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CONTENTS

INFORMATION SOCIETY AS A NEW STAGE OF DEVELOPMENT OF THE SOCIAL STATE

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Abstract

The processes which take place in the world, by causing conflict between states, significantly affect human rights, including social rights and as a result, the social protection system is exposed to a substantial risk, which requires the determination of new directions in social state management activities as the essence and means of realization of social rights. The wide application of ICT also requires extensive reforms to improve the management system in the state government and the development of the information society is one of such goals, and these issues are included in the main discussion topic of the current article. For this purpose, in the article, the legal reforms carried out in the direction of social state building in AR, as well as the development trends of the information society were reviewed.

Keywords: *human rights, social rights, social state, social protection, information society, sustainable development, principles of law.*

The realization of social rights is possible in this or other country in the presence of a system of social standards, which should guarantee the quality of human life at least at the minimum level. But recent global financial and economic indicators, pandemic problems, wars and conflicts do not guarantee the realization of social rights that have a serious impact on public policy and international relations. Currently, about 400 million people are at risk of food shortages, we are experiencing the lowest level of grain reserves ever seen in the world, 44 million people in 38 countries are in critical condition due to Russia's special military operation in Ukraine, about 1.7 billion people will face poverty, need and hunger, inflation in the eurozone at 8.1 percent on an annual basis reached a new record high, the highest since the introduction of the single European currency, the euro, in 1999. The main driver of inflation was the increase in the prices of energy carriers, which reached almost 40 percent on an annualized basis, the second factor is the increase in the price of food products [1], the COVID-19 pandemic in 2020 led to a sharp economic decline in global GDP. Poverty began to rise for the first time in 30 years, from 6.7% in 2019 to 7.2% in 2020 and 6.9% in 2021. In 2020, only 46.9% of the world's population had access to an effective social protection system, and about 4.1 billion people were deprived of any social protection. In 2020, 160 million children worldwide are still involved in child labor. This is an increase of 8.4 million compared to 2016) [3]. The impact of scientific and technological progress on the social sphere is also unequivocally assessed: as a result of the application of new technology, public relations are changing, which leads to the creation of new areas of activity, on the one hand, and job losses on the other. The use of economic sanctions for political purposes is a violation of human rights and undermines the foundations of international cooperation and such an instrument of influence limits international economic relations, disrupts the stability of the country's economy as a whole or its individual sectors, and significantly affects the activities of large corporations. However, the implementation of social rights depends on the economic situation of the state, which leads to a decrease in social indicators and in the best case, the delay or postponement of new social benefits. In international relations, such behavior has a significant devastating effect on social rights. However, the principles of international law act as imperative norms in the regulation of international relations and in this context, human rights are guaranteed by the principle of respect for human rights, which are the basic and imperative norms of modern international law and are realized according to the principle of honest fulfillment of international obligations, the principle of cooperation is developed and expanded within the framework. [6] In international relations, it is also accepted that any measure applied

during a conflict affects the internal situation of the state,and against this background, the approach to the issue of human rights changes and the guarantees of social rights, which depend on the economic situation, are significantly weakened.

Even if such a situation significantly jeopardizes the free development of people and ensuring a decent standard of living, this does not relieve the state of its obligations to ensure the social welfare and opportunities that every citizen of the country should have. At a time when the processes of integration of state activity are manifested in a broad perspective, besides demanding the improvement of relations between people, organizations and states based on a more civilized, safe, perfect and accurate legal regulation, detailed legislation, fulfillment of legal instructions, meeting the requirements of the time and in all conditions of the person it is necessary to develop the social sphere and expand it with new social areas (with more service areas) of the security system directed to the goals of the development of the standard of living, including the material and service spheres that meet the needs of the population. This is directly related to the nature of social rights, because on the one hand, social rights allow people to ensure the necessary standard of living and on the other hand, they oblige the state to implement certain measures in this direction. Each of the social spheres has its own planning and regulation mechanisms, because a specific service is planned in each of these spheres, and when these spheres of service are managed, they become common plans. Social policy must aim not only at fully realized needs, but also at uncovering latent needs, otherwise it cannot fulfill its function. Creating conditions for revealing and satisfying hidden needs is an important tool for achieving acceleration of social development.

Today, the "social state" is the most effective model of government management. Because it guarantees the freedoms of people in the economic, social and cultural spheres, the opportunities (standards) to ensure their vital interests, the multifaceted social rights (decent life, social protection, social security, labor, recreation, strikes, trade unions, family, children). and social protection of adolescents, social protection and assistance to women, the elderly, health, housing, education, social insurance, the right to live in a healthy environment, development, the right to free legal aid, etc.), conceptual and software for their implementation. It is an institution aimed at protecting the rights, freedoms and interests of all citizens and peoples of society, as well as the development of society and the organization of a decent life in general, as a means of resolving both domestic and international conflicts and disputes. In other words, the "search for social opportunities" is inevitable for a socially burdened state model, and expanding (necessary) social reforms are the main focus of its activities, because the ideals of a "social state" proclaimed by the constitution are perceived as a real dream of the host society. The most important aspect of social state provision is the transfer of norms and standards set at the interstate and intra-state levels to a mechanism that has a real impact on their application by creating the main types of production, consumption, distribution, exchange processes according to the needs of the population by solving complex and often difficult problems by creating production, consumption, distribution, exchange processes and basic types in accordance with the needs of the population. İnclude here: effective development of the legal system; raising the level of legal culture of officials and various bodies and organizations where citizens are forced to apply for the appropriate type of social and legal assistance; creation of a wide and convenient network (centers) of law enforcement agencies; organization and expansion of awareness-raising activities in this field to ensure the implementation of social and legal assistance and protection of citizens; application of incentives for legal entities and individuals for the successful organization and implementation of social assistance and protection; transparency in the implementation of social assistance policy: establishment of public control, etc.

In modern times, the application of ICT has led to the formation of new public relations, led to a new approach to social policy, and the information society is the greatest example of such changes. In this period, governments tend to make extensive use of the advantages of

advanced ICT in terms of e-governance, in addition to improving the legal framework in order to make public administration more effective and efficient, so they are putting forward initiatives and projects in this direction. Almost, in the information society, in accordance with paragraph 1 of the Declaration of Principles adopted at the World Summit on the Information Society in Geneva in 2003, anyone can create, receive, use and share information and unity, and this It will enable everyone to demonstrate their potential and improve their living standards in accordance with the goals and principles of the United Nations, as well as the requirements of the ODIHR. [2] A characteristic feature of the information society is the opportunity to create new forms of activity: work, creativity, education, medicine, etc. acts as an increase in knowledge, new jobs and sources; leads to the development of industry; legal culture is developed; a single global information space will be formed; socio-economic and state institutions are increased, etc. Within the framework of such relations, the information labor market is formed, more than 50% of the labor force of the society works in this field (computer technology, telecommunications, information services, mass media, advertising, etc.) and this figure is growing day by day. In addition, values change and a new way of life is formed. In other words, developing ICT is gradually becoming an integral part of economic and social life, and the state has to adapt to this development.

Thus, it can be noted that if, on the one hand, the social state is developed, social justice is ensured, material wealth, blessings, and production resources are available to everyone within the law and legal, democratic, modern, which ensures that every citizen gets decent living conditions, as a socio-political system, it also integrates the information society and this is the highest level of "citizen-society-state" relations, it prioritizes projects for the life and well-being of every citizen, his family members, and legal frameworks for people to realize their potential and just as it creates legal conditions at the economic level, the information society also acts as a real manifestation of the state's activity in the social sphere in the set of social services.

One of the characteristic features of the constitutional reforms implemented in AR is the strengthening of the social direction of state policy. This step aimed at forming a socially oriented Constitution and the continuous social policy activity of the President of the Republic of Azerbaijan should be evaluated as the development and guarantee of social rights. Normative legal acts adopted in the field of social rights developed by reflecting international standards. The progressive reforms carried out by AR in the field of social rights protection serve to eliminate the differences between people and facilitate the further development of international relations, the harmonization of national legislation and the further improvement of the state management mechanism. Thus, as a result of the purposeful reforms carried out in our country, the legal state-pro-social state relations, which are the basis for a more realistic guarantee of human rights, have been created, the strengthening of the Republic of Azerbaijan as a pro-social state, and the legislative basis for the more serious commitment of our state to its citizens has been established.

Further strengthening of social legislative provisions in the Republic of Azerbaijan and implemented socially oriented policy, as well as successful organization of state power, says that, our Republic is implementing important measures in the direction of social state building. Although our republic is not directly declared a social state, the provisions of the Constitution (preamble, Article 7, Article 12, Article 16, etc.) and the existing organizational and legal mechanisms, as well as the dynamics of social policy (concept of sustainable development) give grounds to say so. That the Republic of Azerbaijan is a modern legal state aimed at building a social state and clearly demonstrates the development prospects of the social state model, which implements its state policy on the principle of "Tempora mutantur et nos mutamur in illis". This can also be explained by the fact that those related to the special functions of the welfare state (assistance to the socially unprotected category of the population; protection of labor and health of people; protection of the family (maternity, fatherhood and children); special social programs, state budget, distribution of income among different social classes through taxation, elimination

of social inequality, encouragement of charitable activities (in particular, tax incentives for entrepreneurial structures that carry out charitable activities); financing and support of fundamental scientific research and cultural programs; combating unemployment, ensuring employment of the population, unemployment benefits; participation in the implementation of interstate ecological, cultural and social programs, solving universal problems; maintaining peace in society, etc.) the main issues are declared as the social policy of the state and ensures sustainable development by being implemented by AR. AR's intention is to maintain a fair balance in international relations and its determined and purposeful policy in this direction, the spirit of commitment to the generally recognized principles of international law in international cooperation, its important role in ensuring international peace and security, including regional security, keeping the criminal situation under full control within the country, the numerous and purposeful steps taken in the direction of the creation of the civil society should also be evaluated as a part of the state's social policy. It is commendable that today, in the example of Azerbaijan, the provision of social rights has become a traditional state policy, and all the necessary legislative framework has been formed in the direction of building a social state.

In addition, nationwide popular vote on September 26, 2016, norms which act as a compromise in citizen-state relations as a development indicator that favors the social state by increasing the responsibility of state bodies to citizens was included in the Constitution of the Republic of Azerbaijan. On the other hand, taking extensive measures to increase the responsibility of civil servants is also important in the regulation of social and legal relations.

Improving the legal framework in all areas of state policy in the field of development of the information society, regular implementation of the action plan for the implementation of the set goals and objectives is the main factor ensuring the normal development of information law relations in the Republic of Azerbaijan. In the decree of the President of the Republic of Azerbaijan on the approval of the "State Program for the Implementation of the National Strategy for the Development of the Information Society in the Republic of Azerbaijan for 2016-2020", it is noted that the use of ICT will be expanded in the socio-economic fields and in the society as a whole, citizens, especially low-income and favorable conditions will be created for socially sensitive population groups to benefit from the opportunities of the information society p.4.0.2). At the same time, in the National Strategy for the development of the information society in the Republic of Azerbaijan for 2014-2020, one of the main pillars of such development is information and communication technologies, ICT as a new economic sector with a high growth rate, a modern and multipurpose infrastructure, as well as a leading force of comprehensive socio-economic progress to play a role and today ICT is accepted as a convenient tool for ensuring the continuous and stable development of the republic, strengthening its intellectual potential, advancing business, fighting corruption, reducing poverty and unemployment, developing transparency and democracy in society, public administration, education, healthcare, In addition to showing that ICT, which creates new values in business, banking and other fields, has become an important component of socio-economic relations, transparency and involvement (the public should be widely informed about the activities being carried out, open public discussion (p.4.1.3), pro-sociality (the protection of citizens' social interests and the creation of comprehensive conditions for ensuring their rights) (p.4.1.6) and international cooperation - global our country should actively participate in the construction of the information society, in the implementation of international projects related to the field of ICT, bilateral and multilateral cooperation should be expanded, the close connection of the implemented activities with the development of the global information society should be ensured (p.4.1.10) declared as the main principles of the implementation of the National Strategy has been done.

"Azerbaijan 2030: National Priorities for socio-economic development" approved by the Decree of the President of the Republic of Azerbaijan dated 02.02.29210 should be considered as an important source for the development of the country for the sake of a powerful state and high

welfare society. It is noted in that document that "successful socio-economic and political achievements, national and multicultural values create confidence that the power of Azerbaijan, which is the junction of East and West, will increase even more in the coming years. These opportunities guarantee the strengthening of Azerbaijan's economic sovereignty and its transformation into a powerful state with a high social welfare society based on modern living standards in the period up to 2030. The state of Azerbaijan has chosen the path of developing a socially oriented market economy in order to further increase the welfare of the population in the country."

