

DOI: <https://doi.org/10.36719/2706-6185/22/187-191>

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THE ROLE OF ADMINISTRATIVE LAW REGULATION IN CIVIL SOCIETY

Abstract

It regulates relations in the field of executive activity of administrative and legal state management bodies of the Republic of Azerbaijan and internal activity of state bodies. At the same time, it is a field of law that regulates public relations of a managerial nature, arising in the process of the implementation of certain administrative functions with the powers entrusted by public organizations and the executive power. This means that one of the important and complex areas of the legal system is the area of administrative law. Administrative law, as an independent field, mainly regulates relations of a state management nature. Although the state executive power bodies act as the main subject of these relations, at the same time, due to the wide scope of management, certain bodies with powers entrusted by the state executive power can also act as the main subject of administrative law. Consequently, according to paragraph 2 of Article 144 of the Constitution, municipalities can be given additional powers by the legislative and executive authorities.

Keywords: *administrative law, management, constitution, authorities, public relations*

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İnzibati hüququn tənzimlənməsinin vətəndaş cəmiyyətində rolu

Xülasə

Azərbaycan Respublikasının inzibati hüquqi, dövlət idarəçiliyi orqanlarının icra edici fəaliyyəti və dövlət orqanlarının təşkilat daxili fəaliyyəti sahəsində münasibətləri tənzimləyir. Həmçinin, ictimai təşkilatlar və icra hakimiyyəti tərəfindən həvalə edilən səlahiyyətlərlə müəyyən idarəetmə funksiyalarının həyata keçirilməsi prosesində yaranan idarəetmə xarakterli ictimai münasibətləri tənzim edir. Bu, hüquq sisteminin mühüm və mürəkkəb sahələrindən biridir. Ümumiyyətlə, inzibati hüquq müstəqil sahə olaraq əsasən dövlət idarəetmə xarakterli münasibətləri tənzimləyir. Bu münasibətlərin əsas subyekti kimi dövlət icra hakimiyyəti orqanları çıxış etsə də, eyni zamanda idarəetmə sahəsi geniş olduğu üçün inzibati hüququn əsas subyekti kimi dövlət icra hakimiyyəti tərəfindən həvalə edilmiş səlahiyyətlərlə müəyyən orqanlar da çıxış edə bilərlər. Məsələn, Konstitusiyanın 144-cü maddəsinin 2-ci bəndinə əsasən, bələdiyyələrə qanunvericilik və icra hakimiyyəti tərəfindən əlavə səlahiyyətlər də verilə bilər.

Açar sözlər: *inzibati hüquq, idarəçilik, konstitusiya, hakimiyyət orqanları, ictimai münasibətlər*

Introduction

The development of administrative law can be traced back to ancient civilizations, such as ancient China and India, where administrative tribunals were established to resolve disputes between citizens and government officials. However, modern administrative law as we know it today began to emerge in Europe in the late 19th and early 20th centuries.

The creation of administrative law as a distinct field of law is often attributed to the French jurist, Léon Duguit, who in the early 20th century argued that the state's power should be subject to legal controls, and that administrative authorities should be bound by the same rules and principles as other branches of government.

In the United States, the development of administrative law began in the early 20th century, with the growth of federal agencies and the need for a legal framework to govern their actions. The Administrative Procedure Act (APA) of 1946, which established uniform procedures for federal agencies to follow in making and enforcing regulations, is often cited as a landmark piece of legislation in the development of administrative law in the United States (Strauss, 2020: 151).

Today, administrative law is a complex and evolving field that is essential to the functioning of modern democratic societies. It continues to develop and adapt to new challenges and circumstances, as governments and societies evolve and change over time.

Administrative law regulation plays a crucial role in civil society by ensuring that government agencies act in accordance with the law and with the best interests of the public. Administrative law is a body of law that governs the actions of government agencies, and it establishes the legal framework for the relationship between the government and the public.

One of the key functions of administrative law regulation is to provide a mechanism for citizens to challenge government decisions and actions. This can include challenging the legality or constitutionality of a decision, or challenging the fairness or reasonableness of a decision. Administrative law provides a framework for these challenges, and ensures that citizens have access to an impartial and fair process for resolving disputes with government agencies.

