

# JURISPRUDENCE

UDC: 343.1

## THE ROLE OF NEW CRIMINAL PROCEDURAL CODE IN LEGAL REGULATION OF THE CRIMINAL PROCEDURE IN THE REPUBLIC OF AZERBAIJAN

**Kadyrov A.K.**

*PhD of Law, Associate Professor, science doctoral student in law  
at the Academy of Public Administration  
under the President of the Republic of Azerbaijan  
[Orcid.org/0000-0001-5211-8359](https://orcid.org/0000-0001-5211-8359)*

УДК: 343.1

## РОЛЬ НОВОГО УГОЛОВНО-ПРОЦЕССУАЛЬНОГО КОДЕКСА В ПРАВОВОМ РЕГУЛИРОВАНИИ УГОЛОВНОГО ПРОЦЕССА В РЕСПУБЛИКЕ АЗЕРБАЙДЖАН

**Кадыров А.Х.**

*кандидат юридических наук, доцент,  
докторант юридических наук  
в Академии государственного управления  
при Президенте Азербайджанской Республики  
[Orcid.org/0000-0001-5211-8359](https://orcid.org/0000-0001-5211-8359)*

### Abstract

The **aim** of the article is to study the role of the new Code of Criminal Procedure in the legal regulation of the criminal process in the Republic of Azerbaijan.

**Research methods:** When writing the article, methods of systematic analysis, generalization of normative scientific and practical materials, a historical approach and other methods were used. The author analyzed the data in a coordinated form using general and special scientific methods.

**The scientific novelty of the article.** For the first time in the Azerbaijani legal scientific literature, the features of the legal regulation of the criminal process were systematized on the basis of the recently ratified Code of Criminal Procedure of the Republic of Azerbaijan.

It is noted that normative legal acts that are adopted with the aim of ensuring legal regulation of various spheres of public life form the necessary legislative framework for this sphere. The legislative framework ensures the normal development of public relations with the provision of legal regulation of various issues related to the relevant field.

Emphasizing the importance of legal regulation along with various spheres of public relations, it is noted that the legal norms of the criminal process regulate issues related to the content of relevant social relations and determine the rights and obligations of participants in these relations. In this case, the procedural rules determine how it is possible to realize the rights and obligations of citizens, which are reflected in these norms. Thus, the procedural rules reflect the executive mechanism of legal norms as a guarantor of the implementation of these norms.

**In conclusion**, the author, summarizing the presented analytical material, notes that in states that have a continental legal system, normative legal acts are a source of law, therefore these states need a perfect legislative base for regulating legal relations.

It is noted that:

- The continental legal system operates in the Republic of Azerbaijan and its legal system is periodically reformed at the call of time. It is emphasized that the main objectives of the reforms are to create a rule of law in Azerbaijan, adapt legislation to the current situation and, most importantly, ensure the rights and freedoms of man and citizen;

- criminal procedure law is a procedural law, on the other hand, it belongs to state law, therefore state power plays a major role in criminal procedural relations. Before analyzing the specifics of regulation of criminal procedure law and regulatory legal acts, including in the criminal procedure legislation, it is very necessary to clarify the scope and features of criminal procedure relations.

### Аннотация

**Цель статьи** заключается в исследовании роли нового уголовно-процессуального кодекса в правовом регулировании уголовного процесса в Республике Азербайджан.

**Методы исследования:** При написании статьи были использованы методы систематического анализа, обобщения нормативных научно-практических материалов, исторический подход и др. методы. Автор анализировал данные в скоординированной форме с помощью общих и специальных научных методов.

**Научная новизна статьи.** Впервые в азербайджанской юридической научной литературе были систематизированы особенности правового регулирования уголовного процесса, на основе недавно ратифицированного Уголовно-процессуального Кодекса Республики Азербайджан.

Отмечается, что нормативно-правовые акты, которые принимаются с целью обеспечения правового регулирования различных сфер общественной жизни, образуют необходимую законодательную базу для этой сферы. Законодательная база обеспечивает нормальное развитие общественных отношений с обеспечением правового регулирования различных вопросов, относящихся к соответствующей сфере.

Подчеркивая важность правового регулирования на ряду с различными сферами общественных отношений, отмечается, что правовые нормы уголовного процесса регулируют вопросы, связанные с содержанием соответствующих общественных отношений и определяют права и обязанности участников этих отношений. В этом случае, процессуальные нормы определяют то, как можно реализовать права и обязанности граждан, которые отражены в этих нормах. Таким образом, процессуальные нормы отражают исполнительный механизм правовых норм как гаранта реализации этих норм.