In addition to opening up new opportunities for the development of ICT, numerous normative sources adopted within the country have created conditions for the expectation of the principles of free market and healthy competition in the field, and for the wide use of ICT by citizens and state bodies. All of these are confirmed by official statistics. [8] For this purpose, the formation of "e-government" in the country, the simplification and transparency of relations between government agencies and citizens using ICT serve to prevent bureaucratic obstacles, and currently the e-services of government agencies connected to the portal are provided to the public on a "one window" basis. In order to provide better quality, convenient service to citizens from a single space and apply modern innovations, mutual integration of information databases of government agencies, accelerate the process of organizing e-services, improve the management system in this area by the Presidential Decree dated 13.07.2012 ”Centers were established, which proved to be a positive experience (92.6% of 5570699 appeals were provided in 2020). State Programs, Strategies and NAPs are also of great importance in increasing the effectiveness of measures taken in the field of protection of social rights, in a more organized implementation of measures in this area. Of course, all this gives grounds to say that the study of the experience of the Republic of Azerbaijan can make a new contribution to a more reliable provision of social rights in the human rights system.

At the same time, there are dangerous tendencies for the information society: information confrontation; information security and cybercrime; protection of human privacy in the information environment; copyright protection; The threat of a "biological revolution", the propagation of foreign ideology, etc.

Formation of a unified information society in the social state to determine the main directions in the field of social rights, national and international legal bases of individual social rights, harmonization of legislation in the field of social rights, their proportional and systematic protection, expansion, real protection, strengthening of international control mechanism and will lead to the consolidation of a unified system.

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DIGITAL DEMOCRACY AND ELECTRONIC SUFFRAGE

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Abstract

In the article, digital democracy and the right to the electronic election are widely analyzed based on the existing diversity of opinions in the legal literature, international practice and the legislation of different states. Digital voting is a type of voting which supported of electronic devices. Online elections can simplify and speed up the selection process, as well as reduce election costs. However, the counting of votes and the determination of results can be done more quickly and reliably. Finally, it is concluded that, states need to be very careful when deciding on e-voting. Electronic voting applications are open for discussion in terms of security and confidentiality. When e-voting is offered to citizens as the only alternative, it is necessary to answer the question marks on these two issues satisfactorily. In general, the success of e-voting depends on the existing information security and legal thinking of citizens. While it is technically possible to ensure the security and secrecy of e-voting, technical progress will not lead to real progress unless citizens are convinced. If they do not understand how to use their voting system and cannot vote for it with almost complete accuracy, if they believe that voting systems and ballots are in favor or against any party or its candidates, or if for some reason they have little faith in the election results, democracy may be under threat.

Keywords: *digital democracy, electron voting, electronic suffrage, information technologies, voter lists, guarantee of confidentiality.*

Digital voting is a type of voting which supported of electronic devices. Online elections can simplify and speed up the selection process, as well as reduce election costs. However, the counting of votes and the determination of results can be done more quickly and reliably. Online voting has advantages. Such systems can reduce election costs. Allowing voters to vote remotely can also increase activity. Because requiring voters to be physically present at the polling station to vote may be an obstacle to their participation. Remote online voting allows voters to vote in a controlled environment without physical presence. The key point of e-voting is the interaction between the requirements for authentication, anonymity, confidentiality and reliability. Voter identification may be required to register to vote. The same voter may then ask them to verify that their votes have been properly recorded and counted. To understanding e-voting systems basis, it is useful to consider the following list of some end-user functions that such systems can provide to both voters and election officials: electronic voter lists and voter authentication; query worker interfaces; interfaces for voting; special interfaces for disabled voters [1]. In general, the electronic election system is divided into two main parts: on-site voting - an electronic election system carried out by conducting elections at the place where the election process takes place [2]; outside voting- is an electronic election system that takes place outside the place of the voting process and with the Internet.

Some sources divide three types of e-voting: centralized voting; voting in public places; internet voting. As can be seen, the difference here is the separation of the second type. During such voting, voters have access to special computers located in public places such as libraries, schools or shopping malls. However, in this method, the selection process cannot be controlled by government agencies. Therefore, tools such as digital signatures or smart cards and finger-prints are needed to provide authentication. We believe that this can also be assessed as a subtype of on-site voting [3]. The first point is that as the election results approach, it can be argued that it has the potential to undermine the legitimacy of modern democracies. Therefore, there are growing doubts that internet voting will create a serious tendency to legitimacy crises in modern democracies. Adverse effects that may occur during remote voting using the postal service can be more conveniently perpetuated with internet-based voting programs. Therefore,

although online voting is perceived as a positive impact of technology on democracy, it has the potential to pose a threat to the basic principles of democracy.

The second direction is the possibility that the place of voting can have a significant impact on the content of voting. In this regard, it is claimed that even if there is no pressure on voters, distance voting is not preferred, as well as e-voting is not compatible with the principle of secret ballot. For example, in 2009 the German Federal Constitutional Court ruled that e-voting was unconstitutional, stating that the voting and counting process should be open to the public, without the need for expert knowledge. However, if these hesitations are eliminated in the coming years with the help of technological development, it may be possible to prefer electronic voting over the traditional method, or to use both methods together [4]. That's it from the point of view of the Constitution of the Republic of Azerbaijan? Can e-voting be considered contrary to the principle of secret ballot?

Article 56 of the Constitution recognizes the right of citizens of the Republic of Azerbaijan to elect and be elected to state bodies, as well as to participate in referendums. Article 6 of the Election Code is entitled "Confidentiality of Voting" and states that voting during elections and referendums must be secret, which must exclude any control over the expression of the will of voters. The existing rules of electronic voting should not be considered as a violation of the secrecy of the ballot. Thus, the process of electronicization continues with the placement of various information (for example, personal data) in information systems, the access to which is restricted by law. This does not mean that confidentiality will be violated in such cases. Voter control can be ruled out by ensuring information security in a normal manner and using different security rules.

There are many countries in the world that use e-voting. A number of countries, including France, the Netherlands, Switzerland, the United Kingdom and the United States, have experimented with online voting over the past decade. These tests, conducted by individual states, have been analyzed from a variety of perspectives, from their compliance with safety requirements to their compliance with verifiability and transparency requirements. As a result of these assessments, some countries abandoned the system (for example, the Netherlands), while others (for example, Estonia) continued to resist time.

So, e-elections don't mean that a person can vote remotely. Such elections are contain both on-site electronic voting and remote voting.

Technology has developed in the United States since the 1890s, and in the 1990s led to the Electronic Machine Voting System, where touch screens and keyboards monitor voter results. A 2004 survey found that in 675 states in the United States, 30 percent of all registered voters used electronic voting systems (Brace). Despite the increasing use of electronic voting machines, the system has received mixed support, especially with many facts related to failures and voting disputes [5]. Generally, the United States has implemented various pilot projects for e-voting over the years. Such projects have regularly been successful. However, it is dangerous to draw conclusions from the "successful" pilot project of Internet voting. There is very little reason for a small pilot to attack a project, and a malicious player may be reluctant to attack a major election until new technology is consolidated. Claiming success, regardless of the pilot's validity of the project, Internet voting vendors and enthusiasts regularly seek to reach a wider group of voters, thus seriously undermining election security [6]. The development of e-voting in the United States has reached the point where some American astronauts have been able to vote remotely since 1997. The first astronaut to do so was David Wolf, who lives on Russia's Mir Space Station. Wolf voted in the Texas state where he lived at the time [7].

Switzerland, one of the leading countries in Europe in the field of e-governance, has a developed democracy and a high level of Internet use, which contributes to the development of e-voting. Switzerland is a model of democracy that successfully implements representative and direct democratic institutions. The result of this situation is the right of citizens to propose a law

by referendum or to vote for the proposed law, and the frequent use of these rights. Therefore, it should be welcomed that Switzerland, which holds many and varied elections, should try new forms of political participation. The main purpose of the e-voting application is to attract Swiss citizens living abroad to vote.

According to the National Cyber Governance Survey (Étude Nationale sur la Cyberadministration), published in 2019, about 70% of Swiss want e-voting to be recognized by all voters. The proportion of those who want to ban the use of electronic voting is only 8 percent. However, 47% of Swiss said they would be more likely to vote if they had the right to vote electronically [8]. Therefore, there is a strong demand from the Swiss public for e-voting. The Canton of Geneva in Switzerland played a leading role in the most advanced and early internet voting attempts. The canton of Geneva has the most extensive experience in terms of the number of binding decisions made online by voters. Electronic voting here is provided by the CHVote software developed by the Canton of Geneva [9]. In this electronic voting system, which is registered before each vote, each voter has a sixteen-digit number formed from information such as year of birth and gender. The system even prevents the same person from voting twice in a row. This program is also used by some cantons in Switzerland. Therefore, the architect of some of the electronic voting applications in the 14 cantons of Switzerland is the Canton of Geneva. Those who want to vote electronically in the canton of Geneva must register with the system within a certain period of time. This registration can be done online or by filling in the appropriate fields on the voting card. However, in November 2018, the Canton of Geneva decided to stop the development of an electronic voting program called CHVote. The canton of Geneva cited software spending as the reason. The Canton of Geneva stated that it covered the software costs and that other cantons using the system did not participate in the costs and only benefited from the system itself [10].

Issues related to ensuring the confidentiality of electronic voting are a topical issue of the time. Confidentiality is an expression of self-determination for individuals and a prerequisite for their ability to participate in social and political discourse. The right to keep one's political beliefs and choices secret is an important aspect of privacy. There are two potential risks involved: political views expressed in a vote or otherwise should not be governed by public authorities or any other body or person; no one should know how they intend to vote or how they voted [11].

Voting from home or work, for example, either by mail or online, poses a risk that other members of the same family or employer may have information about the content of someone's voice, respectively. The French Data Protection Organization (CNIL) has issued a negative opinion on three cases in which local authorities requested permission for experimental e-voting via the Internet to elect (a) presidential elections, (b) local council members and (c) judges in labor tribunals.

The opinion of the French Government was based on the fact that before and during the election process there were insufficient guarantees of confidentiality and confidentiality, as well as insufficient opportunities for effective administrative or judicial control. In addition, CNIL noted that its online voting on the dependence of its "material organization" on the technical infrastructure in New York escapes any effective control by the competent national authorities, while losing the anonymity of voters [12]. Based on its previous findings, CNIL has made recommendations on the development of electronic voting systems and the necessary legal requirements to be followed [13].

As can be seen from the above explanations, e-voting is a method that can create question marks in the minds of citizens from various aspects. States need to be very careful when deciding on e-voting. Electronic voting applications are open for discussion in terms of security and confidentiality. When e-voting is offered to citizens as the only alternative, it is necessary to answer the question marks on these two issues satisfactorily. In general, the success of e-voting

depends on the existing information security and legal thinking of citizens. While it is technically possible to ensure the security and secrecy of e-voting, technical progress will not lead to real progress unless citizens are convinced. If they do not understand how to use their voting system and cannot vote for it with almost complete accuracy, if they believe that voting systems and ballots are in favor or against any party or its candidates, or if for some reason they have little faith in the election results, democracy may be under threat. Cryptography can be used to ensure the security of electronic voting and the protection of voters' voting rights. To do this, voters' votes are encrypted and are not decrypted until the results are announced.

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COOPERATION IN THE FRAMEWORK OF INTERNATIONAL ORGANIZATIONS IN THE FIELD OF ENERGY SECURITY

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Abstract

Energy resources affect the interests of many countries. According to experts, at the global level, there are three main players who have a decisive influence on the state of international energy security, but at the same time, they have polar approaches to ensuring energy security and understanding its problems. These are industrialized countries united in the International Energy Agency, OPEC member countries and transnational energy corporations. Specialized universal international organizations (on energy) include the Organization of the Petroleum Exporting Countries (OPEC) and the International Energy Agency (IEA). Regional international organizations cooperating in the field of energy include Organization of Arab Petroleum Exporting Countries (OAPEC), Latin American Energy Organization (OLADE), African Energy Commission (AFREK), etc. is attributed.

Keywords: *energy security, international cooperation, international organizations, OPEC, UN, ECOSOC, European Union, International Energy Agency, International Atomic Energy Agency.*

Introduction.

