excessive powers, as well as those who committed serious crimes against identity.

The Parliament of the Democratic Republic of Azerbaijan has placed a great deal of attention on education issues. On September 1, 1919, the Law (Ismailov, 2006). on "Baku State

University", and on 29 September the Charter of the Baku State University were adopted. According to the relevant law, the university had to be trained in history-philology, law, physics-mathematics and medical faculties. First of all, women and men from Azerbaijan were admitted to the university. At the parliament meeting on 1st September 1919, it was decided to allocate funds for the 1919-1920 academic year to send hundreds of students to study at foreign universities. It is necessary to focus on revising the tsarist criminal law, in which the responsibility for the uprising and disorder against the supreme power is determined. Thus, the Law of October 13, 1919 "On Determining responsibility for uprising and Changing Some Decisions on actions committed against justice" made a number of amendments to the 1903 Criminal Law.

The third chapter of the Criminal Law was edited. According to this law, the articles of the Criminal Law the death penalty provisions for the conspiracy against the life of the emperor, the intimidation and dignity of his and his family members were repealed. However, the change relates only to the degree and type of punishment, it also arose from the necessity of determining the appropriate penalty rate in order to amend Article 100 of the Law and to replace the death penalty with exile. In this regard, it is necessary to mention the initiative of humanistization of the punishment in the Azerbaijan Democratic Republic for the crime committed at the beginning of the twentieth century. This was a major breakthrough in the development of criminal law for that period. Thereby, according to Article 100 of the new edition of the Criminal Code, "those who have committed a brutal overthrow of the state structure established within the borders of the Republic of Azerbaijan, or those who have a higher authority within the Republic, or those who have committed an administrative offense, shall be punished indefinitely or with permanent exile." Also, several articles of the same law could not be included in the category of criminal offenses, which were considered invalid because of a loss of criminal substance in a changed political structure. For example, Article 124 (creation of associations or societies that pursues certain goals and does not comply with the rules established by law); Article 125 (the main purpose of which is to stimulate non-compliance with the law, to incite enmity between the various parts of the population, and to encourage workers to take some holidays in collaboration); Article 130 (illegal distribution of trainings and judgments) and Articles 163-164 (not to report some types of serious crimes). However, the serious internal and external political situation forced the leadership of the Azerbaijan Democratic Republic to tighten criminal legislation. The Decree of the Government of the Democratic Republic of Azerbaijan dated 12 August 1918 "On the temporary restitution of the

death penalty" has established that "as a temporary change in the law, civil, military and naval laws for criminal offenses, and the death penalty has been in force until the 12 March 1917".

Significant steps have been taken by the leadership of the Democratic People's Republic of Azerbaijan to strengthen the protection of private property of citizens. The Law of 18 August 1919 "On the extension of the jurisdiction of the bargaining courts on criminal cases, the strengthening of their power and the penalizing of certain offenses against the property of another" was provisional that burglary, fraud, appropriation, wastefulness in accordance with the rules of the Russian Empire (judges - prosecuting judges considering civil and criminal cases, Charter of Penalties established by them), if the value of the stolen, mastered or wasted property does not exceed ten thousand manats, the offenders shall be subject to penalties established by the Articles of the Charter, if the value exceeds the specified amount, the penalties and remedies set forth in the Russian law are punishable. This law also increased the amount of penalties and interest rates in the legislation ten times.

Great work has been done in the field of the organization and functioning of the judiciary. So, the activities of the Ganja and Baku Constituency Courts have been resumed by the Government of the Republic of Azerbaijan, as well as the offices of civil and criminal investigations in these constituency courts for the purpose of establishing legal rules and legality in Azerbaijan. The subsequent activity of these judicial institutions raised the issue of the necessity of establishing the Supreme Court - the Chamber of the Court in the Republic. This chamber was founded in Baku in March 1919. At the same time, the gap in the legislation required to address the pre-revolutionary legislative act. Therefore, according to the Regulations of the Court of Appeal of 14 November 1918, the procedure for the review and settlement of cases in the Chamber of the Court and the supervision of the Prosecutor's Office were determined by the 1864 Judicial Charter and relevant Acts of the former tsarist government.