**В заключении автор,** обобщая представленного аналитического материала, отмечает, что в государствах, имеющих континентальную правовую систему, нормативные правовые акты являются источником права, поэтому эти государства нуждаются в совершенной законодательной базе для регулирования правовых отношений.

Отмечается, что:

- в Азербайджанской Республике действует континентальная правовая система и его правовая система периодического реформируется по зову времени. Подчеркивается, что основными целями проведения реформ являются создание правового государства в Азербайджане, адаптация законодательства к текущей ситуации и, что наиболее важно, обеспечение прав и свобод человека и гражданина;

- уголовно-процессуальное право - это процессуальное право, с другой стороны, оно принадлежит государственному праву, поэтому государственная власть играет главную роль в уголовно-процессуальных отношениях. Прежде чем анализировать особенности регулирования уголовно-процессуального права и нормативно-правовых актов, в том числе и в уголовно-процессуальном законодательстве, очень необходимо прояснить охват и особенности уголовно-процессуальных отношений.

**Keywords:** code of criminal procedure, legal regulation, criminal procedure, continental law, legal reforms

**Ключевые слова:** уголовно-процессуального кодекс, правовое регулирование, уголовный процесс, континентальное право, правовые реформы

## Introduction

It is certain that human beings are in constant interaction with the social environment and with each other, as they are a social being and live in a society. It is very important for the order and continuity of the society to continue these social relations in peace and security. In this respect, social life needs legal peace and tranquility. The necessity of regular social relations of human beings also requires the existence of certain rules that regulate the relations of human beings with the society and with other people as a social being for the establishment of social peace and peace. People try to live in a society by putting these rules with the law and renouncing their rights and freedoms. Social peace and peace directly affect the rights and freedoms of individuals, as well as the fundamental rights and freedoms of individuals (*Yenisey F., Nuhoglu A.; 2018; 15, p.69*). For this reason, the duty of law in general and criminal procedure law in particular is to protect the fundamental rights of the individual and to ensure peace and peace in society. In summary, we can say that the set of rules regulating the relations between people, the state, society and legal persons is law.

The **aim** of the article is to study the role of the new Code of Criminal Procedure in the legal regulation of the criminal process in the Republic of Azerbaijan.

Normative legal acts which are adopted for the purpose of providing legal regulation of different spheres of public life form the necessary legislative base for this sphere. The legislative base ensures the normal development of social relations with providing

legal regulation of different issues belonging to appropriate area.

In legal science, as well as in practice two types of legal norms are differed:

- Material norms;
- Procedural norms.

Material norms regulate issues related to the content of appropriate public relations and determine rights and obligations of participants of these relations. But procedural norms determine that how can realize rights and obligations which are showed in the material norms. Thus, procedural norms reflected the executive mechanism of material norms as the guarantor of the implementation of these norms.

In the states which have continental legal system, normative legal acts are the source of law, that's why these states need perfect legislative base for regulating legal relations.

According to the first paragraph of article 148 of the Constitution of Republic of Azerbaijan, legislative system consists of the following normative-legal acts::

- Constitution;
- acts accepted by referendum;
- laws;
- orders;
- decrees of Cabinet of Ministers of the Azerbaijan Republic;
- Normative acts of central executive power bodies (*Constitution of the Republic of Azerbaijan - 2016, 1, a. 148*)

This article shows that, the Republic Azerbaijan

has continental legal system. After getting independence, many reforms are carried out in Azerbaijan. The main targets of carrying out reforms are establishing legal state in Azerbaijan, adapting legislation to the current situation and most importantly providing human and citizens' rights and freedoms. When legal reforms were implemented, many codes were being adopted. The one of these codes was Criminal Procedural Code.

### Research methods

When writing the article, methods of systematic analysis, generalization of normative scientific and practical materials, a historical approach and other methods were used. The author analyzed the data in a coordinated form using general and special scientific methods.

### The scientific novelty of the article

For the first time in the Azerbaijani legal scientific literature, the features of the legal regulation of the criminal process were systematized on the basis of the recently ratified Code of Criminal Procedure of the Republic of Azerbaijan.

