

THE ROLE OF THE PRINCIPLE OF LIBERTY IN THE HUMAN RIGHTS SYSTEM

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Abstract

The study provides a comprehensive analysis of the place of the principle of liberty within the system of human rights principles, drawing upon historical and theoretical perspectives, doctrinal diversity in legal scholarship, international legal instruments, and judicial practice. In the first part of the study, the relevance of the topic and its main directions are identified, including the key factors that determine the significance of the principle of liberty within the human rights system. It is emphasized that the principle of liberty constitutes one of the fundamental categories forming the theoretical and normative foundation of human rights law. At the same time, it is not merely a specific right, but also a guiding principle that defines the essence of the relationship between the individual and the state, as well as the limits of legal regulation. Moreover, as an integral component of human dignity, liberty is regarded as one of the essential foundations of individual autonomy, self-realization, and recognition as a legal subject. The second part of the research evaluates the principle of liberty within the broader context of the relationship between law and freedom. The third part examines the historical development of the principle of liberty and its recognition and consolidation as a human right. Reference to the views of prominent thinkers in this field, as well as to contemporary scholarship, enables the formulation of well-grounded conclusions. The fourth part identifies the key characteristics of liberty as a foundational basis for the realization of other rights. The fifth part analyzes the constitutional foundations of the principle of liberty. A comparative review of the constitutions of various states across different regions of the world demonstrates that the right to liberty is, in most cases, broadly enshrined, which has contributed to its recognition and development as a constitutional principle. In the concluding section, the findings of the research are summarized and a number of significant propositions are advanced.

Keywords: *human rights, principle of liberty, natural law, general principles of law, international law, constitutional foundations, rights and freedoms, the principle of equality, human dignity, international judicial practice, limitation of rights.*

I. The key factors determining the significance of the principle of Liberty within the human rights system

The analysis of the principle of liberty within the human rights system is of paramount importance. The principle of liberty constitutes one of the fundamental categories forming the theoretical and normative foundation of human rights law. At the same time, it is not merely a specific right; rather, it determines the very essence of the relationship between the individual and the state, as well as the limits of legal regulation. Moreover, as an integral component of human dignity, liberty serves as one of the essential foundations of individual autonomy, self-realization, and recognition as a legal subject. A number of its key features may be explained as follows:

- Rooted in natural law theory, the principle of liberty has, over time, received normative recognition in national constitutions and in international law.
- Through its reflection in international legal norms, liberty has acquired a broader meaning, encompassing not only freedom from state interference but also the positive obligations of the state to ensure the effective realization of individual rights.

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- By including both the prohibition of interference and the establishment of effective guarantee mechanisms, the principle of liberty has gained a wider scope of application and a dynamic character.

- The principle of liberty has been recognized at the universal level as an international obligation, incorporated into the substance of numerous fundamental human rights, and has attained the character of customary international law. Although the customary dimension of the right to liberty—like other human rights - was significantly shaped by the 1948 Universal Declaration of Human Rights, it has subsequently been further strengthened through international judicial practice. On the one hand, the principle of liberty has defined the content of individual freedoms; on the other, it has formed the necessary normative environment for the realization of civil, political, economic, social, and cultural rights, thereby constituting the foundation of a number of fundamental human rights.

- Within the human rights system, the principle of liberty performs a coordinating and systematizing function among individual rights. Although the right to liberty is not absolute in character, the principle of liberty occupies both the conceptual core of human rights law and the central position in the practical mechanisms for its implementation.

- It is more coherent to approach the principle of liberty from historical, theoretical, and legal perspectives in an integrated manner. Overall, the principle of liberty should be examined in the human rights system from several essential directions. In legal scholarship, human rights principles are often classified into theoretical and practical principles, and the principle of liberty is distinguished as a historically developed theoretical principle [2, p. 55–57].

- The principle of liberty must be interpreted in close interaction with other principles of human rights. For example, the principle of dignity is regarded both as the source of freedoms and as the primary criterion for their interpretation. Likewise, only in conjunction with the principle of equality can liberty acquire real and effective substance. Legal scholarship rightly emphasizes that, as a principle of human rights protection, liberty encompasses the following objectives: freedom from discrimination; freedom from poverty; the freedom of development and realization of one's human potential; freedom from fear—namely threats to personal security, torture, arbitrary detention, and violence; freedom from injustice and violations of legality; participation in opinion-forming and decision-making processes; and the freedom to work with dignity [2, p. 57].

- The principle of liberty is directly linked to the fundamental principles of law. The fundamental principles of law embody values that have been genetically formed within society; through their mutual interaction, these principles constitute the foundation of the general legal regulation of social relations. The principle of liberty forms one of the essential pillars of the rule-of-law state. Furthermore, the principle of the rule of law represents one of the primary legal guarantee mechanisms of liberty. In the absence of the rule of law, liberty is deprived of legal protection and fails to acquire real substance. In legal analysis, the principle of the rule of law is often equated with the concept of the Rechtsstaat (constitutional state governed by law) [5, p. 60]. Where any of these principles is absent, the effective realization of liberty becomes impossible, thereby undermining not only the right to liberty itself but also the integrity and genuine substance of other rights and freedoms. In this regard, the principle of liberty encompasses the individual's social self-expression, including the fulfillment of obligations in the sphere of social

protection, inclusiveness, and the unobstructed realization of rights. In this sense, the principle of liberty extends across the entire sphere of rights.

- Among the issues under discussion are the extent to which the state may limit citizens' rights, the conditions under which individuals may legitimately resist state commands, and whether a free society depends more on constitutional structure or on shared cultural values and moral principles. Although some in the twenty-first century argue that liberty has achieved a definitive victory, others adopt a more cautious position. They contend that within Western culture liberty is sometimes conflated with arbitrariness or mere permissiveness, and that the choices offered are often superficial in nature. According to this perspective, in the context of global free trade, transnational corporations operate in an almost uncontrolled manner, and today the most serious threat to liberty stems not from the state, but from such entities.

II. Evaluation of the principle of Liberty in the context of law and freedom

Human rights, as a concept, encompass not only rights but also freedoms. It is emphasized that every individual possesses a certain degree of liberty. Liberty represents the individual's conscious and volitional capacity to choose and direct his or her conduct. It presupposes a certain degree of independence from external circumstances. The complex nature of liberty becomes particularly evident in the analysis of its structure [35].

If law is understood as a system of legal norms established by the state, liberty denotes the possibility of acting without external coercion and the condition in which an individual is free to make personal choices. Legal scholarship notes that a right constitutes a lawful claim of a person to obtain certain material and moral benefits. Liberty, by contrast, signifies the possibility for an individual to act in accordance with his or her own will without interference or coercion by authority structures. The concept of "liberty" is aimed at emphasizing broader possibilities for individual choice regardless of the outcome [2, p. 107-108].