Thus, in the Azerbaijan Democratic Republic, the decisions and laws of the Milli Majlis, as well as laws, decrees and decrees of the Cabinet of Ministers (before the establishment of the Azerbaijani parliament), played a legal role in the various laws, decisions and decrees of Tsarist Russia. Unfortunately, the Azerbaijan Democratic Republic, which existed for only 23 months, did not have the opportunity to take important measures in the field of constitutional, administrative, criminal and procedural law. However, the constitution (eg, Regulation on Elections to the Assembly of Deputies dated 21 July 1919), customs (for example, the Law of 9 February 1920 "On the Application of the Temporary Customs Tariff for Goods Exported from the Republic of Azerbaijan", the tax law (for example, the Law of February 23, 1919 "On

the Enhancement of Minimum Living Income Not Included in the Income Tax of the State", the Law of February 9, 1920 "On Determination of Excises in Petroleum Products" it is impossible to note a number of important legislative measures in the fields. In addition, a number of bills on education, agrarian regulation, social security, and military service were put to the parliament. The government simply did not have time to accept most of them. So, "Parliament was doing significant work in terms of implementing the basic tasks and setting up a legal basis for the country at that time, making every effort for the recognition of the young Azerbaijani state by the world states". On January 8, 1919, the Azerbaijani state sent a special delegation to the Versailles international peace conference to recognize the independence of Azerbaijan for the protection of the country's political interests. Finally, on January 11, 1920, the Supreme Council of the Paris Summit of the Conference of the Parties discusses the Caucasus in a very tense situation and declares the de facto recognition of the independence of the governments of Azerbaijan and Georgia by the recommendation of George A. Kerzone.

However, this international-legal step of the Western countries could not protect the Azerbaijani people from the occupation of the Red Army. On April 21, 1920, commander MN Tukhachevsky and S.Orconikidze issued a decree on the XI Golden Army: "Let the territory of the Baku province be fired with speed!". Shortly afterwards, in addition to the Caucasian Front command, even worse terrible telegram arrived: "The main task of the XI Gold Army is to consider not only the Baku province, but also the entire territory of Azerbaijan."

Interestingly, the Democratic People's Republic of Azerbaijan, which left its parliament and government in the face of compulsion, remained loyal to humanist and democratic principles. Thus, the Parliament's decision "On transferring power to Muslim communists" provides for the following important conditions:

- 1) The sovereignty of Azerbaijan, controlled by the soviet government, is protected;
- 2) The government created by the communist party of Azerbaijan will be the temporary body;
- 3) The ultimate form of the Azerbaijan management without any external pressure on the workers, peasants and soldiers, members of the highest legislative body of the person determines the Soviets;
- 4) All government officials remain in their place, but those responsible are replaced;
- 5) The newly established temporary communist government guarantees the inviolability of the lives and property of the parliament and government members;
- 6) Measures will be taken to prevent the Red Army from entering Baku with war;

7) Regardless of the emergence of the new government, it will take decisive action against all external forces aimed at undermining the sovereignty of Azerbaijan and will fight all the means at its disposal.

However, a few hours later, the XI Gold Army entered Baku near the Bilajari station on the pretext of traveling to Anatolia, contrary to this agreement. Shortly after, none of the provisions of this treaty was observed, and the 23-month independence, which was an important event in the history of Azerbaijan, ended and Azerbaijan was again occupied by Russia". This can not be a great cause for sorrow, because a real great Republic was established here that it is not applied in Europe".

As noted by great leader Heydar Aliyev, "Although the People's Republic of Azerbaijan operates for only 23 months in tense and complicated socio-political conditions, it will always remain as one of the brightest pages of our people's history in the memory of the next generations. Although it has failed to complete the important steps it has undertaken in the field of democratic state building, economy, culture, education, health care, military building, its short-term measures have left an indelible mark in the history of our people and played a major role in the restoration of national statehood traditions" (Aliyev's speech on the occasion of the 80th anniversary of ADR on 26 Mai, Azerbaijan newspaper, 1998, 27 mai). Thus, in a very complicated historical situation that arose as a result of the overthrow of tsarism, ancient statehood traditions in Azerbaijan came into the form of a parliamentary republic. "The Azerbaijani Parliament is based on democratic principles in its activities, such as the distribution of powers, multipartyity, diversity of opinions, publicity, national and political rights of its state, its independence, respect for its citizens' rights and freedoms, and its real prosperity". As a result of the Bolshevik occupation of Azerbaijan on April 28, 1920, the Azerbaijan Democratic Republic and our first national parliament played an indispensable role in the formation of statehood in Azerbaijan, proving that our people are capable of building their national state and forming a People's Republic, based on democratic principles, laid the foundations for the future independence of the state.

### **Conclusion**

It is necessary to take into account the experience and traditions of the Azerbaijan Democratic Republic in the constitutional and legal field. Based on the experience of our country, modern constitution should be one of the methodological principles of legal research. The achievements gained at the level of the theory and the experience of constitutional development in Azerbaijan at the beginning of the twentieth century can be used to improve the modern constitutional system and to build a state of law. The events taking place in the

parliament, the parliamentary inquiries, and the ministerial responsibility of the ministers are crucial. Today, we can confidently state that the Parliament of the Democratic Republic of Azerbaijan has deep and rich legacy in the history of Azerbaijan statehood, especially in the history of parliamentary culture, with the experience of independent state building and high level of legislative acts and decisions adopted during its seventeen-month activity .

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