### Statement of the main material

Criminal procedural law is procedural law, on the other hand, it belongs to state law, that's why state powers play as a main role in criminal procedural relations. Criminal procedural law contains executive mechanism of material norms and regulates relations which appear in this sphere. Before analyzing the features of regulation of criminal procedural law and normative legal acts including in criminal procedural legislation, it is very necessary to clear the coverage and features of criminal procedural relations.

Criminal procedural law consists of norms which regulate criminal procedural relations. According to theory of law, it can approach to criminal procedural relations in two forms: wide and narrow. In wide meaning, legal relation is understood a special form of social interaction which appears objectively before the law. But in narrow meaning, legal relation is understood as one of the types of social relations which are regulated by legal norms. In this time, the participants have mutual and same rights and duties; they realize their rights and duties in a specific order protected by the state for providing their needs and interests (*State and Legal Theory. Textbook-2007*, 2, p.206).

As a each legal relation criminal procedural law consists of the following components:

- Object;
- Subject;
- Legal facts;
- Content.

A object of legal relations means that material or non-material gifts which activities of participants of legal relations directed .

A subject of legal relations means that people who attend in the legal relations and have have mutual rights and obligations. According to Criminal Code the person who has reached age of 16 and is in a condition of diminished responsibility can be a subject of criminal acts. But the person who has reached age of 14 can be

subject of:

- deliberate murder,
- deliberate causing of heavy or less heavy harm to health,
- kidnapping of the person, rape,
- violent actions of sexual nature,
- theft, robbery, extortion,
- illegal occupation of the automobile or other vehicle without the purpose of plunder,
- deliberate destruction or damage of property under aggravating circumstances, terrorism,
- capture of the hostage,
- hooliganism under aggravating circumstances, plunder or extortion of fire-arms, ammunition, explosives and explosives,
- plunder or extortion of narcotics or psychotropic substances,
- Reduction unsuitability of vehicles or means of communication.

As a result, the common subject of criminal procedural relations is the person who has reached age of 16 and is in a condition of diminished responsibility except cases mentioned the above.

Persons who have reached the age of fourteen at the time of the commission of a crime, but have not reached the age of eighteen, are considered minors. A person's reaching the age of eighteen is taken not from the date of his birth, but from the end of that day, that is, from the beginning of the next day. Accurate determination of the age of a minor shall be considered as one of the mandatory circumstances to be determined during the proceedings on the case against him (Decision of the Plenary Session of the Supreme Court, 13).

Legal facts are actions or events which are very necessary to be appeared legal relations. Action which reflects the features of criminal acts shall be legal facts in criminal procedural relations.

Legal content contains mutual rights and obligations of the participants of legal relations.

First of all, it is very important to determine the exact coverage of components which mentioned in the above for providing normal development and effective legal regulation of criminal procedural relations. These only can be showed in criminal procedural norms. The base of criminal procedural law is criminal procedure. The definitions of criminal procedure are different in legal literature. For some scholars, criminal procedure-related to the activities of court, organs of investigation, prosecution and is consists of legal norms which regulate relations appeared among these organs and participants of these relations (*Criminal Procedure: Common shares-2012*, 3, p. 11). In this concept, criminal procedure is charaterized as a area of law. Because it is showed as a collection of legal norms. But in some scholar's opinion, "criminal procedure is a activity of a court, organs of investigation, prosecution on starting, investigation, judicial review and resolution criminal cases . This activity which directed to fulfill the obligations of justice is carried out on the basis of democratic principles and in procedural form defined by law (*Jafarguliyev, M.A.-2008*, 4, p. 6). In this meanings, criminal procedure is analyzed as a activity. In

Criminal Procedural Code criminal procedure is defined as the following:

“Criminal procedure” means the totality of procedures conducted and procedural decisions taken on criminal prosecution” (*The Code of Criminal Procedure-2016*, 5, p.7.0.3). As can be seen from here criminal procedure is defined as a collection of acts and decisions in Criminal Procedural Code.

Criminal Procedural law is an area of law showing the norms which are very necessary to do during the determination of wrongful acts. Determination is realized as a result of activities of charge, defense and judgment (*Centel, Nur-2013*, 6, p. 3.)