The interrelationship between rights and freedoms should be directed toward the realization of human rights and freedoms, should imply complementarity, and must serve a common objective. Both liberty and rights express and actualize the subjective capacity of individuals to engage in actions not prohibited by the state. In this sense, human rights broadly encompass freedoms and mutually complement one another [46]. Their interconnection justifies considering them within a unified framework [66]. It is further concluded that although law determines the normative framework of liberty, liberty itself contributes to revealing the real substance of law; this reciprocal relationship is dynamic in character and ultimately serves human dignity [70].

Accordingly, liberty must be regarded as a principle. This connects it closely with other rights and elevates it to one of the fundamental starting propositions of the human rights system. In this regard, Article 1 of the Universal Declaration of Human Rights is of particular importance. It provides that all human beings are born free and equal in dignity and rights. The expression of liberty in unity with dignity within the Declaration is entirely justified, since the principle of liberty directly derives from human dignity.

In addition, other provisions of the Declaration may be highlighted. For example, Article 3 establishes that everyone has the right to life, liberty, and security of person, while Article 4 stipulates that no one shall be held in slavery or servitude. In general, provisions concerning liberty constitute a central thread throughout the Declaration, and in this respect Articles 9, 12, and 13 should also be specifically noted. Article 2 of the

International Covenant on Civil and Political Rights establishes obligations in this sphere, and Article 9 reflects essential elements of personal liberty. In particular, Article 9(1) provides that everyone has the right to liberty and security of person.

In its General Comment No. 35 on Article 9 of the International Covenant on Civil and Political Rights, the UN Human Rights Committee states that liberty and personal security are values in themselves and also serve as guarantees for other rights. History demonstrates that deprivation of liberty is one of the principal means of preventing individuals from exercising their other rights [24].

The fact that liberty is not absolute in character and may be subject to limitations should not be regarded as an obstacle to its recognition as a principle. In general, limitations of rights and freedoms are permissible only if they are prescribed by international instruments and domestic legislation, pursue a legitimate aim arising from the nature of the specific right, and comply with the principles of necessity and proportionality.

A substantial body of jurisprudence has been developed in the practice of the European Court of Human Rights in this area. In a broad sense, the right to liberty is recognized as a fundamental right ensuring protection of the individual against arbitrary interference by the state or other actors, safeguarding physical and moral integrity, and enabling the person to determine his or her conduct freely. The Criminal Procedure Code of the Republic of Azerbaijan regulates, in procedural terms, the mechanisms for the protection and safeguarding of this right in greater detail.

Article 5 of the European Convention on Human Rights protects physical liberty and underscores its connection with the principles of legal certainty and the rule of law. The guarantees provided under Article 5 include independent judicial control, ensuring accountability of public authorities, and minimizing the risks of arbitrary and unlawful deprivation of liberty [19, p. 268]. In this context, three essential elements are identified: the timing of the information (promptly), the content of the information (the reasons for arrest), and the form in which the information is communicated (in a language the person understands and in a clear manner). In the cases of *Fox, Campbell and Hartley v. the United Kingdom* (1990) and *Murray v. the United Kingdom* (1994), the European Court of Human Rights established that the reasons for arrest may be clarified not only at the moment of arrest but also during the subsequent initial questioning stage, provided that no undue delay occurs. However, such delay must not contradict the functional meaning of the requirement of promptness. The individual must be informed of the specific acts underlying the detention, enabling him or her to effectively organize a defense. Further, in cases such as *Oral and Atabay v. Turkey* (2009), *McKay v. the United Kingdom* (2006), and *Năstase-Silivestru v. Romania* (2007), the Court held that if bringing a person before a judge within the period prescribed by law cannot be justified, this constitutes excessive delay and a violation of rights. The Court therefore prefers to apply the concept of a “reasonable time.”

Finally, particular care must be exercised in the selection of detention as a preventive measure. According to the legal positions formed in cases such as *Buzadji v. the Republic of Moldova* (2016), *Tiron v. Romania* (2009), and *Smirnova v. Russia* (2003), detention may be justified only in the presence of certain risks. These include the risk of absconding, obstructing the administration of justice, committing new offences, or disturbing public order.

The examination of such matters by an independent and impartial court ensures the fair and humane character of judicial proceedings. Similar principles are reflected in the practice of the UN Human Rights Committee, which requires that deprivation of liberty

comply with criteria of legality, necessity, proportionality, and independent judicial review. Courts must also mandatorily consider the possibility of applying alternative preventive measures. In *Georgiy Arkhangelskiy, Bakhtiyar Albani, Ruslan Dzhumanbayev, Zhan Kenzhegulov, Zhanar Sekerbayeva v. Kazakhstan* (Communications Nos. 2538/2015 et al., Human Rights Committee, 10 March 2023), the applicants participated in a peaceful march protesting the sudden devaluation of Kazakhstan's national currency in 2014. The event was deemed unauthorized under legislation requiring prior permission; they were detained by police and subjected to administrative fines. The Human Rights Committee concluded that Kazakhstan had violated Articles 19 (freedom of expression) and 21 (freedom of peaceful assembly) of the International Covenant on Civil and Political Rights [18]. Similarly, in *Vasilevich, Lebedko, Katsora, Repnin v. Belarus* (Human Rights Committee, 14 March 2023), the complainants alleged criminal measures taken in relation to peaceful demonstrations and freedom of expression in Belarus. The applicable norms provided for fines and administrative detention for organizing public events without authorization and for demonstrations not using technical means. The Committee determined that these restrictions had been applied in a manner inconsistent with Articles 19 and 21 of the Covenant [71].

Thus, both the jurisprudence of the European Court of Human Rights and that of the UN Human Rights Committee establish that decisions concerning deprivation of liberty must comply with the requirements of legality and substantiation, must be adopted by an independent authority, and must be accompanied by effective avenues of appeal before higher judicial instances. The right to liberty must be protected not merely through formal procedural compliance but through real and effective guarantees.

In its decision of 16 September 2014, the Plenum of the Constitutional Court of the Republic of Azerbaijan held that the right to liberty may be restricted only in exceptional cases and solely on grounds prescribed by law. The only legitimate form of interference with this right is a decision adopted under judicial supervision within procedures established by law [14]. Likewise, in its Plenum decision of 3 November 2009, the Supreme Court of the Republic of Azerbaijan stated that detention as a preventive measure, being the most severe procedural coercive measure, may be applied only where concrete indicators concerning the personality of the accused and public danger exist and where alternative preventive measures are insufficient. Detention may be imposed only on an accused person, and both substantive and procedural grounds must exist and be duly substantiated [15].

III. The historical development of the principle of Liberty

Liberty has been recognized as one of the fundamental human rights. It primarily belongs to the first generation of rights. Its classification within the first generation may be explained by the fact that, throughout history, this right has played a decisive role in enabling the realization of other rights and freedoms.