There is still no specialized multilateral international organization dealing with solving global energy problems that meets the interests of both exporting and importing countries of energy resources. The creation of such an organization was inconvenient, first for transnational corporations, and then for developing countries that produce hydrocarbons.

At the current stage, almost all areas of international life are covered by the activities of international organizations. Experts who note the role of international organizations in the development of international relations believe that, as a whole, "an international organization is an institution of modern human communication" [8, p.268]. A characteristic feature of modern international relations is that the role of international organizations as one of the main ways of regulating and developing relations between states is increasing.

Universal international organizations specialized (on energy) include the Organization of the Petroleum Exporting Countries (OPEC) and the International Energy Agency (IEA) [7, p.13]. These organizations with a closed status were created in the 70s of the 20th century during the period of "confrontation" between energy suppliers and energy consumers.

The main causes of the problem.

So, let's go to a description of the nature of universal international organizations. The creation of OPEC is closely related to the struggle for economic independence of developing oil-producing countries. In order to strengthen their position in the world market, the governments of five oil-exporting countries (Iran, Iraq, Kuwait, Saudi Arabia and Venezuela) founded this organization in a conference held in Baghdad on September 10-14, 1960. These 5 countries were later joined by Qatar (1961), Indonesia (1962), Libya (1962), United Arab Emirates (1967), Algeria (1969), Nigeria (1971), Ecuador (1973-1992), Gabon (1975-1994). , joined Angola (2007). Ecuador left the organization in 1993, either because it could not pay its membership fees or because it wanted to produce more oil than the organization decided. In 2007, Indonesia left the organization [2, p.248].

In the second half of the 20th century, the emergence and growth of OPEC's influence occurred as a result of the development of the world oil market and was associated with the transfer of influence in this field from multinational companies to oil-producing countries. In fact,

OPEC laid the foundation for interstate regulation in the energy sector in relation to the global oil market [3, p.197].

As stated in the document adopted at the first conference and later included in the organization's Charter, OPEC's main objective is "to coordinate cooperation and unify the oil policies of its members and to determine the best means to protect their interests both individually and collectively" and also "harmful and unnecessary development of methods and tools that ensure price stability in international oil markets to eliminate fluctuations" [1, p.87] .

At the same time, the Charter states that if, as a result of OPEC's actions, the monopolies will directly or indirectly impose various types of sanctions against one or more OPEC member countries, the other members of the Organization do not have the right to benefit from the advantages offered by the monopolies in order to block OPEC decisions. provides. The supreme body of this Organization is a conference that is convened twice a year and reviews and approves the prices and production strategies of the participating countries.

OPEC member countries fight against foreign oil concerns not only for prices, but also for the return of their rights to national natural resources and for oil-producing countries to become independent participants in the development of their national resources. OPEC's regulatory mechanism for the global oil market is schematically extremely simple. It consists of determining the total oil production limit for member countries, adjusting this limit taking into account the situation in the world oil market prices, distributing the total limit among member countries and monitoring compliance with the established quotas.

OPEC's influence has declined sharply as a result of increased oil supplies from other countries, as well as from Saudi Arabia and Kuwait, which are not satisfied with the role of participants supporting the price balance. However, at that time, the OPEC Charter contained a rule requiring unanimity in the resolution of an important issue, which did not provide for a system of mandatory measures against member countries that violated the Charter and acted contrary to its goals. Internal conflicts, aggravated by the invasion of Kuwait by Iraq in 1990 and the expansion of the US military presence in the region, did not allow this Organization to become a leading association of developing states.

OPEC makes recommendations to countries that are not members of the organization, but have an influence on the world market (Norway, Russia, Mexico, etc.) to reduce oil production, thereby regulating the market with the actions of the main exporting countries [6, p.41].

Currently, OPEC countries cannot develop an effective mechanism for production regulation, because the members of this organization are sovereign states with the right to conduct independent policies in the field of oil production and its export, and each state has its own national strategic and economic interests. In particular, in 2015, the drop in the price of oil in the world and subsequent events showed that the OPEC member states are still in disagreement on global energy problems.

In 1974, most of the OECD countries decided to establish the International Energy Agency. IEA member countries have agreed to take joint measures in case of serious interruptions in oil supply. It was also decided to establish an energy information exchange system to coordinate energy policies and develop energy programs.

These provisions are reflected in the Agreement on the International Energy Program, which formed the basis for the establishment of the Agency. The main goal set by the founders of the International Energy Agency was to ensure collective energy security with a special focus on oil security.

International Legal Framework.

In the event of significant disruptions in international oil supplies, the founders of the IEA created a contractual system for the physical distribution of oil (Emergency Allocation System).

The IEA Allocation System was to be activated in the event of major disruptions in oil supply - at least 7% below normal levels. The main elements of the Allocation System include:

the formation of reserves, the limitation of consumption, as well as the physical distribution of oil flows. An important part of the system is its data support.

Within the framework of the International Energy Agency, countries implement a coordinated energy policy aimed at preventing oil supply disruptions in the developing global oil market when oil supply is in a situation where oil supply will constantly exceed demand and supply sources are sufficiently diversified.

The IEA has also developed additional measures to deal with oil supply disruptions. These include:

- rapid and coherent use of resources;
- measures to reduce oil consumption;
- short-term transition to other types of fuel;
- increasing local production;
- preventing unusually large and urgent market purchases by governments and private companies [6, p.55].

The IEA cooperates with the International Atomic Energy Agency (ATEBA). One of its main goals is to help member countries estimate the long-term share of nuclear energy in total energy production. Together with ATEBA, IEA is responsible for the construction and operation of nuclear power plants, improvement of safety systems, environmental control, etc.

Issues of energy relations and energy security are considered within the framework of many international organizations. However, in most international organizations, the issues of protection of energy resources, especially oil and gas supply, exporting and importing countries are highlighted.

In the last ten years, the phenomenon of "regionalization" in international energy relations is particularly noticeable. Regional organizations become a means of "acceleration", coordinated overcoming or elimination of economic relations between regions. Economic regionalization includes two main forms: cooperation and integration. Regional cooperation of states promotes the development of trade by creating mutual relations in the economic sphere. Cooperation does not adversely affect the sovereignty of the state. Economic integration, unlike cooperation, limits the sovereignty of states. Integration is the process of joining sovereign states to create a single economic space.

Regional international organizations cooperating in the field of energy include Organization of Arab Petroleum Exporting Countries (OAPEC), Latin American Energy Organization (OLADE), African Energy Commission (AFREK), etc. is attributed.

In 1968, after the next Arab-Israeli war, the Arab oil-exporting countries created an international organization similar to the goals of OPEC - the Organization of Arab Petroleum Exporting Countries (OAPEC). This organization develops the joint policy of participating countries in the field of oil production and at the same time implements joint industrial projects in such areas as oil transportation and tanker construction. Currently, the members of this organization are Algeria, Bahrain, Egypt, Iraq, Kuwait, Libya, Qatar, Saudi Arabia, Syria and the United Arab Emirates [5, p.661].

The main goal of OAPEC is "cooperation and close relations between member countries in all areas of the oil industry, to accept all methods and guarantees of both unilateral and multilateral interests, as well as to implement such conditions for exporting capital investments to the territory of member countries". In addition, the Organization tries to unify the oil policy of the OPEC member countries for the development of the oil industry and the use of experience. If OAPEC strives to fulfill long-term and strategic goals, OPEC fulfills urgent (overdue) tasks.

In general, OAPEC implements its policies based on reconciliation with OPEC and the elimination of any conflict between them, and OAPEC coordinates with OPEC in decision-making on the relationship between oil exporters and oil consumers.

Article 3 of the OAPEC Charter states that this organization is dependent on OPEC, and OAPEC member countries undertake to abide by OPEC decisions, even if they are not OPEC

members. The legal force of the OAPEC agreement does not affect the legal force of the OPEC agreement, especially in matters related to the duties and rights of OPEC members, but the OAPEC member countries, even if they are not OPEC members, are obliged to follow the decisions made by the OPEC organization [4, p.82]. That is, despite the fact that OAPEC is an independent intergovernmental organization, it has its own will, nevertheless, it will implement all decisions made by OPEC.

OAPEC member countries that are not members of OPEC can be considered members of this Organization, but indirectly, because they are obliged to implement all its decisions, and thus OAPEC can be considered an additional or subsidiary organization of OPEC. Therefore, it can be called the Arab arm of OPEC, or a part of the general system of relations between oil exporters.

Other regional international energy organizations such as the European Coal and Steel Community - EUSC (Paris, 1951) and the European Atomic Energy Community - Euroatom (Rome, 1957) also play an important role in ensuring global energy security. Euratom was created at the same time as the European Economic Community. EUSC and Euroatom are examples of successful functional integration of Western European countries.

Thus, the Treaty on the establishment of the European Coal and Steel Community contains a number of rules of conduct for the "economic" subjects of the Union, as well as provisions on the powers of the bodies of this organization (mainly the supreme authority) to intervene in the relations developing in the coal and steel market. The Euroatomic Treaty places great importance on the planning of scientific, technical and economic activities. However, the main focus is on monitoring cooperation in the field of nuclear energy with the help of a modern administrative apparatus (planning, interagency control, financial incentives).

In the context of the activities of international organizations, sometimes reference is made to the efforts of European states to create a unified energy security system. These efforts should be evaluated in the context of the various activities of the "energy" bodies of the Economic and Social Commission of Europe (EEC), a specialized division of the UN Economic and Social Council. In turn, ECOSOC is one of the main bodies of the UN.

Recently, new attempts have been made to regulate energy security issues, especially in the activities of the European Union. Most of the member states of the European Union do not have enough natural energy resources for the existence and development of their economies. The result of this is the strong external dependence of the European Union countries on energy imports, whose prices are constantly changing. This dependence is considered by the European Union leadership as an important problem of national security and the security of energy supply of the entire Union. In order to ensure energy security, the European Union, in 2000-2007, took initiatives to formulate a foreign energy policy that should ensure stable and sustainable compliance with energy interests of the EU with energy producing countries and energy transit countries.

It should be noted that in the European Union, where a certain degree of economic integration has been achieved among its member countries and common agricultural, regional, trade, credit and financial policies have been developed, the problems of the unified energy policy of the countries still remain.

Thus, in March 2006, the European Commission published a Green document entitled "European strategy for sustainable, competitive and secure energy supply". This strategy ensures the transition of the European Union to a common energy policy in relation to oil and gas supplying countries, the liberalization of the energy market in Europe in accordance with the Energy Charter, the diversification of oil and gas supply channels, the conclusion of agreements with energy exporting countries, as well as transit countries, energy saving and reduce dependence on oil and gas imports through rapid production of alternative energy sources.

Moreover, at the 2006 Summit of the Council of Europe, the European energy policy was chosen as one of the three main directions of the Council's work. The Council of Europe has re-

cently noted the "energy challenges" facing the European Union. These are, in particular, increasing import dependence and insufficient diversification of energy supply sources, high prices and increasing global demand for energy sources, security risks for producing countries and transit countries, as well as energy transport routes. In addition, threats related to increasing climate and environmental change were also highlighted. The European Council drew attention to the slow progress in increasing the efficiency of the use of traditional and alternative energy types and the importance of further integration into the energy markets of the European Union.

Conclusion

Thus, when talking about the prospects of regional cooperation in the field of energy security, first of all, it is necessary to refer to the strategies of the states directly in the energy zones and the policies of the countries that are not included in this zone, but are interested in this region.

Wide use of energy resources implies establishment of cooperation on a multilateral and bilateral basis. Currently, such cooperation is mainly protection and promotion of foreign investments in the energy sector; free trade in energy materials, products and energy-related equipment; freedom of energy transit through pipelines and networks; aims to reduce the negative impact of the energy cycle on the environment by increasing energy efficiency.

Energy resources affect the interests of many countries. According to experts, at the global level, there are three main players who have a decisive influence on the state of international energy security, but at the same time, they have polar approaches to ensuring energy security and understanding its problems. These are industrialized countries united in the International Energy Agency, OPEC member countries and transnational energy corporations.

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THE PRINCIPLE OF JUSTICE IN LAW AND ITS APPLICATION

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Abstract

The article examines the principle of justice in law and the features of its application. The concepts of law and justice are mutually analyzed. Specific aspects of law and justice are highlighted. They are investigated as multifaced concepts.The article contains the views of many authors on the application of the principle of justice. The role of courts and judges in ensuring justice is also emphasized.The principle of justice is characterized as a fundamental principle. It is noted that it playes the main role in the administration of justice. In the end, the relevant conclusions are drawn.

