

# THE FORMATION AND EVOLUTION OF LOCAL SELF-GOVERNMENT IN AZERBAIJAN AND MODERN LOCAL SELF-GOVERNMENT IN THE POST-SOVIET COUNTRIES (ISSUES OF LEGAL REGULATION)

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## ABSTRACT

*Local government plays an important role in the life and development of every society. For the formation of effective local government is necessary to analyse the historical preconditions of its formation and the analysis of foreign experience. The Article highlights historical-legal aspects of the formation and development process of local self-government in Azerbaijan, especially genesis and evolution of local self-government, the essence of reforms in the sphere of local self-government at the end of XIX century-at the beginning of XX century, the study and analysis local self-government legislation in the period of the Azerbaijan Democratic Republic, the analysis of legislative grounds of local self-government in modern time and the place, role and assignation in state legal structure of the Azerbaijani society. With this purpose evolution and development of local self-government is studied methodically by means of comparative-historical and comparative-legal methods. We identified the state of local governments in Post-Soviet States. The typical problem of these bodies due to the Soviet legacy. Studied the legislation regulating the activities of local authorities in Azerbaijan and other Post-Soviet States. Identified structural elements of local self-government in these States. Based on the identified issues the proposed re-recommendations for their minimization and elimination. Highlighted the problem of decentralization of the management bodies and proposed the ways of its legal decisions.*

**Keywords:** Self-Government, Azerbaijan, Post-Soviet Countries, The Law on Local Self-Government, Legal Institutes.

**JEL Classification:** H76, N45, K30.

## INTRODUCTION

The local self-government is one of the crucial components providing relationship between modern democratic state and citizen, as well as possibility of its participation in state governance (Brodkin, 1994; Ismayilov, 2011; Khamzin et al., 2016). Local self-governing bodies play important role of theory and practical aspects in solution of social-economical, culture and welfare, as well as regional problems of local level, which is increasing in accordance with the world practice on local self-government. The solutions of the problems of improvement of local self-government in modern times in Azerbaijan are the most important problems expected and required to be solved. Increasing the number of recent legislative acts reflecting the innovations

of local self-government must be appreciated. And it is necessary to focus our attention on highlighting the forms of local self-government and traditions related with the local self-government in Azerbaijan.

The study and analysis of positive features of local self-government which historically existed in Azerbaijan is one of the most important issues. Among the investigated problems the main importance must be given to the legal grounds of the formation and activity of the local self-government, especially formation and evolvement of self-government organizations in Azerbaijan and defining the legal aspects of the relation of local self-governments organizations with other organizations, especially with other state organizations, and as well as determination of legal indemnities of the local self-government organizations. It must be notable to analyse the knowledge relevant to the formation of local self-government organizations in different periods of development of the Azerbaijani statehood. All abovementioned put forward the importance of the historical-legal analysis of formation, development and activity of local self-government organizations in Azerbaijan which act as an independent authoritative organization in different regions of Azerbaijan and implemented the functions of provision of socio-economic needs of the residents.

Problems in governance are present not only in Azerbaijan but also in other CIS countries. They are characterized by remnants of the centralization of the Soviet era (Khamzin et al., 2016; Rystina et al., 2017). To create an effective system of local government, it is necessary to consider the historical and cultural characteristics of the population (Leshkov, 1872). Therefore one of the primary goals, facing the legislator, consists in search of the logical compromise inherent in local management of traditions and innovations. In this case it will be possible to bring to nothing percent of origin of negative nuances at application of the given system in real life.

Self-government is such government performed by persons, not considered persons, holding a professional state post, when management, contrary to is state-bureaucracy, is performed by means of interested persons (Kasumova, 1993). Local self-government is the decentralized government provided with system of legal guarantees, creating a basis for a close connection of local state bodies with corresponding territory and its population, with comprehension simultaneously a reality and importance of decentralization of independence of local bodies (Brodkin, 1994).

International law imposes on local government responsibilities for promoting the rights and freedoms of man and combats their disorders. For example, the Economic and social Commission for Asia and the Pacific in the framework of the program "*Decentralization to poverty reduction*" ordered the relevant local authorities to provide basic services to the poor and to implement a program of development for them (Laws and regulations, 2005). Convention on the elimination of all forms of discrimination against women and its optional Protocol has laid on local authorities the task to allocate funds for the fight against manifestations of gender discrimination (Laws and regulations, 1979; Laws and regulations, 2002b).