In slave-owning societies, where the rule of force predominated, peoples and states considered powerful for their time pursued expansionist wars, regarded other peoples and states as their natural enemies, subjected them to their authority, defeated them, enslaved them, or destroyed them. In such circumstances, the idea of liberty was not a matter of reflection or concern [3, p. 25–26]. Nevertheless, in the history of the ancient world, each new stage of social development introduced new elements into the understanding of human rights and extended them to a broader circle of subjects. These developments occurred in the context of the struggles of classes and social strata for

freedom and rights. According to historical sources, the term “liberty” first appeared in the twenty-fourth century BCE. At that time, a ruler of the Sumerian state proclaimed liberty for his subjects by imposing sanctions on tax collectors, protecting widows and orphans from unjust actions by officials, and preventing arbitrariness by high priests during temple services. In Ancient Greece, the idea was first articulated that the comprehensive existence of the individual and the development of society as a whole are impossible under conditions of violence and arbitrariness, and that human liberty must be protected as an absolute metaphysical essence. Liberty was evaluated primarily not as a socio-political concept but as a moral one. Thus, within the framework of natural law and the law of nature, the principle of the general equality and general liberty of human beings began to be proclaimed. Epicurus interpreted human liberty as the rational (wise and deliberate) choice of one’s way of life and the individual’s responsibility for that choice [2, p. 72]. Ideas relating to human rights can also be found in the philosophical thought of Socrates and Plato, regarded as leading figures of Ancient Greek philosophy. Socrates, advocating just laws and compliance with them, maintained that only through adherence to just laws could liberty – considered a noble and supreme good for both the individual and the state – be attained. In Plato’s concept of the ideal state, equality between men and women was recognized; at the same time, the model was characterized by the rejection of the institution of private property and the division of society into free persons and slaves. According to Aristotle, the human being is the highest entity in nature. At the same time, however, he justified slavery, asserting that some individuals are born free while others are born as slaves. Aristotle further observed that law possesses both a natural and a conventional character [28, p. 73–74].

In 1215, the Magna Carta (Great Charter of Liberties) reflected provisions aimed at eliminating the arbitrariness of royal officials. In addition to proclaiming the inviolability of property, the document enshrined fundamental freedoms such as the principle that punishment may be imposed exclusively on the basis of a lawful judgment, as well as the right to leave the country and to return without hindrance. Several provisions of the Charter are particularly noteworthy: no tax or levy may be imposed within the kingdom without the consent of the Common Council of the Realm; a free man who commits a minor offence shall be punished only in proportion to the degree of that offence, and likewise for a grave offence, but without being deprived of his status; no free man shall be arrested, imprisoned, dispossessed, outlawed, exiled, or in any way deprived of his standing in society except by the lawful judgment of his equals or by the law of the land; nor shall force be used against him or others be compelled to use force against him; and to no one shall justice or right be sold, denied, or delayed [2, p. 79]. The views of Hugo Grotius, one of the prominent representatives of natural law theory, regarding the contractual conception of the state are also of particular interest. According to Grotius, “The state is a perfect union of free persons, formed for the observance of law and the pursuit of the common good” [28, p. 73–74].

During the formation of the bourgeois order in England, the Habeas Corpus Act of 1679 established procedural safeguards for the release of detainees on bail, guaranteed the inviolability of the person, affirmed the presumption of innocence, and introduced other protections for human rights.

An important step in the normative consolidation of human rights was the Bill of Rights of 1689, which enshrined freedom of speech, freedom of parliamentary elections,

and the right of citizens to petition the King. It prohibited cruel punishments and defined rules concerning the participation of jurors in court proceedings [2, p. 81–82].

Progressive ideas concerning the protection of human rights were advanced in the work *On Crimes and Punishments* by the renowned Italian criminologist Cesare Beccaria. In this work, humanistic and liberal values such as honor, liberty, and dignity were widely promoted. Beccaria argued that these values should be secured not through repression, but through just laws, personal discipline, general education, the elimination of poverty, and the gradual equalization of citizens in moral and material benefits [23, p. 38].

The United States Declaration of Independence of 4 July 1776, the United States Constitution, and the first ten amendments to the Constitution adopted in 1791 (formally known as the United States Bill of Rights) constituted the first steps in the constitutional entrenchment of human rights and freedoms. A distinctive feature of the development of human rights in America was the articulation, for the first time, of the right of every person to pursue happiness. Thus, the constitutional acts adopted in North America not only enshrined classical human rights and freedoms, as well as procedural guarantees, but were also grounded in the theoretical achievements of the natural law school. These documents emphasized inalienable rights, the separation of powers, limited government, and the principle of popular sovereignty, and also highlighted mechanisms for securing liberty through economic independence [2, p. 83–84].

Immanuel Kant regarded morality, moral action, and liberty as necessary elements (preconditions) for the recognition of the individual's legal status. According to his philosophical doctrine, the unity of moral freedom, fundamental human rights, and republican principles constitutes the only path toward the realization of this ideal [2, p. 84–85].

One of the principal advocates of the idea of human liberty, Georg Wilhelm Friedrich Hegel, maintained that the idea of liberty became formally embodied through the constitution and finds its full realization in modern states. Demonstrating the internal unity of law and liberty, he argued that law is the existence of free will as such; thus, as an idea, law is identical with liberty. Distinguishing civil society from the political state, Hegel characterized civil society essentially as "bourgeois society." In his philosophical approach, civil society is understood as the sphere in which individual liberty and rights are realized, and as a specific social domain in which private interests and personal aims are manifested [23, p. 41–42].

According to John Locke, the rights to life, liberty, and property are natural rights inherent in every individual, and it is the duty of the state to protect them; liberty itself is subject to the law of nature [27, p. 82]. In this sense, the content of the right to liberty has consistently been the subject of thorough examination by political and legal thinkers.

In *The Social Contract*, Jean-Jacques Rousseau interprets the limitation and restoration of individual liberty through the prism of legal legitimacy. He emphasizes that if an individual regains lost liberty on the basis of the same legal principles by which it was taken, this either confirms the legality of its restoration or demonstrates the lack of legal grounds for its initial deprivation. Human beings are born free, and liberty belongs to them inherently; no one has the right to take it away [41, p. 4–8]. According to Rousseau, in a system governed by the principle of the absolute primacy of rights and freedoms, all activities remain in harmony with these supreme values, thereby excluding contradictory or undesirable outcomes [41, p. 91].

In *The Spirit of the Laws*, Charles-Louis de Montesquieu advances a fundamental thesis: formal legal procedures are indispensable for the protection of liberty. For

Montesquieu, liberty is not merely a theoretical principle but a practical reality secured through complex legal mechanisms and procedural safeguards [9, p. 730].

According to Benjamin Constant, in antiquity liberty meant direct participation in political power, whereas for the modern individual the principal form of liberty lies in personal inviolability [67, p. 2].

While emphasizing the legal and institutional dimensions of liberty, ancient philosophy – particularly in the thought of Plato – approaches its manifestation in political systems from a more critical perspective. Plato argues that in democracy liberty becomes an absolute value and supreme aim, encompassing all social strata, including gender relations and equality between men and women. However, he warns that if governing institutions fail to satisfy excessive demands for unrestricted liberty, this may lead to a crisis of legitimacy, deep social resentment, and disrespect for hierarchical order [37, p. 95, 423].

