



AZERBAIJAN'S LEGAL SCIENCE AT THE MODERN STAGE

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The article notes that at the present stage, legal science is developing intensively in Azerbaijan. New branches have appeared and specialists are being prepared in these areas. At the present time it is considered unequal, to recognize legal science in the form of an integral part of philosophy.

Key words: Azerbaijan, law, history, notary, science.

If normativity is the primary feature of law, one of the main reasons for the formation of jurisprudence was the human factor. Because man does not exist according to law, law exists according to man. Therefore, not only the law itself, but also the science of law has deeply thought about man in all historical periods, and its concept has been given different definitions by different thinkers of the world. Undoubtedly, approaches to jurisprudence have also attracted attention with their diversity, differences, and sometimes even contradictions. The common goal was that neither man, nor the state, nor society as a whole could properly assess the events and processes of public life without mastering the most general laws of jurisprudence. So, the science of law is as important and necessary for human society as the science of medicine. Both of these sciences are closely related to man and his destiny.

The legal profession, which has a special place and role among the professions, has always been developed and improved thanks to its professionals. Therefore, a professional lawyer should not make a mistake in the

science of law, if he wants to grow as a perfect lawyer, he should study law thoroughly. How can a doctor without knowledge and skills cure a patient or make a correct diagnosis for his disease? Likewise, a judgment rendered by a lawyer without special knowledge is neither legal nor fair. All this requires a natural attitude and special respect for science from every lawyer who has chosen the path of mastering the science of law.

Until the 1960s, the idea that the science of law, like other social sciences, was established as part of philosophy, which is a general methodological science, continued to exist in the system of the humanities and cannot exist in isolation from it. However, the further development of society overturned this formula. It is true that law was created and developed within the framework of scientific philosophy. To be more precise, philosophers were more involved in the creation and development of jurisprudence than lawyers. However, for almost a hundred years, law has become a separate and fundamental science. The rapid and intensive development of jurisprudence is evident, for example, in the 70s and 80s of the last century, there were about 20 independent branches of jurisprudence. Now law covers more than 25 independent fields. No such development can be said of any social science, not even philosophy itself. Such development is primarily due to the fact that the socio-economic, political and cultural development of human society and states is impossible without the science of law. It is with

the help of jurisprudence that all contradictory and controversial aspects of public life can be eliminated and the dark sides of life of society can be clarified.

It must be taken into account that the law is a number one regulator of public relations. The most important theoretical and practical features of such regulation are developed by jurisprudence, the latest methods, means and methods of governing society and the state are scientifically substantiated.

The science of law has a very ancient history. It is also clear from research that the antiquity of this science is as old as the law itself. It is clear from historical sources that in the earliest periods of the formation of law as a social phenomenon, it was the science of law that served to make it an integral part of society and state life. The provisions of the history of state and law confirm that as a result of the strong impetus given by the science of law, jurisprudence has become one of the most important professions of mankind today. If the history of state and law studies when, where and how the state and law were created, jurisprudence itself brings to people's attention the vitality of law, its socio-philosophical nuances, its exceptional and irreplaceable role in the development of society and state.

It is typical for legal science to study the socio-political and legal-cultural specifics of modern development from a scientific point of view. The primary role in the socialization of society belongs to the law. Law determines the strategy of the state, which is the political organization of society, and the burden of this falls on the science of law. We must not forget that law is also a culture. It is a culture that embodies legal realities. Therefore, legal culture is an important and integral part of the general culture of any state. Legal culture is a special culture for not only lawyers, but for all segments of the population. One of the important tasks of legal science is to develop and gradually strengthen the theoretical and practical foundation of legal culture.

Let's pay attention to the views of scholars on legal culture. According to S.V.Bochkareva, legal culture, being an element of general culture, is a qualitative state of the legal life of so-

ciety determined by the socio-economic and political system, expressed in the achieved level of development of legal acts and other texts of a legal nature, the level of legal activity, legal awareness and in general, the legal development of the subject, as well as the degree of state-guaranteed freedom of behavior of the individual in unity with his responsibility to society [1, p. 6].