Key words: *law, justice, legality, court, constitution, human rights, judicial ethics, legal ethics, legal relations, civil rights.*

The history of human cultural development proves that justice has always played an important role in assessing the existing legal institutions and rules of morality. This approach is still relevant. From the religious-mythical views of ancient times to the present day, the principle of justice is taken as a ground work in the formation of socio-ethic and legal relations.

Article 24 of the Constitution of the Republic of Azerbaijan states: "Human dignity is protected and respected [1].

The idea of justice, on one hand, penetrates the needs and personal interests of a man and determines their moral and legal views, on the other hand, strange though, the very idea of justice is a subject to more criticism and suspicion.

Different areas of law and each area have its own subject of regulation, methods, tasks, etc. Due to the fact, it is almost impossible for lawyers specializing in various fields of law to develop a common document of ethics [7]. However, in a sense, legal ethics can be considered as a science that defines general ethics for lawyers. Therefore, within the framework of legal ethics, judicial ethics, advocacy ethics, etc. can talk about.

Judicial ethics is a scientific discipline that studies the moral nature of the professional activities of judges and other professional participants in criminal, civil and arbitration proceedings and the rules of moral conduct outside the service, as well as, the specifics of the manifestation of moral requirements in this area.

Judicial ethics is assessed as legal knowledge about the moral principles of justice, and several aspects and combinations are distinguished in judicial ethics: public ethics of justice (universal-moral aspect); ethics of the judiciary within the division of powers (political aspect); judicial ethics (deontological or professional aspect); ethics of judicial review of cases (public ethical-legal aspect); ethics of rights and freedoms of participants in court proceedings (special ethical-legal aspect); ethics of fair trial (socio-moral aspect).

It is the right to ensure the administration of justice, as well as its realization. The relationship between justice and the law is a well-known theoretical problem. At the same time, it is clear that these categories, which reflect the most popular universal requirements in terms of content, often regulate people's behavior and interact with each other. The application of the law, that is, the subordination of a specific life event to an abstract rule, stands between the law and a living person.

For a long time, in practice, there has been a sign of equality between justice and the rule of law. Almost everything that was done legally was considered fair, and on the contrary, everything that was against the law and in conflict with it was declared unfair. At present, it is difficult to consider such an approach satisfactory.

There is a very close relationship between the rule of law and justice. However, this does not mean that they completely overlap. Justice and the rule of law retain their independent meanings in all cases. In fact, the rule of law, which is not based on the principle of justice, that is, the precise and unconditional observance of laws and other legal acts, turns it into a formal act devoid of social and humanistic content and perspective. The history of human cultural development proves that justice has always played an important role in assessing the existing legal institutions and rules of morality. This approach is still relevant. From the religious-mythical views of ancient times to the present day, the principle of justice is taken as a basis in the formation of socio-ethical and legal relations.

Article 24 of the Constitution of the Republic of Azerbaijan states: "Human dignity is protected and respected" [1].

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It is the right to ensure the administration of justice, as well as its realization. The relationship between justice and the law is a well-known theoretical problem. At the same time, it is clear that these categories, which reflect the most popular universal requirements in terms of content, often regulate people's behavior and interact with each other. The application of the law, that is, the subordination of a specific life event to an abstract rule, stands between the law and a living person.

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There is a very close relationship between the rule of law and justice. However, this does not mean that they completely overlap. Justice and the rule of law retain their independent meanings in all cases. In fact, the rule of law, which is not based on the principle of justice, that is, the precise and unconditional observance of laws and other legal acts, turns it into a formal act devoid of social and humanistic content and perspective. The principle of legality does not determine the content of criminal law regulation, but only requires the legalization of this or that rule. Therefore, the rule of law is a formal principle.

On the contrary, justice is a principle that has a content (principle of action), because it is this principle that determines the content of the norm itself.

Thus, judicial ethics should be considered as a set of several specific professional ethics. The general legal and ethical basis for the activities of professional participants in the administration of justice is reflected in the Constitution of the Republic of Azerbaijan and legislative

acts related to the administration of justice. However, research shows that the subject of judicial ethics is relatively broad. The generalization of general ethical principles and rules of conduct pertaining to a particular profession is more expedient, both scientifically and practically. Thus, the development of a wide range of activities and extrajudicial conduct of professional participants in the administration of justice does not correspond to the purely legislative and practical principles. Therefore, as an integral part of judicial ethics, the development of judicial ethics is more important for the moral improvement of the judiciary.

Legal justice is a category formed on the basis of the assessment of compliance between legal norms, acts and their application. It coincides with the law, because it, without exception, embodies the general principles of operation of all subjects of law, and no one can deny it without committing legal injustice. Injustice pursued by law is usually punished.

Both theoretically and practically, the interaction between the law and the principles of justice is very important in the application of legal norms. Although the rule of law arises on the basis of justice (fair legal norms, fair law), after its creation it itself becomes an important factor in ensuring justice [8, p.176]. The existence of the law gives a stable character to the mutual relations of legal entities. Only in the presence of the law can the legislator be sure that the norms developed by him will be actually implemented, and the relevant public relations will be regulated fairly. However, the law is not always perfect for a number of subjective and objective reasons. Therefore, the question of whether the law is fair and whether it is in accordance with the law is always relevant.

Law is both a requirement of social development and a subjective reflection of this need in law. The only thing is that there is no conflict between them, and the needs of society are expressed as fully and accurately as possible, then justice will coincide more with the law. In our opinion, the latest concept of law is undergoing significant changes. The concept of normative law is replaced by other concepts of law.

Law, being a minimum bearer of morality, acts in the form of laws, and these laws are characterized by a mandatory form of their realization, rather than a connection with life. This gives us the concept of abstract justice of law, that is, justice without a specific content. Here, abstraction manifests itself in the fact that the effect of law coincides with moral norms only in a small "minimal area", and in all other "areas" law is abstract, evading moral norms. As a result, the main sphere of influence of morality is outside the law and legal protection, which allows understanding the law as a formal representation of justice.

The common denominator for the newest definitions of law, which are quite varied, is an extended interpretation of law. According to these explanations, the norms of the law are only a certain part of the law. When examining the legal manifestations, of course, it is necessary to take this position.

In its various manifestations, the law acts as a powerful tool or instrument of state social policy, an important guarantor of social protection of man. Legislative acts of the Republic of Azerbaijan focus on the protection of human rights and justice. For example, the Law on Intelligence and Counterintelligence Activities is based on principles such as the rule of law, respect for human and civil rights and freedoms, and humanism.

According to Article 13, paragraph 2 of the Law on National Security, restriction of human rights and freedoms in ensuring the national security of the Republic of Azerbaijan is allowed only in cases established by law [3].

Justice must ultimately prevail, and it does so historically - perverted justice really prevails in the end, sometimes decades or centuries later. In certain areas of daily life, justice is often lost, especially if it is not protected.

There are various forms of struggle for justice and against its violation. Among them, the law, the norms of its legal responsibility occupies an important place. The expression of legal justice, as well as its form of protection, must be a shield of justice. The effectiveness of defense depends on the fairness of the law, the understanding of the essence of law and legal

responsibility. A.Pashayeva writes: "Justice creates moral values in the nation in socio-political, economic and other issues, through these values it shows the boundaries between law and legality" [4, p.100].

The first and foremost issue in the relationship between justice and law is to determine whether justice or law is "higher". In other words, it is necessary to clarify whether the law creates justice, or, conversely, the requirements of justice affect the law? The fact that this issue has been around for a long time and has not yet been resolved unequivocally proves that this is no longer a problem, but a dilemma. However, the prevailing view is that justice is a broader concept than law. If a fair idea is established from a normative point of view, it acquires the status of a law and becomes a law.

Law and jurisprudence are not synonymous. The law must be legal, and the law must be fair, because "the law is a normatively established and implemented justice" [9].

The purpose of law is to regulate and direct the behavior of people in society. The law, in response to the public need to maintain the stability and integrity of society, expresses the socio-historical necessity of the existence and development of society. The law has the character of a formally established and guaranteed state. However, it should be clarified whose will is reflected in the law? If the legislature acts as an expression of the will of society as a whole, it must meet the progressive needs of society and be reflected in law. However, this problem is not as simple as it seems at first glance. First of all, in no country in the world has the law ever represented the interests of the whole society and still does not, because for a number of objective reasons (for example, the practical impossibility of taking into account everyone's opinion) it is impossible. Thus, the law must, first of all, express the public interest that meets the needs of society's development as a single social system. Second, the legislature (that is, the generalized notion of all individuals involved in the enactment of a law) cannot always and adequately reflect the needs of social development because the legislature (e.g., the parliament) wants to adopt laws in its own structure. There are groups of people who reflect both progressive and reactionary views, and it is not known whether all of them will prevail [10, p. 15].

Furthermore, even if a progressive position prevails, is there a guarantee that it will accurately reflect the needs of society? Third, the dynamics of public life is so high that decisions are quickly worn out. In fact, almost all laws are adopted "yesterday" and therefore reflect the realities of yesterday, because today and tomorrow - the legislature do not know the future realities. Of course, a wise legislator tries to anticipate the realities of tomorrow, but it is difficult to reflect them in full. These and other factors that can affect the quality of the adopted law prove that it is difficult to achieve the perfection of the law. However, this does not mean that striving for the perfection of the law is meaningless. The judiciary plays an important role in this matter. M.Garayev writes: "The establishment of a corps of judges who administer open, objective and effective justice in terms of the establishment of an independent judiciary is one of the historical services of the great leader to the statehood of Azerbaijan" [5].

Justice can play a positive role here as a criterion for the adequate reflection of public demand by law. First, justice allows us to assess the goals of the rule of law and, if unfair, to amend those rules. Second, the rule of law itself, which acts as a means to achieve the goals of law through justice, can be assessed. Third, the process of application of legal norms and its consequences can also be analyzed in terms of justice [11, p.51]. It is no secret that a law enforcement act that conforms to the "letter" of the law may not conform to its "spirit" (in other words, justice). Thus, justice can have a positive impact on the creation of law, the application of law, as well as the implementation of the rules of law. Accordingly, the rule of law and the rule of law, in turn, need to be based on the principles of justice. Therefore, it must be acknowledged that the more members of society believe in the fairness of the basic principles of the rule of law and the rule of law reflected in the rule of law, the more successful will be the observance of those rules of law.

The history of the difference between law and law is ancient. Naturally, with the development of the concept of law, a certain legal concept based on the following axiom emerged: "Law is correct in content, not in form" or "not every legislative or judicial decision that is formally correct reflects the law." The principle of justice is at the forefront of the protection of human rights in the Covenant on Civil and Political Rights, adopted by the UN General Assembly in 1966.

Summarizing the above, we can draw the following conclusions:

1. The concept of justice is closely related to the concept of legality, but it does not mean that they completely overlap. Justice and the rule of law retain their independent meanings in all cases. An unjust law, that is, the exact and unconditional implementation of laws and other legal acts, becomes a formal act. The principle of legality only formalizes these or other rules. Justice determines the content of the norm itself. If a fair idea is established from a normative point of view, it becomes a law, gaining the status of a law.

2. Law and jurisprudence are not synonymous. The law must be legal, and the law must be fair, because the law is a normatively established and implemented justice. The purpose of law is to regulate and direct the behavior of people in society. The law is officially adopted and guaranteed by the state.

3. The concepts of law and justice are multifaceted. The nature of the union of law and justice confirms that they cannot exist separately from each other, and at the same time they cannot be equated. Justice is not seen as a whole as a law, but as one of its general principles. Justice is a broader concept; it stands above the law and is closely related to it.

4. Justice lays the groundwork for the rule of law, which reflects the demand for equality of all citizens before the law. Justice not only recognizes the popular role of the state and the law, but also plays a legitimate key role in their activities.

5. The idea of justice is addressed not only to citizens, but also to the legislature and helps to strengthen the rule of law.

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RIGHT TO GOOD GOVERNANCE IN THE LEGISLATION OF THE REPUBLIC OF AZERBAIJAN

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Abstract

The article broadly analyzes the issues on the right of good governance in the legislation of the Republic of Azerbaijan on the basis of the diversity of opinions existing in the legal literature, the norms of international law and national legislation, including international and national judicial practice. It is noted that before considering at what level the right of good governance is realized in our State, the level at which this right is enshrined in national legislation should be considered. Although this right is not enshrined in any legislative act in the form of a separate article, in general, all elements of this right can be found in national legislation. The first three elements of the right to good governance include: the right to appeal; a fair and impartial approach; consideration of cases within a reasonable time.