The founder of the modern liberal paradigm concerning justice, liberty, and constitutional democracy, John Rawls, maintains that the equality of political liberties must be integrated with freedoms of thought, conscience, and association. Only such integration, he argues, can enable the free manifestation of moral powers in accordance with the principles of rationality [39, p. 11].

One of the most prominent twentieth-century political thinkers, Isaiah Berlin, known for his work on liberty and value pluralism, classifies liberty in his seminal essay *Two Concepts of Liberty* into “negative” and “positive” categories. Negative liberty refers to the absence of external interference—particularly by the state—in an individual’s sphere of action. Positive liberty, by contrast, denotes the individual’s capacity to be the author of his or her own life, to realize inner potential, and to exercise self-government [7, p. 131–134].

The seventeenth-century English philosopher and political theorist Thomas Hobbes considered the creation of the state to be a rational response to the boundless and uncontrolled liberty existing in the state of nature. In his view, since such liberty inevitably leads to violence and fear, individuals renounce part of their freedom in exchange for security, thereby establishing sovereign authority. Within the framework of state order, liberty derives from the dispositive character of legislation: individuals are free in all spheres not expressly prohibited by law. This conception was later characterized in modern political theory as “negative liberty.” Hobbes regarded an extensive sphere free from state interference as dangerous and rejected the idea that liberty arises through democracy or self-government, instead defending strong and indivisible authority as the essential condition of liberty [21, p. 129–136].

The influential nineteenth-century British philosopher, sociologist, and political theorist Herbert Spencer argued that every individual has the freedom to do whatever he wills, provided that he does not infringe the equal freedom of any other person [45].

The 1998 Nobel Prize laureate in Economic Sciences, Amartya Sen, renowned for his fundamental research in welfare economics and development theory, emphasizes that the criteria forming the basis of judgments of justice—such as freedoms, capabilities, resources, and welfare—must be critically reassessed. In Sen’s approach, the pursuit of justice is closely linked to the model of deliberative democracy. He argues that a theory of justice must fundamentally encompass differing interpretations of equality and liberty, the nature of human rights claims, and the scope of these principles within the framework of public reasoning. When reflecting on the substance of human life, it is not only what we manage to achieve that matters, but also the real freedoms we possess to choose

among different ways of living. The individual's freedom to choose a life path not only contributes significantly to overall well-being but also has intrinsic value. Liberty must therefore be understood not merely as an instrument for enhancing welfare, but as an independent category of value. The fundamental freedoms and real opportunities available to individuals are valuable in themselves; determining how to use these opportunities is a sovereign right deriving from personal autonomy. A second crucial dimension of liberty, according to Sen, is that it renders us responsible for our actions. Freedom of choice not only allows individuals to shape the trajectory of their lives but also imposes personal responsibility for the consequences of their decisions. In this sense, responsibility constitutes an inseparable component of liberty, since an action can genuinely be attributed to an individual only if it results from conscious and voluntary choice [44, p. 8–19]. In his seminal work *Development as Freedom*, Sen advances the position that development should not be equated with economic growth, but rather with the expansion of people's real freedoms. Development must therefore be understood not simply as an increase in income, but as the enlargement of individuals' substantive opportunities across various spheres of life [43, p. 3–5].

The distinguished twentieth-century political thinker Hannah Arendt, in her foundational work *The Human Condition*, distinguishes three fundamental categories of human activity: labor (the fulfillment of biological necessities), work (the creation of artificial objects), and action (political activity). Criticizing the traditional doctrine of human rights, Arendt introduces the concept of "the right to have rights," understood as the status of belonging to a political community. In her view, the principle of liberty cannot be meaningfully applied to pre-political conditions in which individuals lack the opportunity to participate as equals in collective deliberation. Liberty thus entails freedom both from the dictates of sheer necessity and from the arbitrary will of others, while also requiring that authority be freed from hierarchical domination [4, p. 14, 31–32].

One of the prominent contemporary political philosophers, Martha C. Nussbaum, known for her research in human rights, gender equality, and development theory, is a leading proponent of the capabilities approach. She argues that human rights must be assessed in terms of individuals' real-life capabilities and functionings. In her major work *Women and Human Development*, Nussbaum identifies ten central capabilities that states must secure as a "constitutional minimum," including the right to life and bodily health, bodily integrity, freedom of imagination and thought, emotional integrity, political participation, and protection of dignity, among others. At the same time, she warns that imposing universal norms in a rigid manner may undermine individual autonomy and democratic citizenship. Universal standards should therefore be applied in a way that respects individuals' freedom to choose their own life projects. Individuals are mature agents capable of making decisions about their own well-being; restricting this freedom constitutes a manifestation of paternalism—that is, the justification of interference by the state or other authorities in an individual's choices purportedly for that individual's own good. Universal norms such as religious tolerance and freedom of association are essential for protecting individuals against illiberal forces that seek to suppress free choice. The universal regulation of such fundamental rights safeguards legal pluralism and ensures the sustainability of democratic coexistence [34, p. 51–52]. Moreover, Nussbaum maintains that a child raised in an environment lacking freedom of speech and religion cannot develop the same political and religious capacities as a child raised in a society where these freedoms are protected [32, p. 85].

The founder of liberalism and constitutionalism, John Locke, in his work *Two Treatises of Government*, interprets the dialectical relationship between liberty and law. He argues that although the individual is free in the state of nature, such freedom must not be understood as chaos or arbitrariness, since where there is no law, there can be no real liberty [27]. Similarly, Jean-Jacques Rousseau, in *The Social Contract*, distinguishes liberty from arbitrariness and characterizes it as obedience to a law that one has prescribed to oneself. In doing so, he underscores the inseparable link between liberty and law within the framework of popular sovereignty. Liberty, in his view, is impossible without equality [41].

The early formation of elements of human rights can also be traced to Zoroastrianism, which reflected the concept of human freedom of will. The Mazdakite movement, which emerged at the end of the fifth and beginning of the sixth centuries, advanced the principle of human freedom, emphasizing property equality, social and legal equality, and the consideration of the interests and positions of the people. Later, the principle of universal human equality also became a central feature of the Khurramite movement in the ninth century [2]. The Khurramite movement, active in the late eighth and early ninth centuries, promoted progressive ideas related to human rights. Drawing upon Mazdakite traditions, its ideological doctrine characterized private ownership of land and the existing taxation system as artificial mechanisms serving the exploitation of the people. According to this doctrine, prevailing social injustices were to be eliminated, individual freedoms ensured, and principles of absolute equality established within society [25, p. 102–103].

The distinguished thirteenth-century Azerbaijani scholar Nasiraddin Tusi explained in unity the interaction between society and the individual, and between the individual and society. He maintained that just as the individual plays a crucial role in the development of society, society in turn plays a decisive role in the development of the individual. Emphasizing legal equality among people, he further developed the ideas of liberty and justice. Human rights ideas were also prominently reflected in the works of Imadaddin Nasimi, a leading representative of Hurufism. Elevating and centering the human personality, he demanded respect for human dignity. One of his principal ideas was adherence to women's rights and the granting of freedom to women. He regarded the establishment of social justice as one of the most essential elements for human existence. The fifteenth–sixteenth-century Azerbaijani thinker Muhammad Fuzuli placed particular emphasis in his works on the principles of legal equality and individual liberty. Guided by humanistic values, he advocated for peace and coexistence in society and sharply criticized destructive wars [2].