M.G.Baumova gives the following definition of legal culture "This is a kind of spiritual and material culture, which is a system of legal values that reflects the qualitative state of legal phenomena and processes, the level of perfection of legislation, legal awareness and legal practice, legal development of the individual and others, which progressively affects the formation of all spheres of society" [2, p. 9].

According to V.A.Medvedev, "legal culture is understood as a kind of general culture determined by the economic, political, social and spiritual level of development of society, which is a measure of the development and use of legal values accumulated by mankind, transmitted in succession from generation to generation" [3, p. 8].

P.A.Shashin writes: "Legal culture is an independent phenomenon and not only reflects, but also determines the legal life and legal development of society and the state. The progressive development of the legal system of society can be carried out only with a sufficiently developed legal culture, manifested in all spheres of its life activity" [4, p. 12-13].

We consider it necessary to note that at the present stage in Azerbaijan, law is on the path of intensive scientific development. Its new fields have appeared and specialists are being trained in these fields as well. Now it is not and should not be considered expedient to consider jurisprudence as an integral part of philosophy. Suffice it to say that after the independence of the Republic of Azerbaijan in order to obtain the degree of Doctor of Laws in our country, dissertations were defended on the following topics:

- 1) "Mutual financial responsibility in the labor law of the Azerbaijan Republic";
- 2) "Prospects for the formation and development of the pension system in the Republic of Azerbaijan (legal problems)";

- 3) "International legal regulation of the status of foreigners and stateless persons";
 - 4) "Actual problems of fight against drug addiction and drug trafficking in Azerbaijan";
 - 5) "Criminal-legal and criminological problems of combating acts of terrorism";
 - 6) "Criminal-legal problems of protection of human and civil constitutional rights and freedoms from criminal attempts";
 - 7) "Legal and ethnic aspects of sentencing";
 - 8) "International legal status of the Caspian Sea (theoretical and practical issues)";
 - 9) "Conflict of war crimes with international law (on the example of the conflicts in the South Caucasus)";
 - 10) "Legal status of the person in criminal proceedings of the Azerbaijan Republic and problems of its maintenance";
 - 11) "International legal problems of energy security in the era of globalization";
 - 12) "Current rules for resolving labor disputes in the context of methods of protection of labor rights";
 - 13) "International and national legal problems of environmental security in the context of globalization";
 - 14) "Legal regulation of international transport relations in the era of globalization";
 - 15) "Issues of ensuring human rights in criminal proceedings: international standards and domestic legislation";
 - 16) "Theoretical and practical problems of the principle of dispute in the criminal procedure legislation of Azerbaijan";
 - 17) "Problems of investigation methodology of crimes committed by law enforcement officers against justice (on the materials of the Republic of Azerbaijan)";
 - 18) "Bioethics and human rights: theoretical and practical problems";
 - 19) "History, modern situation and problems of development of criminal-executive law in Azerbaijan";
 - 20) "Normative legal bases of organization and activity of local self-government in Azerbaijan (historical-legal analysis)";
 - 21) "The role and importance of the categories of crimes in the differentiation of criminal liability and the establishment of sanctions";
 - 22) "Problems of criminal-legal protection of constitutional rights of man and citizen in the field of freedom of conscience";
 - 23) "Problems of differentiation of responsibility for crimes committed with participation against life and health (law, theory, practice)";
 - 24) "Problems of improving notarial acts";
 - 25) "Theoretical and constitutional bases of legal provision of information security in building information society in the Republic of Azerbaijan and the Russian Federation";
 - 26) "The problem of law and legality in the political and legal thought of Azerbaijan in the XII-XVI centuries";
 - 27) "International legal regulation of social rights: theory and practice";
 - 28) "Problems of research, forecasting and prevention of regional crime in the Republic of Azerbaijan";
 - 29) "Modern problems of combating crimes in the financial and credit sphere";
 - 30) "Constitutional legal status of the family institution in the Republic of Azerbaijan (comparative analysis with international law)";
 - 31) "Modern problems of court speech culture in criminal proceedings of the Republic of Azerbaijan";
 - 32) "Environmental security of the Republic of Azerbaijan: international-legal and domestic aspects";
 - 33) "International legal bases of restriction of human rights";
 - 34) "Mechanisms for domestic implementation of international law in the field of human rights" [5].
- As can be seen, from the period of independence of the Republic of Azerbaijan until 2019, 34 (thirty four) dissertations were defended in our country for the degree of Doctor of Laws. Ten (10) topics are dedicated to International law; majoring in human rights, ten (10) topics are dedicated to - Criminal law and criminology; the speciality of criminal-executive law; four (4) topics are dedicated to Criminal procedure, criminology and forensics; specialization in search operations, three (3) topics are dedicated to Labor law; specialization in social security law, two (2) topics are dedicated to Theory and history of state and law; speciality of history of teachings on law and the state; one (1) is dedicated to Constitutional law; municipal law;