Keywords*: right to good governance, right to appeal, fair and impartial approach, ensuring human rights and freedoms, international treaties, civil procedure.*

In general, the main feature of ensuring human rights and freedoms in the Republic of Azerbaijan (AR) is usually carried out in three main directions: ratification of international treaties in the relevant field; adoption of national regulations in the relevant field; improvement of the provisions of the adopted regulatory legal acts in accordance with the requirements of international law.

The Constitution of the Republic of Azerbaijan enshrined certain human rights and freedoms. There are also separate international conventions related to these rights and freedoms, to which the Republic of Azerbaijan is a party. For example, the Convention against Torture, the Convention on the Rights of the Child, the Convention on Labor Rights, etc.). These human rights and freedoms are generally enshrined in our Constitution, but separate laws have been adopted in connection with these rights and freedoms. For example, the Law on the Rights of the Child notes that this Law was adopted taking into account the provisions of the UN Convention on the Rights of the Child.

On the one hand, the processes of globalization and integration, the expansion and complexity of the interaction between peoples and States, and on the other hand, the strengthening of the role of law in international relations, have led to the fact that not a single State in the modern world can exist without active interaction with the international system [1, p.38-42]. Activity in the international arena and participation in solving specific international problems encourages States to enter into political and other relationship with each other, to conclude international treaties. In such relations, States not only take into account their national interests, but also adhere to the norms and principles of international law.

In this case, States must have a system of domestic law that does not contradict the norms of international law. The effective functioning of the domestic legal system of the respective State depends on the interaction of international and national law. The lag of domestic law from the requirements of the present time can lead to serious international consequences.

In general, "human rights and freedoms" refers to the natural, inalienable rights and freedoms that belong to every person, regardless of his/her citizenship [2, p.389-391]. "Standards in the field of protection of human rights and fundamental freedoms" include provisions that develop and specify the principle of respect for human rights and regulate relationship between the State and the individual. In other words, those are the norms of domestic law that actually implement the international legal obligations of States in the field of protecting human rights and fundamental freedoms. All international human rights treaties establish provisions on the

fulfillment by signatory States of their obligations under this treaty. These provisions are enshrined in various articles of the relevant treaties.

Article 2.2 of the International Covenant on Civil and Political Rights States that, where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant [3, p.881-890].

As a whole, the legislation of the Republic of Azerbaijan provides human rights for a special priority status. That is the "recognition, observance and protection of the rights and freedoms of man and citizen". This is also recognized as the responsibility of the State. The Constitution of the Republic of Azerbaijan establishes the order of conduct necessary for the State in the interests of people living on its territory. Based on the Constitution of the Republic of Azerbaijan, it can be argued that the functional goal of fulfilling the obligations of the State in the field of human rights is necessary to create conditions for ensuring universally recognized standards of human rights (political, legal, economic, etc.).

The entire system of State activity should serve as a means to achieve this goal. The State, in essence, is a "socially integrated, organized society", acts as an intermediary between everything (society) and parts (individual, social groups). The State acts as an executor of public interests, and in this regard, human rights no longer act as human requirements for the State, but as an individual responsibility (and obligation) of citizens for the development (integration) of society, the need to harmonize the individual and the collective [4, p.15-19].

In general, it is generally accepted that in modern conditions only the rule of law can be a universal form of human solidarity, since law (the principle of formal equality) allows the establishment of equal dimensions and mutual restrictions for actors of the same social relations (legal relationship). Therefore, the system of normative-legal support of human rights plays an organizing role in regulating relationship between an individual and the State. In other words, the State (legal statehood) can ensure the formation of public institutions of the legal type, the functioning of State bodies within the framework of constitutional law, the definition of public administration values aimed at human rights and the integration of society. However, in practice and in the concept of human rights of a certain country there may be significant deviations from universal standards.

On the one hand, the national features of the legal regulation of relationship between the State and the individual by State are due to historical and cultural traditions and the resources that the State currently has. On the other hand, in accordance with Articles 10, 12, 71, 148 of the Constitution of the Republic of Azerbaijan, international human rights law, acting as a limiting factor of State sovereignty, requires the realization (their implementation) of the rights and freedoms declared in the Constitution. In other words, it requires "good governance".

Before considering the level at which the right to good governance is exercised in the Republic of Azerbaijan, it has to be paid attention, first of all, to the level at which this right is enshrined in national legislation.

Although the right to good governance is not enshrined in any certain legislative act or in the form of a separate article, but, as a whole, all elements of this right can be found in national legislation. Let's consider these elements and their consolidation in national legislation.

The first three elements of the right to good governance are: 1) the right to appeal; 2) a fair and impartial approach; and 3) consideration of cases within a reasonable time. Article 60 of the Constitution of the Republic of Azerbaijan, entitled "Administrative-judicial provision of rights and freedoms", can be noted as a constitutional provision that combines these elements.

The legislation of the Republic of Azerbaijan recognizes this right as constitutional and develops it in sectoral legislation. Article 57 of the Constitution of the Republic of Azerbaijan, entitled "The right to appeal", declares the right of citizens of the Republic of Azerbaijan to

apply to State bodies personally, as well as to send individual and collective written appeals. Apparently, this Article used such a restrictive criterion as the fact that the actors of this right are only citizens of the Republic of Azerbaijan, and not "all" or "every person". It is also noted that military personnel use this right only on an individual basis. The main part of this Article is related to the consideration of the application within a certain period of time (established by law).

A separate of legislation act was also enacted regarding the right to appeal. The Law of the Republic of Azerbaijan on Citizens' Appeals dated September 30, 2015, regulates relationship related to the exercise of the right of citizens of the Republic of Azerbaijan to appeal, establishes the procedure for consideration of appeals by officials.

According to this Law, citizens freely and voluntarily exercise their right to appeal. The exercise by a citizen of his right to appeal should not violate the rights and freedoms of other persons. Along with such forms as appeal, application, proposal, complaint, the Law notes the use of such methods as electronic appeal, appeal by phone. And the rules for citizens to apply to the courts are enshrined in the civil, criminal and administrative-procedural codes.

With regard to a fair and impartial trial, it should be noted that these are to a greater extent elements of a procedural nature and are mainly manifested in the trial. In accordance with Article 60 of the Constitution of the Republic of Azerbaijan, entitled "Administrative-judicial provision of rights and freedoms", everyone may appeal to law court regarding decisions and activity (or inactivity) of State bodies, political parties, trade unions, other public organizations and officials. In addition, Article 127.2 of the Constitution of the Republic of Azerbaijan notes that in consideration of legal cases judges must be impartial, fair, they should provide juridical equality of parties, act based on facts and according to the law. Justice is based on the presumption of innocence.

Article 8 of the Criminal Code of the Republic of Azerbaijan declares the "principle of justice" that the punishment or other measures of a criminal law nature applied to a person who has committed a crime must be fair, that is, correspond to the nature and degree of public danger of the crime, the circumstances of its commission and the personality of the person recognized guilty of a crime [5].

According to the Code of Criminal Procedure of the Republic of Azerbaijan, the bodies conducting criminal proceedings must ensure, in accordance with the procedure established by this Code, the right of everyone to demand a fair and open trial in connection with the charge brought against him/her or the measures of procedural coercion applied against him/her. Denial of the right to a trial for any reason is unacceptable (Article 22).

Certain problems have also arisen in the application of European human rights standards in connection with the issue of "reasonable time". For example, in the Decision of the European Court of Human Rights on the *Case of Rahimova v. Azerbaijan*, the issue of "reasonable time" was argued. The Court considered that in the current case there were substantial and unreasonable periods of inactivity that occur at the first instance (civil proceedings began on January 15, 2001 and ended with the final decision of the Supreme Court on October 06, 2005). Thus, in total, the proceedings at three instances lasted more than four years and eight months, which seriously affected the length of the proceedings as a whole. In this sense, the Court recalls that Paragraph 1 of Article 6 of the Convention imposes on the Contracting Parties the obligation to organize their judicial system in such a way that their courts meet all the requirements of this provision, including the obligation to consider cases in reasonable time. The Court considers that the length of the proceedings in the current case was excessive and did not meet the "reasonable time" requirement. Accordingly, Paragraph 1 of Article of the Convention has been violated [6].

The Court reiterates that Article 13 of the Convention provides an effective remedy before the national authority for an alleged violation of the requirement of Paragraph 1 of Article 6 of the Convention to have the case considered within a reasonable time. The remedy becomes

"effective" at the time to expedite the decision of the courts dealing with the case, or to provide the party in the case with an adequate recovery due to delays already incurred [7].

The purpose of setting a reasonable time limit is to protect the parties to civil proceedings, as well as the person accused in criminal proceedings, from undue delay in the proceedings and to achieve the efficiency of justice.

In calculating these time limits in criminal cases, the "reasonable time" includes both the period of preliminary investigation and the period of trial before sentencing. According to the legal position of the European Court of Human Rights, the calculation of the term begins with the announcement of charges against a person, the acceptance of a preventive measure in the form of detention, the application of other measures of procedural coercion to person, and continues until the sentence enters into legal force or the criminal prosecution against person is terminated.

The period of judicial consideration of civil cases begins from the moment the statement of claim is received by the court and continues until the completion of the execution of the judgment. The "reasonable time" for each case should be determined depending on the nature, complexity of the particular case, the behavior of the applicant in relation to the process.

In accordance with Article 6 of the Convention, the term for the execution of a judgment is considered as an integral part of the proceedings. The courts, when considering the issues related to granting a delay for execution of judicial acts, suspension of execution, changing the method of execution, as well as complaints against the actions of bailiffs, the requirement of the Convention on the execution of judgments within a reasonable time should be taken into account.

In the Decision of the Plenum of the Constitutional Court of the Republic of Azerbaijan dated October 04, 2012, on the Interpretation of the Article 2 of the Administrative Procedure Code of the Republic of Azerbaijan and the Article 25 of the Civil Procedure Code of the Republic of Azerbaijan in terms of Applicability to Proceedings on Cases of Administrative Offenses, with regard to reasonable time, it is noted that the European Court of Justice has stated in its case-law that several factors must be taken into account when assessing "reasonable time" during justice in terms of Article 6 of the Convention, namely: the complexity of the case, the behavior of the plaintiff, the actions of the court and public authorities in general and the level of risk to the applicant. The judicial affiliation is a factor in the responsibility of State power.

The judgment of the European Court of Human Rights in the *Case of Zimmermann and Steiner v. Switzerland* of 13 July 1983 notes that States must regulate their legal system in such a way that, including the principle of securing a trial within a reasonable time, the courts may operate in accordance with the requirements of Paragraph 1 of Article 6 of the Convention [8].

The second important element of the right to good governance is related to be heard and to get legal assistance in general. It can be argued that this issue is also regulated in detail in the Constitution of the Republic of Azerbaijan and sectoral legislation. Article 61 of the Constitution of the Republic of Azerbaijan, referred to as "The right to receive legal assistance", directly recognizes this right and guarantees its implementation. This Article states that everyone has the right to receive qualified legal assistance. In the Republic of Azerbaijan, this right is mainly exercised by lawyers.

In this regard, the relevant issues were specified in the Law of the Republic of Azerbaijan on Lawyers and Advocacy. The Law defines the basic principles of advocacy for the provision of high-quality legal assistance to individuals and legal entities in the Republic of Azerbaijan, the legal status of lawyers and the foundations of their self-government. The main tasks of the bar are to protect the rights, freedoms and legally protected interests of individuals and legal entities and to provide them with high-quality legal assistance.

Now, it is turn to consider the order in which this right is applied in judicial practice. The Constitutional Court of the Republic of Azerbaijan clarified the issue of legal assistance in some of its decisions and in this regard referred to international legal acts in force in the relevant field.

The Republic of Azerbaijan, ruling on the interpretation of certain provisions of Article 92.12 of the Code of Criminal Procedure, comments on the right to defense and the right to receive legal assistance. This Article refers to Article 14 of the International Covenant on Civil and Political Rights, Article 6.3 of the European Human Rights Convention and the precedents of the European Court of Human Rights [9].