Nizami Ganjavi associated liberty primarily with the inner world of the individual. In his view, a person unable to overcome greed, passion, and anger remains a slave in essence, even if he is a king. True liberty lies in moral perfection. On the social plane, he equated liberty with justice, asserting that where oppression prevails, neither freedom nor prosperity is possible. According to him, the ruler's duty is not to govern through fear but to create a just environment in which subjects can "breathe freely" [33, p. 110–113, 117–118]. He advocated governance grounded in humanism, benevolence, equality, and liberty – principles consonant with the foundations of a rule-of-law state [2].

Interpreting liberty through the philosophy of Hurufism, Imadaddin Nasimi presented the human being as the highest entity. He proclaimed that since the human being seeks Truth ("Haqq"), no religious or secular framework, nor fear, can confine him. According to Nasimi, the moment a person recognizes his or her essence, he or she attains absolute liberty; no physical punishment can force such a person to renounce that

conviction. His poetry reflects spiritual freedom so profound that it transcends even the fear of death [32, p. 7–8, 308].

Mirza Fatali Akhundov was among the first Azerbaijani thinkers to elevate liberty to the intellectual sphere. He argued that a nation's progress is possible only when there is "freedom of thought," meaning that individuals do not blindly accept dogma but critically examine all matters through reason. He regarded despotism and religious fanaticism as the greatest enemies of human liberty and promoted a mode of free thought inspired by European Enlightenment ideals. In his view, a people not liberated from spiritual bondage cannot meaningfully attain physical liberty [1, p. 43].

Advocating gender equality, Akhundov considered the subordinate status of women a grave social injustice. In analyzing harsh punishments, he viewed them as destructive to human dignity and emphasized the principle of humanism. Placing the individual at the center of his analysis, he highlighted the essential elements of legal status and underscored the state's social function as necessary for personal development. He distinguished between liberty, equality, and justice, and included within the category of liberty freedom of speech, freedom of thought, freedom of action and labor, personal rights, and property rights, thereby articulating a democratic conception of individual legal status. According to him, liberty signifies independence; without moral and physical freedom, equality is impossible. Referring to the doctrine of natural rights, he maintained that human rights and freedoms are inherent from birth and that law must not only declare but also effectively guarantee them [2].

Hasan bey Zardabi, founder of the newspaper *Akinchi*, directly linked the concept of liberty to science and education. He argued that an uneducated person is a helpless object in the hands of natural forces and others, and thus cannot be truly free. For Zardabi, genuine liberty consists in knowing one's rights, understanding the world, and living through one's own labor. He regarded ignorance as the greatest form of bondage and called upon the people to awaken from complacency and take ownership of their destiny – that is, their liberty [72, p. 57–127].

Ali bey Huseynzade attributed profound philosophical value to liberty, describing it as "the divine nourishment of the human spirit." He maintained that freedom is not merely a political slogan but the principal force that activates a nation's intellect, imagination, and creativity. His formula – Turkification, Islamization, and Europeanization – outlined a path for free national development while preserving identity. He emphasized that liberty is not anarchy, but rather a responsible ascent grounded in national consciousness [22, p. 181–191].

Approaching liberty from a realistic and critical perspective, Jalil Mammadguluzadeh observed that when men themselves are enslaved by superstition, imprisoning women within the home renders collective freedom impossible. For him, liberty was not a matter of grand rhetoric but of liberation from fear, hypocrisy, and ignorance; it meant women emerging from seclusion and participating in public life. Through satire, he sought to awaken what he termed a spiritually "dead" society by exposing the bitter truths necessary for freedom [29, p. 382–430, 437–477].

Finally, during the harshest years of the Soviet regime, Khalil Rza Uluturk portrayed liberty not as a remedy to be dispensed occasionally, but as a vital necessity akin to air, water, and sunlight. He stressed that waiting passively for freedom to be granted is mistaken; it must be pursued through persistent struggle. For him, liberty was the highest value, one that admits no compromise [26, p. 4–8].

Among the founders of the Azerbaijan Democratic Republic, the ideas of Mammad Amin Rasulzade are of particular significance in this field. His well-known statements - "Liberty to individuals, independence to nations" and "The flag once raised will never fall" – reflect the deep interconnection between individual freedom and national sovereignty [40, p. 3-4]. With the proclamation of the Azerbaijan Democratic Republic on 28 May 1918, the Declaration of Independence formally announced the establishment of an independent Azerbaijani state and set forth the fundamental principles of state governance. The Declaration affirmed that sovereignty belongs to the people; guaranteed civil and political rights to citizens; ensured the free development and protection of the rights of all individuals and peoples regardless of national, religious, class, estate, or gender affiliation; and provided for the formation of the principle of separation of powers as the structural basis of the state. The government subsequently adopted a number of normative legal acts relating to human rights [2].

Genuine liberty creates conditions for individual self-realization and self-expression. In this respect, liberty is closely connected with moral development and the formation of personality. As a principle, liberty encompasses not only legal norms but also a range of conceptual dimensions. For example, freedom of choice refers to the individual's capacity to select among different objects or values. Liberty, as a fundamental human right, possesses two principal aspects:

- *Negative liberty*, meaning freedom from unwarranted interference by others (this does not imply the complete absence of authority; rather, liberty presupposes guidance by legitimate authority and the preservation of public order);

- *Positive liberty*, meaning the right to live in accordance with one's own will. True liberty thus enables self-realization and self-expression and is intrinsically linked to personal and moral development.

According to Immanuel Kant, liberty is the capacity of the will to give the law to itself. His conception was subject to criticism by later thinkers. Critics argued that Kant constructs liberty primarily within the framework of moral autonomy and practical reason, analytically separating it from social, economic, and political structures. Karl Marx and especially Herbert Marcuse maintained that such an approach insufficiently accounts for the material and institutional conditions of freedom. For Kant, however, liberty consists in obedience to a moral law one has prescribed to oneself, and this conception was not intended to legitimize political subjugation [42].

Liberty may be analyzed across various dimensions: individual liberty; freedom of thought and expression; liberty within the framework of law; economic liberty; property and liberty; and national liberty. Individual liberty encompasses freedom of expression, freedom of speech, freedom of religion, and freedom of movement. Freedom of opinion and expression is one of the pillars of liberal thought; without it, no other freedom can effectively exist. It is closely linked to numerous political and social objectives, such as enabling individuals to pursue richer and more meaningful lives and supporting governmental efforts to stimulate economic growth, reduce crime, and alleviate poverty.