one (1) is dedicated to Civil rights; business law; family law; Private International Law, one (1) is dedicated to Administrative law; financial law; specialization in information law.

The subject of a (1) dissertation is both international law; specialization in human rights, but also specialization in the right to natural resources; agrarian law; environmental law (“International and national legal problems of environmental security in the context of globalization”), the subject of a (1) dissertation is international law; constitutional law with a specialization in human rights; covers the speciality of municipal law (“Constitutional legal status of the family in the Republic of Azerbaijan (comparative analysis with international law)”. That is, the subject of the mentioned dissertations is located at the junction of two (2) specialties.

At present, the legal science of Azerbaijan is in the stage of intensive development and improvement, benefiting from the universal legal values, the positive achievements of the legal science of different countries and peoples of the world.

Due to the adoption and assimilation of the positive aspects of the experience of many peoples of the world, law in Azerbaijan has been enriched with scientific legal innovations, as a result of expanding the scope of scientific research, significant quantitative and qualitative changes have taken place in the field of law.

At the present stage Azerbaijan’s legal science attracts attention as it becomes one of the independent and basic sciences. Like other humanities in the country, jurisprudence has its own structure, functions and original teaching and research methodology.

Modern jurisprudence of Azerbaijan, along with its national and spiritual values, specific historical roots and development traditions, is characterized by the active integration of different countries and peoples of the world into jurisprudence.

The historical experience of the world’s states shows that, as in all spheres of public life, progress in the sphere of science is impossible without mutual exchange interaction and relations. From this point of view, Azerbaijani jurisprudence attaches great importance to the

expansion of interaction and relations in the development of legal science.

It is impossible to imagine the rapid and high-quality development of any field of science without well-educated specialists. Azerbaijan’s modern jurisprudence is accompanied by an army of specialists worthy of future success. This can be seen from the current level of qualified personnel working in the field of theoretical and practical activities.

Modern jurisprudence of Azerbaijan has determined its development directions in full accordance with the directions of national policy. Azerbaijani jurisprudence is guided by the provisions of the legal policy of the Republic of Azerbaijan in its theoretical and practical activities.

We also consider it necessary to state that during 2003-2018, 353 (three hundred and fifty three) dissertations were defended in the Republic of Azerbaijan for the degree of Doctor of Philosophy in Law. From those dissertation the following topics are dedicated to: one hundred and six (106) to International law; majoring in human rights, seventy-one (71) - Criminal procedure, criminology and forensic science, the speciality of search operations, seventy-one (71) to Criminal law and criminology; speciality of criminal-executive law, thirty three(33) to Constitutional law; to the speciality of municipal law, twenty three (23) to Civil rights; business law; family law; specialization in international private law, seventeen (17) to Labor law; to the speciality of social security law, fourteen (14) to Theory and history of state and law; speciality of history of teachings on law and the state, four (4) - Administrative law; financial law; in the field of information law, two (2) - in the field of civil procedure, one (1) - to the field of legal psychology (“Mechanisms of formation and manifestations of behavioral regulators that are not understood in sudden crimes”).