There are some principles which are very important to understand the purposes and the features of regulation of criminal justice. Some scholars venture to formulate as the fundamental principles of criminal justice the following list:

1. The person accused should have fair notice of the charge against him, and a fair opportunity to make answer, with the aid of witnesses and counsel.
2. The tribunal which hears his case should be so constituted as to be reasonably independent of executive or legislative dictation as to the judgment to be pronounced.
3. The sentence, in case of conviction, should be imposed by that tribunal.
4. It should be promptly and publicly made known to the convict.
5. In framing it regard should be had (a) to the nature and gravity of the offense; (b) to the intent of the offender, and the fault to be imputed to him; (c) to the natural effect of the punishment awarded, in preventing the commission of similar offenses, whether by himself or others, and in satisfying the public conscience; and (d) when not capital, to its possible utility in improving his moral character (*Baldwin, Simeon-1912*, 7, p.1).

Criminal Procedural Code of the Republic of Azerbaijan (after this CPC – G.A.) is confirmed with the “Law on ratification, entry into force and the issues of legal regulation related to it” which is adopted on July 14, 2000. This code provides to collect all the legislation on criminal procedure in the single act and allow implementing them effectively.

According to article 1.0.7 of Constitutional law on normative legal acts of the Republic of Azerbaijan, codification is the process of collecting and restating the law of a jurisdiction in certain areas, usually by subject, forming a legal code (*Constitutional law on normative legal acts-2016* 8, a. 1.0.7.).

The main purpose of Criminal Procedural Code of the Republic of Azerbaijan is showed in article 1 of the Code. The context of article is as the following:

“The legislation on criminal procedure of the Azerbaijan Republic determines whether acts which appear to be offences are criminal or not and whether a suspect is guilty or not, and determines legal procedures governing criminal prosecution and defense of suspects or accused persons as provided for by criminal law” .

In the article mentioned the above, relations included the coverage of regulation of Criminal Procedural Code. CCC is the legal base of activities of all subjects who attend in criminal procedure. CCC adopts

the main idea of The Constitution of Republic of Azerbaijan and directs to provide human and citizen’s rights and obligation. CCC regulates the professional activities of judge, prosecutor, investigator and attorneys who attend in criminal justice.

European Convention on Human Rights has been integral part of legislation of Republic of Azerbaijan since 2001 adopting of the Council of Europe. Azerbaijan accepts the type of incorporation from implementation. That is why the dominancy of international agreements is adopted in Azerbaijan. Thus, according to article 151 of The Constitution of Azerbaijan: Whenever there is disagreement between normative-legal acts in legislative system of the Azerbaijan Republic (except Constitution of the Azerbaijan Republic and acts accepted by way of referendum) and international agreements wherein the Azerbaijan Republic is one of the parties, provisions of international agreements shall dominate (*Constitution of the Republic of Azerbaijan-2016*, 1, a. 151). So protection of human rights and respecting them are the duty of CCC.

The main duties of Criminal Procedural Code are as the following:

The legislation on criminal procedure of the Azerbaijan Republic is intended:

- to ensure that a person committing an act which is considered an offence in law is detected and held criminally responsible;
- to make it impossible for officials of the prosecuting authority or judges acting on their own initiative, to unlawfully suspect, accuse or convict a person who is not guilty of an offence;
- to ensure that nobody can be illegally or needlessly subjected to coercive procedural measures or to other restrictions on human and civil rights and liberties.

As can be seen from the above, the main purpose of CCC is protection of human rights. Overall, it should be noted that, procedural law is the main provider of implementation of human rights and freedom mentioned in material norms.

Another superior feature of the Code is showing sources of the legislation on criminal procedure. The legislation on criminal procedure of the Azerbaijan Republic consists of the following:

- The Constitution of the Azerbaijan Republic;
- This Code;
- The other laws of the Azerbaijan Republic;
- The international instruments to which Azerbaijan is a signatory;

Values and the essence of public relations which form in human change in parallel with changes in social life. This also makes form and essence of criminal justice change. So, it is very necessary to change the legal norms which regulate these types of relations. From this point of view, normative legal acts have many advantages than other legal sources. Because they are very operative and react all changes.

Before analyzing the sources of legislation on criminal procedure, first of all, it is useful to explain the meaning of legal source. Legal sources- the external form of legal norms. Legal sources are special concepts which are used to combine external forms of legal

norms (*Xropanyuk, V.N.-1995, 9, p. 95*)

In the formal-logical meaning, legal sources are means of reinforcement and existence of legal norms or leader in legal practice (*The common law and state theory-2007, 10, p. 168*). Methods and forms of expression of legal acts are called sources of law in the legal meaning (*Malikova, M.F.-1988, 11, p. 49*).