Liberty within the framework of law presupposes the existence of areas of social life not governed solely by personal moral awareness or traditional norms. Therefore, legal regulations that clearly define the limits of permissible conduct and establish sanctions for violations are essential. Economic liberty denotes the right of individuals and enterprises to pursue their economic objectives in competitive conditions without excessive state

regulation or interference in the market. Liberty thus becomes a crucial factor in promoting economic efficiency and rational behavior for the benefit of society as a whole.

Property is an essential component of most theories explaining the meaning of liberty. It is generally understood in two principal senses: first, as self-ownership—that is, ownership of one's body and abilities; and second, as ownership in the traditional sense of material goods, wealth, and land. National liberty implies the right of every nation to self-governance and requires that a nation be able to govern itself without domination or control by another state. At the same time, the concept of liberty must be articulated in a manner that enables understanding of contemporary anti-oppression struggles, which persist even after the formal abolition of slavery [10, p. 11–18]. In legal literature, liberty is often defined not as “the right to do whatever one wishes,” but as “the will to do what is right,” a formulation that opens broader philosophical reflections on freedom [42].

The Qur'an also contains significant references to freedom. In Surah Al-Baqarah (2:256), it is stated that “there is no compulsion in religion” [38]. Surah Al-Kahf (18:29) proclaims that the truth is from the Lord, and whoever wills may believe, and whoever wills may disbelieve [38]. Furthermore, Surah An-Nisa affirms, “Allah knows best your faith; you are from one another,” emphasizing the unity and equality of all human beings regardless of social status. At the same time, the Qur'an establishes as a fundamental norm that individual freedoms must not violate the rights of others.

IV. Liberty as the foundation for the realization of other rights

Liberty constitutes the foundation for the realization of other rights. For example, within the right to work, freedom of labor occupies a central place, just as freedom of education forms the core element of the right to education. In this sense, liberty represents the essential nucleus and guiding direction of these rights.

The analysis of freedom of labor encompasses the individual's freedom to choose a profession, the freedom to conclude and terminate an employment contract, the prohibition of forced labor, and the possibility of selecting one's workplace and working conditions in accordance with free will. If labor activity is not based on free choice, it ceases to be a right and instead assumes the character of coercion, thereby undermining the very essence of labor law. It may therefore be unequivocally stated that social rights acquire genuine legal substance only when they incorporate an element of liberty. Article 23(1) of the Universal Declaration of Human Rights provides that everyone has the right to work, to free choice of employment, to just and favorable conditions of work, and to protection against unemployment. Article 8 of the International Covenant on Civil and Political Rights stipulates that no one shall be required to perform forced or compulsory labor. Article 6(1) of the International Covenant on Economic, Social and Cultural Rights recognizes the right to work, including the right of everyone to gain a living by work freely chosen or accepted, and obliges States Parties to take appropriate steps to safeguard this right.

The ILO Convention No. 105 concerning the Abolition of Forced Labour prohibits the use of labor as a means of punishment, political coercion, or discipline, and directly links freedom of labor to human dignity. Article 4 of the European Convention on Human Rights similarly provides that no one shall be held in slavery or subjected to forced or compulsory labor.

The case-law of the European Court of Human Rights has consistently affirmed that forced labor is incompatible with human dignity and the essence of labor rights. In Van

der Mussele v. Belgium, the Court addressed the scope of compulsory professional obligations. In *Siliadin v. France*, it held that where an individual is deprived of a genuine and free choice regarding labor activity, the situation amounts to forced or compulsory labor. Similar reasoning was reflected in *Chowdury and Others v. Greece* and *Stummer v. Austria*. The general conclusion is that the right to work is inseparably linked to free choice, the availability of real alternatives, and respect for human dignity.

Article 35 of the Constitution of the Republic of Azerbaijan enshrines fundamental provisions concerning the right to work. It guarantees that everyone, on the basis of their capacity for work, has the right to freely choose their type of activity, profession, occupation, and place of employment (Article 35(II)). As a constitutional norm, no one may be compelled to work (Article 35(III)), and the principle of freedom of contract in employment relations is established (Article 35(IV)), meaning that no person may be forced to conclude an employment contract. However, certain exceptional cases are permitted, including compulsory labor imposed pursuant to a court decision (under conditions and for periods prescribed by law), the execution of lawful orders during military service, and the performance of necessary work during states of emergency or martial law (Article 35(V)).

Based on an analysis of the relevant recommendations of the International Labour Organization (for example, Nos. 35, 122, 198, etc.) and its official interpretations, it has been unequivocally established that the right to work may be realized exclusively within the framework of free and informed choice. Article 2 of the Labour Code of the Republic of Azerbaijan likewise identifies, as one of its key principles, the guarantee of an individual's free use of intellectual, physical, financial, and other capacities in order to satisfy material, moral, social, economic, and other vital needs. This principle is further elaborated and strengthened in other fundamental provisions of the Labour Code.

The right to education also occupies an important place in this context. At the core of this right lies educational freedom, which includes the free choice to pursue or not pursue education, the freedom to choose among public, private, or other forms of education, and the existence of a free educational environment. Accordingly, the effective realization of the right to education is possible only under conditions of educational freedom. Article 26(2) of the Universal Declaration of Human Rights provides that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and friendship among all nations, racial and religious groups, and shall further the activities of the United Nations for the maintenance of peace. Article 13(3) of the International Covenant on Economic, Social and Cultural Rights stipulates that States Parties undertake to respect the liberty of parents and, when applicable, legal guardians to choose for their children schools other than those established by public authorities, provided that such schools conform to minimum educational standards laid down by the State, and to ensure the religious and moral education of their children in conformity with their own convictions. Article 2 of Protocol No. 1 to the European Convention on Human Rights provides that no person shall be denied the right to education, and that the State, in the exercise of its functions in the field of education and teaching, shall respect the right of parents to ensure such education and instruction in conformity with their own religious and philosophical convictions.

The 1960 UNESCO Convention against Discrimination in Education also addresses educational freedom within the framework of combating discrimination. Article 1 defines

discrimination as any distinction, exclusion, limitation, or preference based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition, or birth, which has the purpose or effect of nullifying or impairing equality of treatment in education. This includes: (a) depriving any person or group of access to education of any type or level; (b) limiting education for any person or group to a lower standard; (c) establishing or maintaining separate educational systems or institutions for certain persons or groups, except as permitted under Article 2; and (d) placing any person or group in a situation incompatible with human dignity. Furthermore, Article 5(1) of the same Convention affirms that parents and, where applicable, legal guardians shall have the liberty, within the framework of national legislation, to send their children to educational institutions other than those maintained by public authorities, provided such institutions meet minimum standards established or approved by competent authorities, and to ensure the religious and moral education of their children in conformity with their convictions. No person or group shall be compelled to receive religious instruction inconsistent with their beliefs.