Administrative law also plays a critical role in ensuring transparency and accountability in government decision-making. This includes requirements for public notice and comment periods before agencies make decisions, as well as requirements for agencies to provide reasons for their decisions and to keep records of their actions. By establishing these requirements, administrative law helps to ensure that the public has access to information about government decision-making, and can hold agencies accountable for their actions (Adler, 2018).

Another important function of administrative law is to establish standards for the conduct of government agencies. This can include requirements for agencies to follow specific procedures, to provide notice to affected parties, and to consider the potential impact of their decisions on the public. Administrative law also establishes mechanisms for enforcing these standards, such as through the use of administrative sanctions, fines, or other penalties.

Overall, administrative law regulation is critical to ensuring that government agencies act in accordance with the law and with the best interests of the public. By providing a framework for citizen participation, ensuring transparency and accountability, and establishing standards for agency conduct, administrative law helps to promote the rule of law and to protect the rights and interests of citizens in civil society.

Moreover, administrative law regulation helps to ensure that government agencies operate within their legal authority and do not exceed their jurisdiction. This is especially important in democratic societies, where government agencies must operate within the limits of the law and respect the rights of citizens.

Administrative law also plays a significant role in protecting individual rights and freedoms. For example, administrative law regulation establishes requirements for agencies to provide due process protections to individuals who are subject to government action, such as the right to a fair hearing, the right to present evidence and arguments, and the right to be represented by legal counsel.

In addition, administrative law helps to ensure that government agencies operate efficiently and effectively. By establishing clear procedures for decision-making and accountability mechanisms for agency performance, administrative law can help to improve the quality of government services and promote greater public trust in government institutions.

Administrative law regulation can play an important role in promoting innovation and creativity in civil society. By establishing clear standards for the protection of intellectual property rights, for example, administrative law can help to encourage investment in new ideas and technologies, and promote economic growth and development.

Administrative law regulation plays a critical role in civil society by establishing a legal framework for government agencies to operate within. By ensuring transparency, accountability, and fairness in government decision-making, and by protecting individual rights and freedoms, administrative law helps to promote the rule of law and protect the interests of citizens.

Administrative law - as one of the independent legal fields included in the country's legal system, involves the study of the scope of social relations that arise, change and terminate in the process of organizing and implementing executive power in the state administration system and the administrative regulation of these relations. By the way, the tasks of the Code of Administrative Offenses of the country are to protect the rights and freedoms of people and citizens, their health, sanitary-epidemiological health of the population, public morality, property, economic interests of individuals, public order and public safety, the environment, strengthening the rule of law, and preventing administrative errors (Cass, Sunstein, 2019: 485).

Administrative law norms are such rules of behavior defined by the relevant state bodies and their execution is mandatory, which only regulate social relations related to administrative activities and are protected by the coercive forces of the state when necessary and determines its duties. At the same time, it determines the structure, organization rules and methods of operation of administrative bodies. Administrative law norms state administrative bodies, public officials, public organizations, etc. determines the mandatory rules regulating the relations of citizens related to administrative activities (Abdullayev, 2017: 91).

It should be noted that the ratio of administrative law to other areas of state law is that state law occupies a special place in the state legal systems of Azerbaijan. The norms of state law form the basis of legal regulation of social relations in our country. That is, state law reflects the principles of other legal fields. The Constitution of the Republic of Azerbaijan, which includes the social structure and state structure of the Republic of Azerbaijan, the system of authorities and other state bodies, the rights and duties of citizens, is reflected in state law. The social relations that appear in the management process are closely related to administrative law and state law, since they are regulated by administrative law norms. In addition, administrative law is closely related to labor law, financial law, civil law, criminal law and other areas of law ("Azərbaycan Respublikasının vətəndaşlığı haqqında" Azərbaycan Respublikasının Qanunu, 2019: 862).