Although the right to individual protection is not directly provided for in Article 61 of the Constitution, according to the Decision of the Constitutional Court of the Republic of Azerbaijan this right derives from the essence of the mentioned Article. So that, the bearer (actor) of the right to have a counsel in a criminal process is a suspected or an accused. For this reason, if it is not contrary to the interests of justice, such questions as whether the suspected or the accused enjoys this right, whether a person carries out his defense personally or with the assist of his chosen or appointed counsel, are characterized precisely by his/her will. This affirms the dignity of the individual and his/her right too independently and freely make decisions.

In connection with the above, it should be noted that the right to protection is not only a guarantee of the legitimate interests of a person, but also a guarantee of the interests of justice, a social value. Legal relationship arising in connection with ensuring the right of everyone to receive legal assistance testifies to the fulfillment of the constitutional obligations of the State in the relevant, since they reflect public interests. This requires the adoption by the State, if necessary, of positive measures to protect human rights.

One of the main components of the right to get legal assistance is related to the provision of this right free of charge, at the expense of the State. Although free legal assistance was first enshrined in domestic legal acts, it also has an international legal basis. Thus, Article 14 of the International Covenant on Civil and Political Rights of 1966, Article 6 of the European Convention of 1950 regulate this issue. In addition, the main provisions of 1988 Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and 1990 Basic Principles on the Role of Lawyers also set out rules on free legal assistance [10, p.23].

In general, the provision of legal assistance, as well as the provision of pro bono legal assistance which is included in it, is highly dependent on the domestic laws and regulations of the States [11, p.2]. Only lawyers (advocates, etc.) who professionally perform judicial representation during the trial are included in the process of providing legal assistance. It is indicated with the involvement and provision of an advocate free of charge was decided by the courts themselves. Free legal assistance was considered as the responsibility of the State, since it was carried out mainly at the expense of the State budget, however, over time, an opinion was formed that the issue of providing a person in need with free legal services is not the responsibility of the State, but the professional duty of law societies.

The Decision of the Constitutional Court of the Republic of Azerbaijan on the Articles 67 and 423 of the Civil Procedure Code of the Republic of Azerbaijan clarified the issue of free legal assistance. It also provides links to international legal acts and precedents of the European Court of Human Rights.

According to the Decision, the right to receive free legal assistance in cases provided for by law should be associated primarily with the interests of justice, which largely concerns ensuring the principle of equality of opportunity between the Parties [12].

When the interests of justice so require, the right of low-income persons to free legal assistance is a right which is not an alternative to the right to defend one's position. When legal problems arise that require certain professional knowledge in any case, the State must ensure not only the constitutional right to receive high-quality legal assistance, but also such a right to low-income persons in real conditions.

Along with the Constitutional Court of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan plays an important role in the implementation of issues related to legal assistance.

The Decree of the Plenum of the Supreme Court of the Republic of Azerbaijan dated March 30, 2006 on the Application of the Provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Precedents of the European Court of Human Rights during the Realization of Justice notes that in connection with violations of human and civil rights and freedoms, the courts should be guided not only by national legislation, but also by the provisions of the European Convention, while being guided by the practice of the European Court of Human Rights.

The Decision states that human rights are of a general nature, and in connection with their implementation, the courts must take into account the following: Everyone has the right to protect their rights and freedoms in ways and means not prohibited by law; Everyone is guaranteed the protection of his rights and freedoms in court. The Decision also notes that the courts must take into account that if the defense counsel is not given the opportunity to freely meet and talk with the protected person alone, he/she will not be able to adequately perform his/her duties. The right of the accused to meet with the defense counsel freely, alone, in unlimited number and in time must be guaranteed without any exceptions (Paragraph 11). Courts must take in to consideration that the right to a defense is an integral part of a fair trial in a democratic society. According to the Article 12 of the Convention a defendant accused of a crime is allowed to use three methods to defend himself/herself: to defend himself/herself personally; have a defender of own choice; in certain cases, use a free-of-charge appointed defense counsel. Where necessary, legal assistance should be provided at the expense of the State [13].

One of the constituent elements of the right to good governance is to get acquainted with the case, the materials related to it, within the limits established by law. The opportunity for everyone to get acquainted with materials relating to him/her is considered an integral part of the right to personal integrity, which is a constitutional right. According to Part V of the Article 32 of the Constitution of the Republic of Azerbaijan, anyone can get acquainted with the information collected about him/her, except in cases established by law. Everyone has the right to demand the correction or deletion (cancellation) of information collected about him/her and not corresponding to reality, incomplete, or received in violation of the requirements of the law.

The procedural legislation also enshrined the right of everyone to get acquainted with the materials of the case relating to him/her. For example, according to Article 47.2 of the Code of Civil Procedure of the Republic of Azerbaijan, the persons participating in the case have the right to get acquainted with the materials of the case, make extracts from them and make copies. Similar provisions are provided for in the Criminal Procedure Law. Thus, according to Article 284 of the Criminal Procedure Code of the Republic of Azerbaijan, the investigator provides the victim, civil plaintiff, civil defendant or their representatives with the opportunity to get acquainted with the materials of the criminal case if there is a petition from these persons, and the accused and the defense counsel, regardless of their petition.

As noted earlier, the restrictive part of this element is related to professional and commercial secrets. Specific norms, as well as separate legal acts have also been adopted in the national legislation regarding this issue (for example, the law of the Republic of Azerbaijan On Trade Secrets).

According to the legislation on information of the Republic of Azerbaijan, information, access to which is restricted by law, is concealed and secret (confidential) by its legal regime. State secrets, professional (medical, legal, notarial), commercial, investigative and judicial secrets, access to which is limited in order to protect the legitimate interests of citizens, government bodies, enterprises and organizations, other legal entities established regardless of the type

of property, are confidential. Personal data is divided into confidential and public according to the type of access.

There are the following criteria for classifying information as a trade secret: to have commercial value (as they are not known to other persons, they are important in terms of gaining advantages in the field of activity and making a profit, they can be sold to other persons in whole or in part, donated, on a contractual basis or in a basis of inheritance, etc.); implementation by the information possessor of legal, organizational, technical and other measures in order to protect the confidentiality of information; restriction on legal grounds of free access to this information.

One of the important elements of the right to good governance is "legality" and "reasonableness". The basis of this element in a general sense is the principle of legality. The main requirement of the principle of legality is that the decision-making authoritative body must make this decision, firstly, in accordance with the laws. The decisions of all State and non-State bodies must strictly comply with the provisions of the Constitution, the laws of the Republic of Azerbaijan, as well as international treaties to which it is a party.

Legality in public administration, covering various areas of public administration, creates guarantees for the uniform adoption and application of legal norms by managers and governed, is an objective condition for effective public administration. According to the principle of legality, public authorities, local self-government bodies, officials, citizens and their associations, in accordance with this principle, are obliged to comply with the Constitution and laws of the Republic of Azerbaijan. The principle of legality is important in the field of governance. This importance is related to many factors. First of all, compliance with the law is the guarantor of the effective functioning of the management system. Secondly, to ensure the normal, lawful behavior of interacting actors of the management system, it is necessary to comply with this principle, i.e. when providing services to citizens, an official must necessarily comply with the law, while a citizen, based on the requirements of this principle, can appeal against illegal decisions and actions of official. At the same time, a citizen should not exceed the requirements of the law in relation to State bodies and officials, and are not allowed to abuse [14].

Compensation for the damage is one of the important elements of the right to good governance. There are both legal and psychological issues in this regard. The legal issues are those, where, by providing the opportunity to demand compensation for material damage from a person whose rights have been violated, the State seeks to maintain some kind of legal balance. The psychological question is that if a person, in the event of a violation of his/her rights, cannot compensate for the material damage caused to him/her or loses this opportunity, then the decision made against the guilty person, no matter how difficult it may be, may not satisfy the person. For example, the possibility of presenting a claim of compensation for material damage against a person who committed a crime.

In the Criminal Procedure Code of the Republic of Azerbaijan, these issues are given a large place. The Code notes that the right of persons during criminal proceedings to demand the restoration of violated rights and freedoms and compensation for the damage caused to them must be ensured by the body conducting criminal proceedings (Article 36.1). Persons whose rights have been violated as a result of an error or abuse on the part of the body conducting the criminal process must be compensated for the moral, physical and material damage caused to persons. According to the Article 57 of the Criminal Procedure Code of the Republic of Azerbaijan, the labor rights and right to housing of these persons must also be restored, and in case of their impossibility, monetary compensation for the damage caused by the violation of these rights must be provided [15].

The procedure for compensation for damage caused by mistake or abuse by the body conducting the criminal process, at the end of the proceedings on the criminal case, is carried out in the manner of civil proceedings by the law of the Republic of Azerbaijan on Compensation for

Damage Caused to Individuals by Illegal Actions of Bodies of Inquiry, Preliminary Investigation, Prosecutors and Courts".

The last element of the right to good governance is the ability to "use one's native language". This is a constitutional right, and in accordance with Article 45 of the Constitution of the Republic of Azerbaijan, everyone has the right to use their native language. This right has been developed in the procedural legislation. According to the Article 11 of Civil Procedure Code of the Republic of Azerbaijan persons participating in the case who cannot speak the language in which the proceedings are conducted are granted the right to get acquainted with all the materials of the case, give explanations, testimonies and opinions, speak in court, make petitions, complain in their native language, as well as use the services of a free interpreter in accordance with this Code. Court documents shall be issued to persons participating in the case in the language in which the proceedings are conducted. Similar provisions are enshrined in the criminal procedure legislation. Another important point should also be noted that everyone is guaranteed the right to be present in court through an interpreter and appear in court in their native language.

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CYBERCRIME IN DIGITAL LAW: DEFINITION AND TYPES

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Abstract

In modern times, technology has become one of the most integral parts of human life. Technological equipment that is developing day by day has led to the emergence of a new age - the age of technology. The rapid development of digitalization and technology has revealed the need to implement a security system and privacy protection measures in this area. As in any field, there are negative aspects of development in the field of technology. In the last decades of the 20th century, as a result of the progressive development of technology, serious changes were observed in the situation and dynamics of crime worldwide. Thus, new crimes have arisen and expanded in the digital and virtual sphere, creating legal threats in people's lives. These offenses defined as crimes are theoretically "computer crimes", "computer-related crimes", "e-crimes", "digital crimes", "high-tech crimes", "information crimes", "cybercrimes", etc. is called. In this article, the concept of the crimes in question, their place in the criminal justice system, and various types have been researched, and cyber security problems and defense methods have been touched upon.

Keywords: *digitalization, digital law, cybercrime, information security, cyber warfare, cyber terrorism.*

Technology has become one of the most integral parts of human life in modern times. The rise of a new century - the age of technology - has been attributed to the rapid development of technological equipment.

The new era got increasingly sophisticated in 1974, when electronic calculating machines that covered the entire room were introduced, and over time, it has improved and the transition to mini-computers has taken place. Phones have become a vital component of today's society with the invention of the Internet, as they now hold more information, technology, and computer hardware.

The rapid advancement of digitalization and technology has highlighted the necessity for security and privacy safeguards to be implemented in this field.

Technology growth, like any other field, has its disadvantages. Significant changes in the circumstances and dynamics of crime have been seen around the world as a result of the gradual development of technology in the later decades of the twentieth century. As a result, new crimes arose and spread in the digital and virtual space, posing legal risks to people's lives.

These crimes, which take place under different names in different countries, occur as a result of one way or another violation of scientific-based information used by individuals in technical, economic and social fields, especially information systematized by electronic devices. Increasing cyber crime with the development of technology, as a result of the existence of legal gaps in the digital environment, gives material and moral damages to individuals or organizations in the virtual environment.

These violations, which are defined as crimes, are theoretically called "computer crimes", "computer-related crimes", "electronic crimes", "digital crimes", "high technology crimes", "information crimes", "cyber crimes".

Today's communication is becoming digital, with most people storing critical information (banking, personal information, etc.) on computers, which has a more complicated structure. At

the same time, electronic means are used by banks, hospitals, numerous commercial companies, and even security and intelligence services to store and utilise their data. The electronic data contained in such computer systems is the prime target of cybercrime.

Computer-related crimes, like any other crime, impair specific sorts of public relations. The scope of cybercrime's goal, i.e. the public relations damage it causes, is vast. Cybercrime, at first glance, is a crime committed as a result of damaging a computer system and the computer data contained in this system. However, in accordance with modern needs, the scope of cybercrime and damaged public relations is expanding because the computer system, which stores a big volume and type of information, now covers a larger public relations and region. Cybercrime puts real and legal people's sensitive information at risk, as well as their property and other constitutional rights and legitimate interests. As a result of cybercrime, safeguards are made to protect computer networks, electronic data, and information technologies' confidentiality, integrity, and usefulness.