In some cases also is expressed the desire to strengthen a position of local self-governments, as component of system of state structures, within the limits of interstate decentralization. However it is possible to consider unequivocal "*nationalization*" of local self-government as step back, comparing such social institute, as local self-government, to level of the theoretical judgements reached recently in connection with it and the progressive methods, connected with application of given institute in practice. It confirms also negative experience of

such "*nationalization*" in recent times that is in Soviet period. Therefore we consider correct and necessary to approve the approaches, reflecting a place and a role of local self-government in a public plane and the state structure in more rational and existing realities -in more adequate form.

The socially-state character of institute of local self-government transforms it into the central link of the mechanism of mutual relations of a civil society and the state. And it determines the basic and leading role of local self-government in destiny of any state.

The local self-government is considered usual as decentralization and de-concentration of the authority. Thus decentralization is understood as transfer by the centre of separate powers to local elected bodies, and de-concentration as putting on of powers on the local administrative bodies appointed from the centre. Thus, in the countries with a high level of development of democracy the local self-government is perceived more as objective existence of division of the power on a vertical, providing logical distribution of forces at all levels of authorities, rather than as concept of initiative of local population. However, decentralization during the certain moments can pass in self-government. The reason consists that for such transformation change of the subject of management is necessary, that is the power should pass to earlier manage. Mankind stories are unknown cases completely voluntary transfer by carriers of the power of the functions to subjects on whom this power extends. "*The softest*" cases of transition from decentralization to self-government were observed during threat of the beginning of the sharpest social conflicts. Anyway, when the state was not capable to provide all local needs at this or that de-centralization of functions of territorial administration (Brodkin, 1994).

As an independent link of system of local self-government can act public self-government of territorial unit. Public self-government of territorial unit is the socially-representative form of local self-government, created by the population of certain micro territory (micro district, a housing estate, other parts of administrative and territorial units, and also village, settlement) on the basis of laws and the local normative acts accepted according to them, with use own and involved from outside material and financial resources for independent (under the responsibility) decisions of questions of local value in interests of the population of corresponding territory (Brodkin, 1994).

According to clause 3 point 1 "*European charter of local self-government*", accepted by the Council of Europe on October 15, 1985, "*the local self-government is understood as the right and real capability of local consolidations to regulate a considerable part of public affairs and to manage it, acting within the limits of the law, under the responsibility and in interests of local population (Laws and regulations, 1990)*". Speech here goes not about institutes, and about the local population which has united for the purpose of realization of imperious powers for protection of interests, caused basically the residing factor in one territory, that is, as about the subject of the power more. One of the major positions of the Charter consists that the local self-government right is implemented by councils or meetings as a part of the local residents, selected by free elections. Anyway, the local self-government according to the European charter of local self-government acts within the limits of independent powers.

By the law of the Azerbaijan Republic About the status of municipalities from July 2, 1999 the concept of local self-government is understood as such system of the organization of activity of citizens, which allows them to perform within the limits of the law the right on independent and free the decision of questions of local value and according to a part of II clause 144 of the Constitution of the Azerbaijan Republic to carry out a part of state affairs in interests of local population. This right is carried out in accordance with the law of the representative

collective bodies (municipalities), consisting of members of municipalities elected by free, personal and secret ballot on the basis of universal, equal and direct suffrage, or assemblies of citizens. In order to fulfil its responsibilities, the municipalities may establish a permanently functioning Executive structure, bearing a responsibility to them (Ismayilov, 2011; The law of Azerbaijan Republic, 1999).

The local self-government is not only the form of self-organizing of citizens, but also a special kind of the public power. In this context we consider acceptable following determination of local self-government:

*“The local self-government is the democratic institute of the public power, acting on the basis of principles of self-organizing and internal responsibility of local communities, which activity is directed on the decision of questions of local value in own interests.”*

Thus the local community is understood as group of the people, living in concrete territory (territory of municipalities), connected among themselves by general customs, traditions, the purposes and interests.