UNESCO conventions and recommendations thus treat the right to education not merely as a social service provided by the state, but as encompassing educational freedom, parental choice, institutional pluralism, and academic freedom. In particular, the 1997 UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel emphasizes that the objectives of education cannot be achieved without freedom of teaching and research, and that academic freedom must be guaranteed as a fundamental principle. The case-law of the European Court of Human Rights has likewise underscored the substantive protection of educational freedom. In *Kjeldsen, Busk Madsen and Pedersen v. Denmark*, *Campbell and Cosans v. the United Kingdom*, *Leyla Şahin v. Turkey*, *Folgerø and Others v. Norway*, *Hasan and Eylem Zengin v. Turkey*, and *Lautsi and Others v. Italy*, the Court highlighted that education contrary to parents' convictions may infringe educational freedom; that a fair balance must be maintained between educational freedom and other competing freedoms; that educational freedom requires both procedural safeguards and real possibilities of choice; and that discrimination in education constitutes a clear violation of educational freedom.

Article 30 of the Law of the Republic of Azerbaijan "On Education" of 19 June 2009 defines the fundamental principles of state policy in the field of education, expressly incorporating the principle of educational freedom. These principles include: **humanism** – recognition as a priority of national and universal values, the free development of the individual, human rights and freedoms, health and safety, respect and care for the environment and other persons, as well as tolerance and forbearance; **democracy** – education of learners in a spirit of free thought, expansion of powers and freedoms in the organization and governance of education on state-public foundations, and enhancement of the autonomy of educational institutions.

The same conceptual approach may be identified in the context of other rights. For example, the right to entrepreneurship represents economic freedom. This is enshrined in Article 59(1) of the Constitution of the Republic of Azerbaijan ("Right to Free Enterprise"), which provides that everyone may freely use his or her abilities, capabilities, and property to engage, individually or jointly with others, in entrepreneurial activity or other economic activity not prohibited by law.

A similar principle is reflected in the right of association. Article 58(III) of the Constitution ("Right to Association") stipulates that no one may be compelled to join any

association or to remain a member thereof. Article 44(II) ("Right to National Identity") provides that no one may be forced to change his or her national affiliation. Article 45(II) ("Right to Use One's Native Language") establishes that no one may be deprived of the right to use his or her native language. Article 34(II) ("Right to Marriage") declares that marriage is concluded on the basis of voluntary consent and that no one may be forced to marry.

Analogous principles are found in other constitutional provisions. Although international legal instruments may provide for certain exceptions, individual will and freedom of choice constitute the conceptual foundation of these norms. For instance, Article 31(II) of the Constitution ("Right to Live in Safety") prohibits, except in cases established by law, any violent interference with a person's physical and moral integrity, property, or home. Furthermore, Article 32(II) ("Right to Personal Inviolability") provides that, except in cases established by law, no one may be subjected, without his or her knowledge or despite objection, to surveillance, video or photographic recording, audio recording, or other similar actions.

Article 33(II) ("Inviolability of the Home") stipulates that, except in cases provided by law or pursuant to a court decision, no one may enter a dwelling against the will of those residing therein. This provision guarantees the individual's right to freely exercise his or her will within the sphere of personal space. The above-mentioned principles are reflected even more clearly in constitutional provisions expressly dedicated to freedoms. Article 47 ("Freedom of Thought and Speech") provides in paragraph II that no one may be compelled to express his or her opinions or convictions or to renounce them, and in paragraph III prohibits propaganda or agitation inciting hostility or enmity based on racial, national, religious, social, or other criteria. Article 48 ("Freedom of Conscience") establishes in paragraph II that everyone has the right independently to determine his or her attitude toward religion, to profess any religion individually or jointly with others, or to profess no religion, and to express and disseminate convictions related thereto; paragraph III affirms that the performance of religious rituals is free, provided it does not violate public order or public morality; paragraph V prohibits compelling anyone to express religious beliefs, perform religious rites, or participate therein. Article 50 ("Freedom of Information") guarantees the freedom of mass media and prohibits state censorship. Article 51 ("Freedom of Creativity") provides that the State guarantees the free exercise of literary, artistic, scientific, technical, and other forms of creative activity. Taken together, these provisions demonstrate that liberty is not merely an abstract constitutional value but a structural principle underpinning the effective realization of a wide range of individual rights and freedoms.

Thus, liberty, by its very substance, has become embedded within the content of other rights and freedoms, forming the foundation of their genuine meaning. In general, the effective realization of any given right is possible only through the guarantee of the corresponding freedom; without such a guarantee, the right remains merely formal and cannot acquire real substance. Within each respective sphere, liberty constitutes the core element of the right in question and assumes a unifying character at the level of international standards. International norms consistently recognize the element of freedom as an inseparable component of the rights concerned. From this perspective, there is a need for more precise normative articulation of the relevant provisions of the Constitution of the Republic of Azerbaijan. In particular, it would be of considerable importance to explicitly emphasize educational freedom as a constituent element of the "Right to Education" established under Article 42 of the Constitution.

The principles governing the guarantee of the right to citizenship likewise incorporate elements of free choice and inviolability in the legal bond between the individual and the state. In this context, Article 53(I) of the Constitution ("Guarantee of the Right to Citizenship"), which develops the provisions of Article 52 ("Right to Citizenship"), stipulates that a citizen of the Republic of Azerbaijan may not be deprived of Azerbaijani citizenship (except in cases of loss of citizenship established by law). Article 53(II) further provides that a citizen of the Republic of Azerbaijan may in no case be expelled from the Republic of Azerbaijan or extradited to a foreign state. These provisions unequivocally affirm, at the constitutional level, the absolute guarantee of an individual's freedom to reside in his or her own country and to remain under the protection of the state, safeguarding that status against external interference.

V. The constitutional foundations of the principle of Liberty

As in international instruments, the constitutions of the world also define freedom as a fundamental principle or a specific norm. This right differs from other rights and freedoms by its breadth and comprehensiveness, and it also plays a special role in ensuring other rights.

Article 54 of the Constitution of Egypt states that personal freedom is a natural right and may be interfered with only in the cases specified by law and with the guarantees determined by law [51]. Article 17 of the Constitution of the Democratic Republic of the Congo states that individual freedom is guaranteed. Here, freedom is the principle, while detention (arrest) is the exception. No one may be prosecuted, arrested, or convicted except in the cases established by law. A person charged with a criminal offence shall be presumed innocent until proven guilty by a relevant court decision [12]. Article 22 of the Constitution of the Kingdom of Morocco provides that no one may be deprived of his or her liberty without a judicial decision issued in accordance with the conditions established by law. Furthermore, Article 24 of the same Constitution establishes freedom of conscience and thought; Article 25 establishes freedom of communication; Article 26 establishes freedom of association; Article 27 establishes freedom of assembly; and Article 28 establishes freedom of demonstration [53].

The First Amendment to the Constitution of the United States provides that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. This means that Congress may not restrict the rights to religion, speech, assembly, and petition [63].