Administrative law, like other areas of law, is based on state law, which is the main area of the legal system. Administrative law interacts with other areas of law, and Administrative law differs from other areas of law in terms of the social relations it regulates. Administrative law is one of the most important areas of state law. This is explained by the fact that public relations regulated by administrative law are of great importance in state life. Administrative law is one of the largest areas of state law in terms of its volume, because public relations are regulated excessively by administrative law. Administrative law is variable compared to other areas of law. This is explained by the change of public relations in the field of public administration in connection with the development of society. Administrative law is one of the complex areas of state law. This is directly related to the diversity of social relations regulated by administrative law. The system of administrative law The types of public relations regulated by administrative law norms are quite diverse. In order to distinguish them from each other, it is necessary to systematize the administrative legal norms regulating public legal relations into separate groups. Administrative law equates to the separate grouping of administrative law norms with the same content (Abdullayev, Nağıyev, 2019: 45).

Regarding the norms of the special part of administrative law, it should be noted that it is divided into 4 main groups:

1. The first is the norms regulating relations in the field of implementation of the function of public administration.
2. The second is the norms regulating management in the socio-economic field.
3. The third is the norms that regulate management in the field of social and cultural construction.

4. The fourth is the norms regulating the sphere of social and political administration (Mehtiyev, 2018).

Let me also mention that each of these 4 groups of norms is grouped according to a specific area of management. That is, the mentioned administrative legal norms interact with each other and serve for the correct implementation of administrative activities. General and specific parts of administrative law are unified and inseparable.

Remember that the norms of the general part are applied to all areas of the special part. In general, the source of administrative law is legal acts that reflect only administrative law norms. Such legal acts include the Constitutions of the Republic of Azerbaijan and the Autonomous Republic of Nakhchivan, laws of the Milli Majlis, decrees and orders of the President of Azerbaijan, decisions and orders of the Cabinet of Ministers, orders and instructions of ministers, chairmen of State Committees, heads of departments and unions, decisions and orders of local executive authorities, the orders and instructions of their heads of departments and heads of departments, and the decisions of heads of municipal bodies can be cited as examples (8).

It should be noted that the sources of administrative law are not limited to legal acts adopted by state bodies. Thus, normative acts adopted by public organizations together with state bodies and approved by the state of public organizations can also be a source of administrative law. From here it can be concluded that the source of administrative law is the following:

1. Normative acts of state authorities containing administrative legal norms,
2. Normative acts of state administration bodies that include administrative legal norms,
3. Joint normative acts of state bodies and public organizations that include administrative legal norms,
4. Normative acts of public organizations and municipalities that define administrative legal norms and are approved by the state (Abışov, İsmayilov, 2016: 66).

The science of administrative law studies the norms and relations of administrative law arising in various areas of state administration. At the same time, he analyzes the rules of solving those norms in practice, studies the activities of the administrative apparatus in various fields. In this regard, administrative law develops the system of general, sectoral and inter-sectoral management, and develops the legal status of the parties involved in management relations. Thus, the subject of the science of administrative law is the study of the problems of regulating public relations from a legal point of view, which arise in the process of executive-ordering activities of state administration. The problems of legal regulation of public relations in the sphere of executive-ordering activity are studied at the speed related to the essence, duties, principles, forms and methods of public administration. Institutes of administrative law covering various areas of administrative activity require comprehensive application of all issues related to the application of legal norms in jurisprudence (10).

In fact, effective proposals developed and prepared through scientific research have a great impact on the development of current administrative law. This means that the proposals prepared by the scientific research method lead to the improvement of the legislation.

Conclusion

Finally, we should note that “Administrative law” is taught as a subject at the Azerbaijan State University of Economics. The Educational Program intended for the use of students studying at the Azerbaijan State University of Economics was compiled on the basis of the existing legislation on “Administrative law” (11). If we take into account that the progress of the society based on democratic principles is related to the social protection of every citizen and the provision of a decent standard of living, then it can be said that the formation of a legal state and the protection of the constitutional rights and freedoms of citizens are one of the important tasks of the state.

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Received: 07.02.2023

Accepted: 26.03.2023