The analysis of concept and signs of local self-government allows coming to a conclusion that the given institute is one of the major components providing communication of the state with the citizen, and also possibility of its participation in the government. Considering local features, local self-governments from the theoretical and practical points of view play an important role in the decision of social and economic, cultural and community questions, questions of a regional policy and so forth, and this role increases, leaning against experience of the states of the world in sphere of self-government institutions.

## **Research Purpose**

Identifying features of formation and development of local self-government in Azerbaijan, the current state of self-government in Azerbaijan and other former Soviet States.

To achieve this goal have been formulated the following tasks:

1. To perform historical aspects of the development of self-government in the Republic of Azerbaijan.
2. To explore the current situation of local self-government in the Republic of Azerbaijan and other CIS countries.
3. To develop recommendations for the development of self-government in post-Soviet States.

This study combines analysis of research in the field of the historical development of local self-government system of the Republic of Azerbaijan and the current situation of local self-government post-Soviet States. Displays information about problems in the activities of local self-government bodies of these countries. Proposed ways of solving this kind of problem, taking into account local peculiarities.

As information sources, laws and other normative acts regulating activities of local self-government.

## **DATA ANALYSIS AND RESULTS**

Self-governance of Territorial community in Azerbaijan was existed in middle ages, during the invasion of Russia and in period of Azerbaijan Democratic Republic. Community

landownership which was existed in Azerbaijan included the distribution of the income according to the size of the community member's land, after the taxes were paid from the cultivated product. Village communities acting as self-governing system beginning from middle ages by means of paying different taxes that were burdened on peasants made the peasants being dependent from rich (Ismayilov, 2011). But though this subjection which appeared in the form of collective subjection affects the management within the community it cannot stagger community functioning.

One of the main points of local self-government in Azerbaijan till XVIII century was its legitimacy, which means that the governmental institution had not reach its legal grounds despite some decrees and superficial directions in legislation on governance, as well as charters of some cities that included self-governing institutions. Local self-government was being developed in accordance with people's traditions. Village or community assemblies, elective village authorities, forms of tax collection and allotment of tax collection, protection of public security rules appeared. Since XVIII century within the territorial communities works regarding to regulation of law and in most spheres of public relations had been carried out.

As an example rules adopted in 1752 by free community assembly in *Jar-Tala* region of Azerbaijan (Decrees of "*Jar-Tala*" populations) (Huluflu, 1931) can be mentioned. These rules are the collection of traditions of local community where joint habitation rules according to the traditions and sharia norms, regulation of different relations among the community members and bearing of responsibility for violation of laws had been defined. Gradually the need for establishing of legitimate public organizations based on folk traditions was required. The normative-legal acts endorsed during the era of Russian occupation in order to specify the structure and activity of these organizations are specific. It must be noted that the forms of city self-government were existed in South Azerbaijan beginning from early middle ages (Kasumova, 1993). The constituent and functions of local self-government give us evidence that in the person of *shahrabs* (*shahriyar*, *sahrdar*) who ruled independently the cities had the elements of local self-governance.

Different sources give information about the existence of self-government institutions in some cities of Azerbaijan during the era of Arab Caliphate. The city Derbent being known in Arabic as *Bāb al Abwab* ("*Gate of Gates*") having important place in trade relations with northern cities of Caliphahte and with specific strategic importance has the free city status. The city was ruled by the council of emirs and principals. The governing mechanism of the city was founded by 400 state authorities appointed by Caliphate (Bunyadov, 1989). Charter was the normative legal basis of the city ruling and the city leader's activity was restricted within the framework of Charter. The leader who was responsible for the city ruling had he responsibilities to provide city protection, public order and take care of city neatness. According to the Charter the following responsibilities as the construction of water channels, to growing gardens, construction of mills, applying of advantageous trade rules, reconstruction of bridges, to levy custom duties according to the law were also included to the responsibilities of the city self-government.