With the rise of new sorts of social relationships between people, new types of crime have emerged. Without cybercrime in this field, the present computer age would be unthinkable.

Crimes in this field are listed in the Criminal Code of the Republic of Azerbaijan, and these acts are sanctioned, in order to intensify the fight against cybercrime in the Republic of Azerbaijan.

Cybercrime was first mentioned in the Republic of Azerbaijan's penal legislation in the Criminal Code of 1999. Computer offences were given their own section in the initial iteration of the Criminal Code. Previously, the USSR Criminal Code of 1960 in Azerbaijan did not penalize activities in the sphere of computers, and no conduct related to this subject was criminalized in the legislation.

As a result of its rapid integration to the world, the Republic of Azerbaijan has become a member of many organizations and has participated in numerous conventions. As a result of the obligations imposed on the state by these conventions, some amendments and additions were made to the Criminal Code of the Republic of Azerbaijan.

One of the many conventions that the Republic of Azerbaijan has joined is the European Convention on Cybercrime of 23 November 2001 within the Council of Europe. XXX of the Criminal Code of the Republic of Azerbaijan. The norms of its Chapter are included in the penal legislation pursuant to this Convention (The Republic of Azerbaijan has acceded to this Convention by Law No. 874-IIIQ of September 30, 2009). Fulfillment of the obligations of the Republic of Azerbaijan [1].

In the first edition, crimes in this area are covered in a separate section entitled "Computer Crimes". This section consists of the following 3 items: 1) Illegal access to computer information (Article 271); 2) creation, use or distribution of malicious programs for computers (Article 272); 3) Violation of the rules of operation of electronic computers (PCs), computer systems or networks (Article 273).

There were, however, certain flaws in the part in question. These actions, which were first classified as crimes, did not represent a broad range of computer offenses. However, the lack of an established definition for several phrases has resulted in a slew of issues with criminal law application. To solve all of these issues, the Criminal Code has been amended, and Chapter 30 has been rewritten in accordance with the revisions to the Criminal Code of the Republic of Azerbaijan dated June 29, 2012.

The part of the Penal Code that covers offenses in this field has been renamed "Cyber Crimes" as a result of amendments to the code. Section X of the Criminal Code of the Republic of Azerbaijan, headed "Offences against public security and public order," contains a section labeled "Cyber crimes." In addition, the number of criminal acts was enlarged as a result of the revisions, and the following criminal elements were identified, encompassing five articles: 1) Illegal access to a computer system (Article 271), 2) Unlawful seizure of computer data (Article

272), 3) Unlawful unauthorized access to a computer system or computer data (Article 273), 4) circulation of vehicles designed to commit cybercrime (Article 273-1), and 5) falsification of computer data (Article 273-2).

In addition, expressions such as "computer system", "computer information", "public infrastructure object" as well as "significant damage", "serious blockage of computer system" are defined based on the notes made in Articles 271 and 273 of this chapter. This helps to solve a number of problems that arise in the application.

At the same time, since such crimes are committed in the field of technology, it is important to determine the meaning of many terms used in their analysis and investigation and to detect and detect such crimes.

The Republic of Azerbaijan's different legislative acts include a number of terminology and expressions relating to technology and the digital system. Since cybercrime is an attack on information technology as a whole, it is necessary to mention the Law "On information, informatization and information protection" of the Republic of Azerbaijan on the Protection of Information dated April 3, 1998. Article 2 of the Law is important in terms of clarifying many statements regarding cyber crimes. In the article, "information", "explicit information", "confidential information", "information processes", "information technology", "information system", "information resources", "information systems and technology support tools", "proprietor of information systems, technologies, resources and their support tools", "owner of information systems technologies, resources and support tools", "information user" and other similar concepts have been clarified.

Computer crimes, often known as cybercrimes, are crimes committed using a computer or a network [2]. A computer can be a tool or tool used to perpetrate a crime, or it might be a target or object that is directly targeted [3].

"The use of temporary telecommunication networks directly or indirectly against victims (individuals or legal entities) committing crimes via the Internet (including networks, emails, bulletin boards and groups) and mobile phones (Bluetooth / SMS / MMS) is intentionally damaging the victim's reputation [4].

Cybercrime, in the context of international law, relates to any conduct that adversely affects the automation or transfer of information [5].

At the national level, cybercrime is not defined. The issue of such a decree, in my opinion, would have aided in clarifying the scope and characteristics of offenses in this area. In this context, the national legal system needs to create a particular definition of cybercrime.

Although the Republic of Azerbaijan's Criminal Code does not define cybercrime, it does have a section dedicated to preventing socially hazardous conduct in this field.

The first criminal element of the Criminal Code regarding cyber crimes is reflected in Article 271 of this Law. Consider this article titled "Illegal access to a computer system": "Intentional access to a computer system or any part of it without the right to access the system or any part of it, by violating security measures or by obtaining computer information stored therein, or for any other personal purpose, it is punishable by a fine of 2,000 to 4,000 manats, or imprisonment for up to 2 years, and imprisonment for up to 2 years for the right to occupy a certain position or engage in certain activities." Other paragraphs of this article define aggravating and especially aggravating forms of the same act and appropriate sanctions.

"Computer system" is defined in the Criminal Code of the Republic of Azerbaijan as any device or set of connected or interconnected equipment that performs automatic data processing in accordance with appropriate programming.

"Any device or group of interconnected or interconnected devices that automatically processes data in line with the relevant software," according to the European Convention.

"Computer information" implies any information (facts, information, programs, and concepts) suitable for processing in a computer system, according to the Criminal Code of the Republic of Azerbaijan [6].

Repeated illegal access to a computer system occurs when the crime is committed by a person who did not have access to the computer system before. An important condition in this case is that the criminal prosecution period has not expired and the person has not been convicted.

Whether the previous crime was completed or not, when the last crime is completed, the person's act will be a repetition of the completed crime, and if it cannot be completed, it will be a repetition of the incomplete crime.

An official's access to a computer system using his or her official position means that a person in the status of a civil servant accesses the computer system by exercising or using his authority to perform organizational-administrative or administrative-economic functions. Location.

"Infrastructure of public importance" means: public administration, enterprises, organizations, non-governmental organizations (public associations and foundations), credit organizations, insurance companies, persons licensed in the securities market, investment funds and managers of these funds, providing services that are important for the state and society [6].

The next criminal act is reflected in article 272 of the Criminal Code: "Computer data not intended for general use transmitted to or from a computer system as well as deliberate interference with electromagnetic radiation by computer systems carrying such computer data by an unauthorized person using technical means, fine of 2,000 to 4,000 manats, with deprivation of the right to hold a certain position or to engage in certain activities for up to two years, or restriction of liberty for up to two years or imprisonment for up to two years.

Another sanctioned cybercrime is specified in Article 273 of the Criminal Code of the Republic of Azerbaijan: "In cases where computer data is intentionally damaged, deleted, corrupted, altered or blocked due to an unauthorized person causing serious damage, this person shall be punished by deprivation of the right to hold a certain position or engage in certain activity for a period of up to three years, a fine in the amount of 2,000 to 4,000 manats, or restriction of liberty for a period of up to 2 years.

Intentional serious interference with the operation of a computer system by an unauthorized person by input, transmission, damage, deletion, corruption, modification or blocking of computer data pursuant to paragraph 2 of this article, this person shall be punished with deprivation of the right to occupy a certain position or to engage in certain activities for up to three years, with a fine of two thousand to four thousand manat or imprisonment for up to two years.

The following acts, which are subsequently considered as cybercrime in the Criminal Code of the Republic of Azerbaijan, are: "Production of devices or computer programs, the main purpose of which is to commit, prepare or adapt the crimes stipulated in Articles 271-273 of this Law; Establishing conditions for import, use, acquisition, storage, sale, distribution or other forms of acquisition for the purpose of committing these crimes in case of significant damage, it is punished with a fine of 3,000 to 5,000 manats or imprisonment for up to 2 years and deprivation of the right to hold a certain position or engage in certain activities for up to 2 years."

"Creating, storing or using computer passwords, access codes or other similar information that allows unauthorized access to a computer system or any part of it for the purpose of committing the crimes specified in Articles 271-273 of this Law; Inflicting substantial harm is punishable by a fine of 3,000 to 5,000 manats, or imprisonment for up to 2 years and deprivation of up to 2 years of the right to hold a certain position or engage in certain activities".

Creating conditions for the sale, dissemination or other forms of acquiring computer passwords, access codes or other similar information that allow unauthorized access to a compu-

ter system or any part thereof for the purpose of committing the offenses specified in Articles 271-273 of this Law - this act is punishable by deprivation of the right to occupy a certain position or to engage in certain activities for a period of up to two years, as well as a fine of three thousand to five thousand manats or imprisonment for up to two years.

"Intentionally entering, modifying, deleting or blocking computer data for the purpose of writing or using fake computer data as genuine (real) computer data, if these actions violate the authenticity (authenticity) of the original computer data, this actions shall be punished with deprivation of the right to hold a certain post or to engage in a certain activity for up to three years, and imprisonment from two years to four thousand manats or up to two years.

There are other crimes related to the use or attempt to use computers or other electronic computers that are punishable by the application of other articles of the Criminal Code in addition to these aspects of cyber crimes in the Criminal Code. For example, if a fraud is perpetrated using computers or other electronic computers, the computer is the primary tool of the crime, and the crime is referred to as cybercrime.

While the Penal Code covers a wide range of offenses, the continuously evolving technology and digital law area introduces new offenses and illegal behaviors. In this regard, it would be reasonable to explore new sorts of offences that are not covered by the Republic of Azerbaijan's Criminal Code but are deemed cybercrime. In addition to the aforementioned, the following new categories of cybercrime have been sanctioned by various other countries' legislation.

Cyberbullying is a criminal act committed by an individual to systematically monitor and threaten an individual. This crime can be committed via email, social media, chat rooms, instant messaging platforms and any online media. Cyberbullying can also be associated with a more traditional form of surveillance, in which the perpetrator isolates the victim. Cyber tracking is sometimes called internet tracking, e-tracking or online tracking. Crime is one of the most effective cybercrime on the internet. Social media, blogs, photo sharing sites, and many other online sharing programs are rich in information that helps cyberstalkers plan their criminal activities.

Cyberbullying can turn into a criminal in a variety of ways. Cyber monitoring entails watching a person's behavior when they are on a computer or other device, or while they are switched off. Intimidating the victim, getting their financial information, or otherwise making them feel threatened are all examples of cyberbullying.

Any virtual conflict that begins with a politically motivated attack on adversary computer and information systems is referred to as cyber warfare. Cyberattacks on financial and corporate systems disrupt networks, websites, and services by stealing or transferring confidential information. Cyber warfare is often referred to as cyberwarfare or cyberwar. Cyber warfare includes the following methods of attack: 1) Sabotage: It poses a threat to military and financial computer systems, normal operations and communications, fuel, energy and transportation infrastructure. 2) Espionage and/or security breaches: These illegal exploitation methods use networks, programs, computers or the Internet to steal and obtain confidential information from competing organizations or individuals for military, political or financial gain.

Phishing is a type of identity theft that involves obtaining personal and sensitive information such as credit card numbers, driver's license numbers, and account usernames and passwords. Phishing websites use a variety of social engineering techniques as well as computer programming knowledge to convince email recipients and web users that the scam website is legitimate and genuine. As a result, the phishing victim's identity and other crucial information are stolen. With the beginning of the phishing movement in 1996, the word was coined. Phishing involves deception, image filter hijacking, and web fraud to trick viewers into believing an objectionable website is legitimate. After entering sensitive information, the user becomes a victim of this crime.

Pharming is a cyberattack designed to redirect website traffic to another fake site. DNS servers are computers responsible for resolving Internet names to real IP addresses. Discounted DNS servers are sometimes called "toxic". Farming requires more than a corporate business server to protect against a computer target, such as replacing a customer's home computer. The word "farming" is a neologism based on the words "farm" and "phishing".

Cybercrime occurs when a website, email server, or computer system is threatened by malicious hackers who refuse to re-service or other attacks. These hackers demand money to stop attacks and provide "protection". Philosophers typically use a distributed denial-attack method. Cyber attack is the harm done to another person in one way or another while using the internet individually or in a group. This damage caused by cybercriminals plays the role of transition from the technical world to reality. Cybercrime is prosecuted in some jurisdictions, but a unified global legal approach has yet to be established.