It is very essential to determine legal force of normative legal acts to time, space and people for knowing of legal force of normative legal acts. Legal force of normative legal acts shows obligation of implementation to public relations.

CCC is a form of codification of law which belong to appropriate sphere of law, so it includes in normative legal acts. According to Constitutional Law on "Normative legal acts", normative legal acts – is a official document with certain forms which is adopted by state authorities on the issues belonging to their authorities defined by Constitution, law, decree and compulsory for everybody and adopted to carry out repeatedly (*Constitutional law on normative legal acts-2016, 8, a. 1.0.1.*).

According to article 3 of Criminal Procedural Code, the legislation on criminal procedure of the Azerbaijan Republic shall be in force throughout the territory of the Azerbaijan Republic without limitation, apart from the exceptions provided for in Articles 3.3 and 3.4 of this Code.

Criminal procedures and the adoption and execution of criminal procedure decisions in the Azerbaijan Republic shall be carried out in accordance with the provisions of the legislation on criminal procedure in force in the Azerbaijan Republic at the time (*The Code of Criminal Procedure-2016, 5, a.4*)

During determining personal scope of legislation on criminal procedure, first of all, it is very essential to explain the definition of citizens, foreign citizens and stateless persons.

A person having political and legal relations with the Azerbaijan Republic and also mutual rights and obligations is the citizen of the Azerbaijan Republic. A person born on the territory of the Azerbaijan Republic or by citizens of the Azerbaijan Republic is the citizen of the Azerbaijan Republic. A person is the citizen of the Azerbaijan Republic if one of his/her parents is the citizen of the Azerbaijan Republic (*Constitution of the Republic of Azerbaijan-2016, 1, a. 52*).

Foreigners - persons who are not citizens of the Republic of Azerbaijan but who possess citizenship of another country (*The law on the legal status of foreigners and stateless persons-2016, 12, a. 2*) Criminal procedure relating to foreign citizens or stateless persons who are suspected or accused of committing an offence shall be carried out in accordance with the provisions of the legislation on criminal procedure of the Azerbaijan Republic (*The Code of Criminal Procedure-2016, 5, a. 5.1*)

Constitutions of the Republic of Azerbaijan are the basis of legislative system of the Azerbaijan Republic and contain main ideas and principles which are very necessary to all area of law. For examples, there are many articles related to criminal justice: 32.4, 63, 54, 67, 68, 70 and e.g.

The title of article 63 of the Constitution is Presumption of innocence.

– Everyone is entitled for presumption of innocence. Everyone who is accused of crime shall be considered innocent until his guilt is proved legally and if no verdict of law court has been brought into force.

– A person under suspicion of crime must not be considered guilty.

– A person accused of crime does not need to prove his/her innocence.

– Proofs received against the law must not be used when administering justice.

– Nobody may be accused of crime without the verdict of law court.

The purpose of establishing the presumption of innocence in criminal procedure legislation is to ensure that no one is found guilty of a crime without a valid court verdict, that suspicious circumstances are resolved in favor of the accused, and that the prosecution is responsible for proving the person's guilt (*Ibayev V. 2004; 16, p.386*). The presumption of innocence should not be construed as a concession to criminals. On the contrary, the presumption of innocence, which protects suspects or accused persons from unlawful repression, should facilitate the prosecution and trial of real perpetrators. The presumption of innocence, assumed in principle by the law of criminal justice, is an irreplaceable right for the accused, and this right ensures that the accused is acquitted until a verdict is handed down (*Kanadoglu O.K., 2009; 17, p.373*).

Overall, the main principles and conditions of criminal justice are mentioned in the Constitution of the Republic of Azerbaijan.

The other source of criminal procedural legislation is international conventions. For instances:

– The Universal Declaration of Human Rights (10 December 1948);

– European Convention on Human Rights (4 November 1950) and additional Protocols;

– European Convention on Extradition (13 December 1957) and additional Protocols

– International Covenant on Civil and Political Rights (16 December 1966) and additional facultative protocols;

– International Covenant on Economic, Social and Cultural Rights(16 December 1966)

– The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10 December 1984)

– UN Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity(26 November 1968)

– A single convention on narcotic drugs (30 march 1961)

– Convention on psychotropic substances, (21 February 1971)

– United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, (20 December 1988) and e.g.

Many provisions detecting the criminal acts, determining the criminal responsibility, are showed in the Convention mentioned the above.