The city self-government in Azerbaijan also existed during the period of Eldegiz and Shirvanshah States. According to the sources apart of the emirs that were the leaders of the city, the city council that was represented by the city baronage, clericals, tradesmen, craftsmen (Ashurbeyli, 1998) and the governing institute "*reis er-ruesa*" was also existed. City Councils "*Divan-i riyaset*" were in charge to solve the financial, trade, economic issues as well as issues

of the sphere of culture. All these factors prove that during that period city self-government acted as public institution (Ashurbeyli, 1998). Despite the fact that the city was under the governance of the city's emir, the city self-government was also existed. *Reis er-ruesa*-the governing institute performed the liabilities concerning the rule of law and observance of the rules by the city population (Ashurbeyli, 1979). Apart of the self-government functions the city councils were responsible to preserve public order and protection of public law.

The development of city's self-government in Azerbaijan broke off with Mongol invasion in the XIII century. During the ruling of the Safavids and Azerbaijani Khanates apart from organizations of the city self-government, the corporate self-governance organizations were also existed. These corporate self-government organizations consisting of trade guilds, craftsmen organizations, trade-industry aristocracy organizations had their autonomy. The leaders and also 3-5 authorities were in charge to solve the economic, financial and civil issues.

After the invasion of North Azerbaijani territories by Russia and with replacement of local administrative and legal bodies by Russian institutions and legislation cause important changes in the region. Together with the other issues reforms were made in the establishment and development of territorial self-government bodies. Replacement of feudal social-economic relations with capitalist relations in the second half of XIX century in Azerbaijan, abolition of serfdom in Russia and abolition of feudal relations in Azerbaijan caused to rapid development of the cities and its population, reorganization of governance systems in the cities, bringing to conformity of these systems to the political and social situation, as well as developing of the state-legal institutions. In these years which paved the way to the development of capitalist market economy, partial democratization of the state governing systems, development of the self-government institutions of civil society, efforts had been made for the development of the legal base of the city self-government. City Statute envisaged the establishment of city Dumas and executive bodies as city governance, city administration formed via election, as well as city secretariat. Duma elected via city population for 4 years term had a great power in solving of local issues. The City Municipality as an executive body was subordinate only to Duma and was elected for the 4 years term (Laws and regulations, 1870).

City self-government established after the zemstvo (elected bodies of local self-government). It was unfavourable situation. Though no counteraction began, but it was predictable. Certainly, in this unfavourable situation organization which was established was incomplete in its form (Novikov, 1904).

At the same time application of Prussia to three classes voting system obscured this progressiveness. According to this election system those eligible to participate in administrative work of the city self-government was determined by their tax made to the city treasury. All voters divided by their tax revenue into three classes. These three classes were calculated according to how much tax paid, by dividing the entire range of taxes into three parts, it means that money given by voters must be equal to one third part of taxes collected in the city.

According to the City Statute of 1870 only the well-to-do person, men the age of 25 were eligible to vote. At the same time according to the legislation the convicted person who is deprived or restricted to use social rights due the committed crime, (excluding those who were discharged by the court verdict), those who were removed from office the last three years, became bankrupt (excluding the people who became bankrupt due force major), the people who were deprived ecclesiastical capacity for violation legislation were deprived of suffrage. The City Statute along with social inequality envisages national inequality. Thus, the number of main

local population, i.e., Azerbaijani people participation in Duma, cannot exceed half of the Duma's commons (Laws and Regulations, 2002a). According to religious beliefs was the prerogative of the membership in the Muslim (Laws and regulations, 1870).

The city's principal was the chairman of Duma and the chairman of uprava that led to violation of power sharing principles (representative power and decision making power). Legislator considered such unification of powers as a guarantee for getting around a law by City's Duma (Brodin, 1994). The city principal being the chairman of executive (uprava) and enacting (duma) organization had great responsibilities. The city municipality was responsible for economic issues and social governance issues of the city.

New City Statute was approved in 1892, June 11 (Laws and regulations, 1870). This Statute decreased the number of urban voters for the benefit of bourgeoisie, as among the voters were excluded small dealers and owners of low-value and low-dimensional property. Reforms made in city governance in 1892 were implemented in two directions: 1) decreasing the number of voters through increasing of income qualification and 2) strengthening of state organizations control over the city self-governance. The notion "*city society*" as legal entity was excluded, and the notion "*city population*" was kept as governance object.