The subject of five (5) dissertations covers both international law; speciality in human rights, as well as constitutional law; speciality of municipal law (“Implementation and application systems of international human rights law: bodies and mechanisms”; Constitutional-legal bases and problems of implementation of international human rights norms in the Republic of Azerbaijan”; “Civil rights: international

standards and legislation of the Republic of Azerbaijan”; “Issues of implementation of international human rights norms in the legislation of Azerbaijan on extradition”; “Problems of application of norms of international law in the activity of civil aviation of the Republic of Azerbaijan”; the subject of the dissertation of two dissertations covers both constitutional law; speciality in municipal law, as well as labor law; speciality of social security law (“Constitutional and legal bases of social security in the Republic of Azerbaijan”; “Constitutional-legal bases of regulation of labor relations in civil aviation of the Republic of Azerbaijan”), the subject of a (1) dissertation is both international law; specialization in human rights, as well as civil law; business law; family law; speciality of special international law (“Free enterprise law: norms of international law and legislation of the Republic of Azerbaijan; the subject of one (1) dissertation covers both international law; specialization in human rights, as well as specialization in civil procedure, (“Ensuring the rights of minors in civil proceedings: international standards and the legislation of the Republic of Azerbaijan”), the subject of one (1) dissertation covers both constitutional law; specialization in municipal law, as well as criminal law and criminology; specialty of criminal-executive law, (“Constitutional-legal bases of reflection of generally accepted principles and norms of international law in the criminal legislation of the Republic of Azerbaijan”), the subject of a (1) dissertation covers both criminal law and criminology; specialization in criminal law, as well as the judiciary; specialization of prosecutor’s office and advocacy activity, organization of law enforcement activity (“The role of restriction of liberty in the fight against crime”).

As can be seen, in Azerbaijan during the years of 2003-2018, much attention was paid to the development of specialties in international law human rights, as well as criminal procedure, criminology and forensics; search operations, as well as criminal law and criminology; criminal law.

At present, the nomenclature of specialties for awarding scientific degrees to scientific and scientific-pedagogical workers in the field of law in the Republic of Azerbaijan is defined as follows (approved by the decision of the Pre-

sidium of the Supreme Attestation Commission under the President of the Republic of Azerbaijan dated April 13, 2012 (protocol № 06-R) and supplemented by the decision of the Presidium dated October 30, 2015 (protocol № 13-R):

- speciality code 5602.01 - General theory and methods;
- speciality code 5603.01 - International law; human rights;
- speciality code 5606.01 - Theory and history of state and law; history of teachings on law and the state;
- speciality code 5607.01 - Constitutional law; municipal law;
- speciality code 5608.01 - Civil law; business law; family law; Private International Law;
- speciality code 5609.01 - Labor law; the right to social security;
- speciality code 5610.01 - Natural resources law; agrarian law; ecology Law;
- speciality code 5611.01 - Criminal law and criminology; penitentiary law;
- speciality code 5612.01 - Criminal procedure, criminology and forensic examination; search operations;
- speciality code 5613.01 - Judicial power; prosecutor’s office and advocacy, organization of law enforcement activities;
- speciality code 5614.01 - Administrative law; financial law; right to information;
- speciality code 5615.01 - Civil process.

It is known that teaching and research are the most advanced tools of legal science in all countries of the world. Thanks to the achievements in the teaching of law in the country in these years, the science of law has entered a new stage in its development. One of the most important achievements is the advancement of legal science. Thus, the introduction of many legal sciences (eg, business law, tax law, notary law, etc.) in Azerbaijan, which have long been taught in developed countries but were banned in the former USSR, has become one of the important events in our legal science.

The current state of legal science in our country can only be assessed as satisfactory, because there are still areas of law that are poorly taught and generally not taught (for example, “Philosophy of Law”, “Sociology of Law”, etc.). However, we hope that this situation will be resolved in the near future.

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**СОВРЕМЕННОЕ СОСТОЯНИЕ
ЮРИДИЧЕСКОЙ НАУКИ
АЗЕРБАЙДЖАНА**

В статье отмечается, что на современном этапе в Азербайджане юридическая наука интенсивно развивается. Появились ее новые отрасли и готовятся специалисты в этих областях. В настоящее время считается нецелесообразным, признавать юридическую науку в виде составной части философии.

Ключевые слова: Азербайджан, право, история, нотариат, наука.