According to The Constitution and Criminal Procedural Code, the other legal source of criminal procedural law is laws. CCC has a great role to collect all legislation related to criminal procedure and as well as to regulate the criminal procedural relations. But CCC doesn't regulate all legislation which related to criminal procedure. There are also many laws that have different norms which regulate appropriate relations. They also include in the legislation on criminal procedure:

- Law on "State forensic examination activity";
- Law on "Operative-search activity";
- Law on "Intelligence and counter-intelligence activities";
- Law on "National Safety" and e.g.

It should be noted that, laws mentioned the above include in legislation on criminal procedure. That is why, including these laws in Criminal Procedural Code is very reasonable.

The decisions of The Constitutional Court also include in legal sources of criminal procedural law. Because, according to the Constitution of the Republic of Azerbaijan, Constitutional Court of the Azerbaijan Republic takes decisions as regards the questions of its competence. Decisions of Constitutional Court of the Azerbaijan Republic are obligatory all over the territory of the Azerbaijan Republic. The decisions of the Constitutional Court of the Republic of Azerbaijan shall be published (*Constitution of the Republic of Azerbaijan-2016*, 1, a 130.9). On the other hand, in some cases mentioned in 1-3, 6, 7 in the paragraphs of the part III of Article 130 of the Constitution of Azerbaijan Republic, normative legal acts may be considered invalid with the decisions of the Constitutional Court of the Republic of Azerbaijan. This case proves that, decisions of the Constitution of the Republic of Azerbaijan possess superior force and the features of normative legal acts. Although, they are showed as acts of normative character.

According to Constitutional Law on normative legal acts of the Republic of Azerbaijan, acts of normative character have the following features:

- Adopted by state organs and local self-government body;
- It is intended for a limited range of subjects;
- reflects the binding rules of conduct;
- It is intended for continuous application;
- An official document with certain forms.

From the features which mentioned the above a limited range of subjects does not conform to the decisions of the Constitutional Court. Because the decisions of Constitutional Court express obligatory instructions for unlimited range of subjects.

As a result of common analyzing, we can give such a definition of legislation on criminal procedure:

Legislation on criminal procedure- determines the legal procedure of carrying out criminal justice by courts and investigative authorities.

Criminal Procedural Code which adopted in 2000 influences on the development of legislation on criminal procedure. Because, the CCC is prepared perfectly. From 2000 Criminal Procedural Code has been changed for several times. So it helps legislation to conform to current time, relations and position.

Another superior feature of Criminal Procedural Code is regulating criminal relations thoroughly, determining exact cases which includes in the coverage of its legal regulation. It helps to use criminal procedural norms in practice easily. There are not only norms about charge but also norms about dependence.

Criminal Procedural Code consists of two parts. They are in the following:

- General;
- Special.

General part of Criminal Procedural Code is consists of these sections:

- Main provisions;
- The courts and the parties to criminal proceedings;
- Evidence and proof;
- Coercive procedural measures;
- Property matters in criminal proceedings;
- Confidentiality and time limits during criminal proceedings.

Special part is consists of these sections:

- Pre-trial conduct of the prosecution;
- Proceedings in the court of first instance;
- Proceedings in the courts of appeal and the supreme court;
- Proceedings concerning certain categories of persons;
- Special proceeding.

In the modern time, the process of integration is getting to grow day by day. It is observed by integration of state, creating different contact among the state. These processes help to develop internal and external legislation. Because we can learn the international practice and the practice of different country.

After gaining independence, the Republic of Azerbaijan, as a full member of the international community, has chosen the path of building a democratic, legal and secular state, recognizing the supremacy of universal values. Being a democratic, legal, secular republic, the state power of Azerbaijan is limited only by law in internal affairs, and in foreign affairs only by the provisions arising from international agreements to which the Republic of Azerbaijan is a party (Decision of the Plenary Session of the Supreme Court; 14).

Nowadays, international cooperation is defined as not the right but duties. All this allows to increase in the demand of perform international obligations of states in the necessary level. As noted above, international treaties which adopted by the Republic of Azerbaijan are parts of the legislation of the Republic of Azerbaijan legislation and have direct legal force in the country. In other words, the authorities who implement the law are able to rely on these treaties.