The basic goal of cyberterrorism is to injure and destroy. Internet terrorism is referred to as cyberterrorism. Persons and organisations are abusing individuals anonymously to threaten certain groups, religions, ethnic groups, or beliefs since the internet's inception. Cyberterrorism is a wide term that can be divided into three types: 1) Simple: Consists of big attacks, such as those on a single system's security. 2) Advanced: These attacks are more sophisticated and may include many systems and/or networks. 3) Complex: These are attacks that are related and have a wide range of effects as well as the ability to use complex tools.

It should be emphasized that the list of offenses listed above can be enlarged further, and other socially damaging behaviors can be added to the definition of cybercrime in compliance with international law, including foreign country legislation.

Although there is no uniform legal approach to cybersecurity, many governments utilize it as a means of punishing those who break the law. System protocols, on the other hand, are continually being designed and tested in order to protect against cyber intrusions. Organizations, for example, attack their own internal systems to uncover and eradicate weaknesses. While this was once true, modern cybercrime necessitates well-trained, well-funded experts who are backed up by governments.

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INTERNATIONAL PROTECTION OF REFUGEES AND IDPS IN THE EXPERIENCE OF TURKEY AND PAKISTAN: A COMPARATIVE ANALYSIS

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Abstract

The article is dedicated to the international protection of refugees and internally displaced persons in Turkey and Pakistan. If in the second half of the twentieth century the main mass of refugees was the population of European countries, today the problem affects the population of the Middle East, including Asia and Africa, as well as the CIS and South Caucasus.

The article also examines Pakistan's experience in international refugee protection. The article focuses on the settlement of refugee problems in this country based on international norms and refers to the right to asylum enshrined in the Universal Declaration of Human Rights and other international law. The article notes that the political and administrative arrangements for the international protection of refugees in Pakistan are very loyal.

Keywords: *Turkey, Pakistan, refugees and IDPs, international protection of refugees and IDPs.*

In the world, people are persecuted and discriminated against in their countries due to race, language, religion, social status and other characteristics, and the problem is transferred to the international political arena. This, of course, is a problem that is highly dependent on the order and dynamics of development of the system of international relations in each period. For example, if in the second half of the twentieth century the bulk of refugees were from the European countries, today the problem is in the Middle East, including Asia and Africa, as well as the CIS and the South Caucasus. The historical and political concept of the protection of refugees and internally displaced persons in the system of international relations began in European countries and is manifested in these Eastern countries. Therefore, in this article, we will try to conduct a comparative analysis of the international protection of refugees and internally displaced persons from the political, institutional and legislative perspectives in the experience of Turkey and Pakistan. First of all, let's start with Turkey, which today is an international example of political and legal regulation in this area, taking over the bulk of the refugee population in the East.

Turkey. It is necessary to start the research in the context of the international protection of refugees and Internally Displaced Persons (IDPs) in the Republic of Turkey for a number of important reasons. First, as both a Western and an Eastern country, Turkey is one of the main countries facing the problem of refugees and IDPs in the world in recent years and has successfully implemented political, legal and economic governance in this area. On the other hand, as noted in the EU's Final Report on Refugees for 2020, the largest number of Syrian refugees (6.6 million people), who now make up one-third of the world's refugees, has been from other countries since 2011. Turkey is the first and first of the host countries. Currently, 3.6 million Syrian refugees in the country enjoy temporary international protection. For comparison, 1.4 million Syrian refugees are hosted by Pakistan, 1.3 million by Uganda, and 1.1 million by Germany and Sudan. [2] Therefore, we believe that the study of the experience of some of these countries on refugees and internally displaced persons would be useful for the purposes of scientific research.

Turkey is the European and Asian country that provides the most political and organizational support to the problems of refugees and internally displaced persons. Dr. Dikran M. Zenginkuzucu, a researcher at Istanbul Esenyurt University, notes that Turkey's establishment of a temporary international protection regime for refugees from Syria, Turkey's legislation on international

protection of refugees, including the Law on Foreigners and International Protection in 2013 and the 2014 led to the adoption of the Provisional Protection Regulations in [1,38.] It should be noted that these laws have recently played an important role in addressing the refugee problem in Turkey, not only in the region, but also in the formation of a unique international protection system for refugees compared to the entire European and Asian continent.

However, even before that, the international protection of the refugee issue was relevant in Turkey's international relations system. Thus, this country was one of the 145 states that signed the 1951 Convention and the 1967 Protocol, cooperated closely with the UN High Commissioner for Refugees since 1960 on the international protection of refugees and internally displaced persons, and the need for international protection. The refugees and IDPs were supported politically and legally by Turkey.

Due to Turkey's geopolitical nature and its proximity to three continents - Asia, Europe and Africa - Iran has been subject to a massive influx of migrants and refugees throughout history, including those seeking to move to the West after the 1979 Islamic Revolution in Iran. Migrants of Turkish descent from Bulgaria, Turkmens who have always had problems in northern Iraq and have been subjected to ethnic discrimination, and people who were forced to leave Turkey after the crises of Yugoslavia and Serbia took refuge in Turkey.

In the practice of the Turkish state, an important stage in the international protection of refugees and internally displaced persons is cooperation with the International Organization for Migration (IOM). It opened its first office in Turkey in 1991 after the First Gulf War. The organization's Turkish office began with the resettlement of Iraqi refugees and expanded its activities to rapidly implement migration management programs. IOM's cooperation with the Republic of Turkey was formalized in November 2004 with Turkey becoming a member of the organization. [4] It should be noted that cooperation between the IOM and Turkey continues in the field of international protection of refugees and migrants, including the analysis of the situation in Turkey and northern Syria since 2011, as part of a common state policy for migrants and refugees. Closely assists in the implementation of a number of plans and programs, especially in the development of the Law on Foreigners and International Protection, and provides mutually beneficial partnership with significant technical support.

In 1994, the Regulations on Asylum and Refugees in Turkey were adopted, and in the field of international protection of refugees and internally displaced persons, as well as in a number of areas related to Turkey's EU accession procedures, detailed legal and political regulation was implemented. In accordance with the Law on Protection, a "temporary protection" regime has been established for the international protection of refugees. The interesting aspect of the issue through the prism of the international relations system is that Turkey's international obligations at the time of signing the Geneva Convention did not allow non-European asylum seekers to be granted "refugee" status, especially in wartime. International protection status - granted temporary protection status. In our opinion, the adoption of the adopted legislation and the international temporary protection regime can be considered the most obvious example of Turkey's political and legal approach to the refugee problem compared to other countries and its international support for the global refugee issue. According to the latest official survey, "There are more than 4 million people and refugees in Turkey in need of international protection, of which about 3.6 million are Syrians under temporary protection." More than 98 percent of Syrians under temporary protection live in urban and rural areas, and less than 2 percent have been living in temporary shelters since June 2020. [8]

According to Professor of the Turkish-German University, Ph.D. Murat Erdogan, the situation in Syria does not become chronic because peace and stability are not expected soon. The development trend of the Syrian crisis has led to new global discussions on many issues, including "open door policy" and "sharing responsibilities." However, this crisis has severely damaged neighboring countries and jeopardized the open door policy for the future. [7] Therefore, Turkey later de facto froze the above-mentioned open door policy towards refugees.

According to official Turkish sources, this step is explained by two main reasons: 1) as the open door policy is aimed at Syrian refugees, other migrants who entered the country illegally began to abuse these privileges. 2) This policy began to pose a serious threat to Turkey's border security and posed a serious obstacle to the country's anti-terrorism policy.

Although Turkey has been sensitive to refugee problems for the past 10 years, some European institutions have criticized Turkey's policy on refugees and internally displaced persons and its regulation. This is increasingly being touted as one of the obstacles to Turkey's accession to the EU.

Thus, the general analysis of Turkey's international protection of refugees and internally displaced persons suggests that, first Turkey is loyal to those who enter the country without discrimination, including asylum seekers and refugees. Second, Turkey has succeeded in creating a unique system of refugee protection in the context of the establishment of a special "temporary protection regime" for refugees compared to other countries in Europe and Asia. Third, Turkey currently has laws and regulations in line with international standards that guarantee the international protection of refugees.

Pakistan. Pakistan is one of the countries in the East that has taken an approach to the problems of refugees and internally displaced persons, both in the context of humanitarian, including Islamic humanism, and in accordance with modern international norms. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), Pakistan is home to 1.4 million refugees after Turkey and Colombia in 2019, [3] one of the countries with the highest refugee flows.

Pakistan has been accepting Afghan refugees since the 1970s. Since then, the government has made a number of efforts to register refugees and take some legal protections. In the early 1980s, refugee families were provided with introductory booklets. These booklets, which gave refugees the right to receive assistance, were also used as identity documents. For the next few years, the Pakistani government issued entry books to newly arrived refugees only to help. However, these documents later lost their identity card function for refugees and therefore did not have any legal security. This policy of isolation has resulted in the non-registration, legal status or identity documents of the majority of Afghan refugees in Pakistan, contrary to international standards. Beginning in late 1999, the Pakistani government refused to recognize new Afghans as refugees. This, of course, can be seen as a new political embargo on the international protection of refugees in Pakistan. [6]

Commenting on the political elements of Pakistan's refugee problems in the system of international relations, Dr. Muhammad Abbas Khan writes that it is unknown how the withdrawal of NATO from Afghanistan will affect the 1.6 million registered and 1 million unregistered Afghan refugees living in Pakistan. The safe and dignified voluntary return of all Afghans has always been the preferred solution for the Pakistani Government, but the uncertainty over how events will unfold in 2014 and the subsequent return of refugees creates uncertainty. Decades of war and political turmoil have weakened Afghanistan's ability to absorb, especially in the livelihood sector and access to basic services such as education, health, water and sanitation. [5] A new strategy trend in Pakistan on the political aspects of the international protection of refugees and internally displaced persons began after 2013. Thus, in July 2013, the Pakistani government adopted a new National Policy Strategy for Afghan Refugees. This document includes voluntary repatriation based on the safety and dignity of refugees, sustainable reintegration for refugees within Afghanistan, and a multi-stakeholder strategy to help refugee-hosting communities assist them.

Although Pakistan may face serious political, economic, and security challenges in accepting millions of refugees alone in the current situation, it is committed to resolving this humanitarian crisis primarily in the context of future political settlement in Afghanistan, providing international protection for Afghan refugees. This factor should once again be considered one of the priorities of the political elements in solving the problem of refugees and internally displaced persons.

In order to have a clear idea of the international protection of refugees and internally displaced persons in Pakistan, it would be more appropriate to pay attention to the provisions for refugees in the country's domestic legislation. The Foreigners Order of October 1951, issued under the Foreigners Act of 1946, authorizes or denies civilian authorities on the Pakistani border access to Pakistan. According to the Foreigners Order, foreigners who do not have a valid passport or visa for Pakistan or are not exempted from holding a passport or visa can be denied entry permits, and there are no special provisions for asylum seekers or refugees.

At the same time, it should be noted that the national law of this country includes the right to asylum, enshrined in the Universal Declaration of Human Rights and other norms of international law, giving priority to the settlement of refugee problems in the country based on international human rights norms. In general, the political and administrative regulation in the context of the international protection of refugees in Pakistan is very loyal. Pakistan has always defended refugees and IDPs, including those who became refugees and internally displaced persons as a result of Armenia's military aggression against Azerbaijan. In particular, on September 27, 2020, during Azerbaijan's self-defense counter-offensive against Armenia, official Islamabad politically supported official Baku.

Thus, we consider it necessary to note the following results from the analysis of foreign experience, normative and institutional measures related to the international protection of refugees and internally displaced persons:

- Although the historical and political concept of protection of refugees and internally displaced persons in the system of international relations originates from European countries, today the countries of the Middle East, which make up the bulk of refugees, have formed a more humane and tolerant national experience in their international protection.

- In the context of international protection of refugees and internally displaced persons, Turkey, as a country that has successfully implemented political and organizational regulation in recent years, is loyal to those who enter the country without discrimination, including refugees, and this country has a special "temporary" status. With the establishment of the "protection regime", he managed to form a special system of protection of refugees in the political sense.

- Compared to other Eastern countries, Pakistan's national experience as a country that approaches the problems of refugees and internally displaced persons both in the context of humanitarian, including Islamic humanism, and in accordance with modern international norms, It includes the right to seek asylum, as enshrined in the Universal Declaration and other international law. The political and administrative arrangements for the international protection of refugees in Pakistan are very loyal.

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