Article 5 of the Constitution of Brazil states that everyone is equal before the law and is free from any form of discrimination. The inviolability of the rights to life, liberty, equality, security, and property is guaranteed to Brazilian citizens and foreigners residing in the country. Furthermore, men and women have equal rights and duties under this Constitution; no one shall be compelled to do or refrain from doing something except by virtue of law; no one shall be subjected to torture or to inhuman or degrading treatment; the expression of thought is free, but anonymity is prohibited [47]. Article 14 of the Constitution of Mexico provides that no one may be deprived of liberty, property, possessions, or rights [11]. The Constitution of Canada contains a number of provisions in this field. Article 2 states that everyone has the following fundamental freedoms: freedom of conscience and religion; freedom of thought, belief, opinion and expression,

including freedom of the press and other media of communication; freedom of peaceful assembly; and freedom of association. Article 7 provides that everyone has the right to life, liberty and security of the person and may be deprived thereof only in accordance with the principles of fundamental justice. Article 9 states that no one shall be arbitrarily detained or imprisoned [8].

Article 37 of the Constitution of the People's Republic of China provides that the personal freedom of citizens of the People's Republic of China is inviolable. No citizen may be arrested except with the approval or decision of a people's procuratorate or by decision of a people's court, and the arrest must be executed by public security organs. No citizen may be arrested without observance of lawful procedures; the freedom of the person may not be restricted by other means; and unlawful search of the person is prohibited. In addition to this right, the Constitution also establishes a number of other freedoms [55]. These provisions are reflected in Articles 27–31 of the Constitution of Thailand [54]. The Constitution of Japan establishes a number of freedoms in a broader manner: freedom of thought and conscience (Article 19); freedom of religion (Article 20); freedom of assembly, association, speech, publication and expression (Article 21); and freedom to choose residence, to move, and to choose occupation (Article 22) [50]. The Constitution of the Republic of Korea broadly guarantees freedoms. At the same time, Article 12 states that every citizen shall have personal liberty [58]. Article 21 of the Constitution of India provides that no person shall be deprived of his life or personal liberty except according to procedure established by law [49].

Article 2(2) of the Basic Law (Constitution) of the Federal Republic of Germany provides that the freedom of the person is inviolable and may be interfered with only pursuant to a law. Article 104 further states that a person's freedom may be restricted only pursuant to a law and in compliance with the forms prescribed therein. Only a court may decide on the lawfulness and duration of deprivation of liberty [6]. The Constitution of France refers to the 1789 Declaration of the Rights of Man and of the Citizen. It states that men are born and remain free and equal in rights. Article 4 of the Declaration provides that liberty consists in the freedom to do everything which injures no one else. Accordingly, the exercise of the natural rights of each person has no limits other than those which ensure the enjoyment of the same rights by others [65]. Article 13 of the Constitution of Italy provides that personal liberty is inviolable. No one may be detained, searched, or otherwise deprived of liberty except by a reasoned decision of the judiciary and only in cases and in the manner provided by law [52].

Article 17 of the Constitution of Spain provides that every person has the right to liberty and security. No one may be deprived of these rights except in the cases and in the manner provided by law. Furthermore, Article 19 states that public authorities must take measures to ensure that liberty and equality are guaranteed not only in theory but also in a real and effective manner. At the same time, the Constitution broadly enshrines freedoms [69].

Article 26 of the Constitution of the United Arab Emirates provides that personal liberty is guaranteed to all citizens. No one may be arrested, searched, detained, or convicted except in accordance with the provisions of the law. No one shall be subjected to torture or degrading treatment [62]. Article 28 of the Constitution of Iraq states that everyone has the right to life, security, and liberty. Deprivation or restriction of these rights is permissible only in accordance with the law and by a decision of a competent judicial authority. At the same time, Article 37 provides that human freedom and dignity

are protected. No person may be arrested or interrogated without a judicial decision [56]. Similar provisions are reflected, in one form or another, in the Constitution of Qatar [68].

More significant and comprehensive norms are reflected in the Constitution of Estonia. Article 10 of the Constitution states that the rights and freedoms enumerated therein do not preclude other rights, freedoms, and duties, provided that they arise from the spirit of the Constitution and are consistent with the principles of human dignity, social justice, and a democratic state governed by the rule of law. Article 11 provides that rights and freedoms may be restricted only in accordance with the Constitution. Such restrictions must be necessary in a democratic society and must not distort the essence (substance) of the restricted right or freedom. Article 20 states that everyone has the right to liberty and security of person. Analogous provisions are reflected, in one form or another, in the Constitution of the Republic of Latvia [59].

The Constitution of Georgia also contains specific provisions. Article 7 states that the State recognizes and protects universally recognized human rights and freedoms as eternal and supreme human values. Article 12 provides that everyone has the right to free personal development. Article 13, entitled "Human Freedom," enshrines the principle of absolute protection of individual liberty. Deprivation of liberty or any other restriction of liberty may be applied only by a court decision. Freedoms are enshrined in a relatively broad manner in the Constitution of Georgia [48].

Article 13 of the Constitution of Uzbekistan provides that the human being, his or her life, freedom, honor, dignity, and other inviolable rights are the highest value. The supreme objective of the State is to respect, protect, and defend human rights and freedoms, honor, and dignity. Article 25 states that everyone has the right to liberty and personal inviolability. No one may be arrested or deprived of liberty except on the basis of law. Article 27 provides that everyone has the right to defend his or her honor and dignity [60]. These provisions are also broadly reflected in the Constitution of Kazakhstan [57].

Pursuant to Articles 2, 17, and 22 of the Constitution of the Russian Federation, human rights and freedoms are recognized as the highest value, which the State is obliged to protect. In accordance with the generally recognized principles of international law, every person possesses, from birth, the inalienable right to liberty and personal inviolability; deprivation of this right or detention is permissible exclusively by a court decision [61].

Articles 21 and 29 of the Constitution of Ukraine establish that all people are born free and equal in dignity and rights, and that these freedoms are inalienable and inviolable. According to the constitutional guarantee, every individual's right to liberty and personal inviolability is inviolable; arrest or detention may be carried out only on the basis of a legally reasoned court decision [64].

Thus, an analysis of the constitutions of various states across different regions of the world demonstrates that, in most cases, the right to liberty is broadly enshrined, which has led to its recognition and development as a principle.

VI. Conclusion

Thus, liberty, while serving as a precondition for the exercise of other rights, also performs an integrative and regulatory function within the system of human rights as a universal principle. In this sense, it is more logical to approach the principle of liberty from a combined historical, theoretical, legal, and other relevant perspectives. It should be particularly emphasized that the interrelationship between rights and freedoms must

be complementary and oriented toward a unified objective serving the well-being of the individual. Furthermore, the principle of liberty should be considered in close interaction with other principles of human rights and interpreted together with them. This principle constitutes a foundational pillar of the modern rule-of-law state and, at the same time, functions as an inseparable structural element of the social state model. The analysis of constitutional norms across various regions of the world demonstrates that the broad enshrinement of liberty within the legal framework has also created the conditions for its evolution as a conceptual principle. At the level of international law, the principle of liberty has acquired the status of a universal obligation and, by permeating the substance of a number of fundamental rights, has ultimately evolved into a peremptory norm of international customary law.

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