However, some international treaties, it is not possible to carry out for objective reasons. Thus, international treaties divided into two groups according to the type of instruction:

- Self-executive treaties – instructions mentioned in these contracts impose specific obligations on the State and define rights and responsibilities clearly. Thus, the state is fulfilling the obligations stipulated in

the Convention. Because the norms which are mentioned in these treaties have the mechanism of implementation and as well as responsibilities are mentioned in the contracts.

– Non-self executive- the agreements imposed obligations which have common characters on the state. These types norms don't have the mechanism of implementation well as responsibilities are not mentioned in the contracts. That's why it is very difficult for states to realize them.

International agreements are also include in the sources of the criminal procedure law.

According to article 22 of the "Constitutional Law of the Republic of Azerbaijan on Normative legal acts "The Republic of Azerbaijan recognizes superiority of principles and norms of international law which generally accepted and ensure the compliance of the legislation of the Republic with them (*Constitutional law on normative legal acts-2016*, 8, a. 22 )

Some articles of Criminal Procedural Code deal with the necessity of implementation of provisions of international agreements. According to article 10.1 of Criminal Procedural Code, courts and participants in criminal proceedings shall conform to the Constitution of the Azerbaijan Republic, this Code, other laws of the Azerbaijan Republic as well as provisions of the international agreements to which Azerbaijan is a signatory.

According to article 122.11 of the CCC of the Republic of Azerbaijan, when the legal remedies of parties to criminal proceedings or other participants in criminal proceedings, as provided for in this Code and other laws of the Azerbaijan Republic, are exhausted, those persons shall have the right to apply to international courts for the protection of human rights and fundamental freedoms on the basis of the international treaties to which the Azerbaijan Republic is a party.

### Conclusions

Summarizing the above analysis, the importance of the Criminal Procedure Code in the development of the criminal procedure law can be grouped as follows:

– The CCC is formed from different normative legal acts. In other words, it is the codificative form of normative legal acts. It helps to collect all normative legal acts in the single acts. In its turn, it allows to regulate the criminal procedural relations more perfectly;

– There are all definitions of all concepts which used in The Criminal Procedural Code. This feature of the CCC allow to realize norms without any misunderstanding and prevent these cases;

– It has been given attention international obligation and principles mentioned in the treaties

which adopted by the Republic of Azerbaijan in CCC.

– The subjects of criminal procedural legal relations are defined clearly in CCC.

### References

1. Constitution of the Republic of Azerbaijan (2016). Baku. Law.
2. State and Legal Theory (2007). Textbook. (Collection of Lectures). Baku, "Adiloglu" Publishing House, 372 p.
3. Criminal Procedure (2012): Common shares: manual / F. M. Abbasov. - Baku: Zardabi LTD, NPM.
4. Jafarguliyev, M.A. (2008), The Criminal Process: higher education textbook for law schools. B. : Law.
5. The Code of Criminal Procedure (2016). Baku. Law.
6. Centel, Nur (2013). VICTORY in Hami, Criminal Procedure Law, Beta Publications, Istanbul.
7. Baldwin, Simeon, E. (1912), "The Fundamental Principles of Criminal Justice". Faculty Scholarship Series. Paper 4262.
8. Constitutional law on normative legal acts (2016). Baku. Law.
9. Xropanyuk, V.N. (1995), State and Legal Theory / red. Q. V. Strekozov; trans.. group. cand. and red. M. Damirov; tərç. ed. : H. Baratli, İƏsədov Baku: Tomorrow, 360 p.
10. The common law and state theory (2007). Manual (edited by V.V. Lazarev), Baku.
11. Malikova, M.F. (1988), State and Legal Theory. Textbook. Baku: education, 49 p.
12. The law on the legal status of foreigners and stateless persons (2016). Baku. Law.
13. Decision of the Plenary Session of the Supreme Court "On the case law on juvenile delinquency". 30.06.2008. URL: <http://supremecourt.gov.az/post/view/166>
14. Decision of the Plenary Session of the Supreme Court "On the activities of courts in the field of protection of human rights and freedoms in the administration of justice". 10.03.2000. URL: <http://supremecourt.gov.az/post/view/146>
15. Yenisey, F. and Nuhoglu A. Criminal Procedure Law. 6th edition (2018). Ankara: Seckin Publication.
16. İbayev, V. Commentary to the Code of Criminal Procedure of the Republic of Azerbaijan. Duties, basic principles and conditions of criminal proceedings (2004). Baku: Law.
17. Kanadoglu, O.K. Presumption of innocence as a constitutional principle (2009). Ankara.