Self-governance was coordinated with state organizations which led to deprivation of its power and being dependent upon state power. Reforms made in 1870 and 1892 highlighted different approaches to the realization of self-governance ideas. If the first reform mainly realized the social theory of self-governance, the second reform determined the implementation of state theory. In comparison of the former legislation, the new charter stepped back from former legislation and was called "*city counter reform*".

Though City's Duma was responsible for passing laws, uprava (city executive) was responsible for the functions of implementation; uprava (city executive) had more independence in its activity than City's Duma. According to the new Charter the City Principal had the power to exclude the items from the meetings of Duma's agenda without the consent of Duma. The Duma's members, as well as other eligible members had the right to participate in municipal elections. Duma had authority to appoint persons for execution of powers in different spheres of self-governance (Laws and regulations, 1870).

Apart of city-governance, some important innovations were made in village self-governance system. Although there was some perversity in statutes on village's governance of 1866-1867, the statutes envisaged liberation of peasants from police and lord's outrage, determination of village officials to be eligible in election.

Though in the beginning of XX century some strides were made in development of local self-governance, zemstvo reforms in gubernias of Azerbaijan and endorsement of some legislative acts related to these issues, it was impossible to gain achievements in this sphere due the crisis in legislative power.

During the existence of the Azerbaijan Democratic Republic the activity of local self-government organizations was developed. In comparison with previous periods, in the period where democratic values prevailed in solving of local issues the activity of local self-government organizations act together. Brimming with the legacy of previous local self-governance terms, the local self-government organizations did not play an important role in dealing with the issues of local self-governance at the early years of the republic. By the decision of the Government of July 30, 1918 the Ministry of Internal Affairs took responsibilities over reformation of the city social self-governance (Laws and regulations, 1998). At the beginning great power was given to

Baku City Self-governance organizations, especially Government Decision of September 22 and 25, 1918 determined that banknotes emitted by the Baku City Duma have the equal force of circulation along with the state currency in the country.

The modernized election process to local organizations gave the right to all people of the self-governance county to take part in political life of the county irrespective of their social condition, race, sex and nationality. During the period of the Azerbaijan Democratic Republic city local self-governance bodies were responsible to provide dynamic development of the city (Laws and regulations, 1998).

Reforms in local self-governance systems boots to implementation of zemstvo self-governance, the establishment of self-governance institutions in districts and villages (Laws and regulations, 2002a).

The law envisaged organization of the 3 stage zemstvo institutions-village, district and central (guberniya) zemstvo meetings. District zemstvo institutions were one of the main circles of the actions of zemstvo organizations. Village self-governance was functioning under the guidance of provincial zemstvo institutions. Zemstvo institutions were in charge in the range of matters such as local economy and management. Central and district zemstvo assemblies had the right to adoption of binding decisions on the issues of zemstvo economy and management.

Local self-governance reform directed to democratization and decentralization of local power began in time of Azerbaijan Democratic Republic terminated its activity in time of Soviet Union. The Revolutionary Committee of new governing systems acted as local governance body. As much as the local bodies of Azerbaijan in districts and cities were under administrative governance of People's Commissariat of Internal Affairs (Laws and regulations, 1999). The years that were characterized a return to the territorial self-governance, the Soviets were considered as the state power and local self-governance organizations (Barabashev et al., 1988)

Evaluating the experience of reforms of local soviets, was noted the existed contradictions between law that approved normative legal model in the sphere of democratization of the Soviets, widening of their functions and practice that fail in implementation of this law (Barabashev et al., 1988).

The modern model of local self-government applied in Azerbaijan is closest to the French system. Constitution (Laws and regulations, 2009) adopted in the period of independence of Azerbaijan envisaged spheres of social-political and social-economic spheres, as well as norms of local self-governance were the basis of the implementation of the relevant reforms. The Constitution expands the limited pragmatic local self-governance as the local authority system performing the sufficient management in villages and cities.

The law of the Azerbaijan Republic on "*The Status of Municipalities*" passed on July 2, 1999 (Laws and regulations, 1999) has played surely positive role in the process of formation of self-governance institutions. These legislative acts specifying the constitutional norms laid down foundation of legal base formation of local authority which will be based on democratic principles. At the same time, the practice highlighted gaps, inaccuracy, misunderstandings of the norms. Article 142 part 1 of the Constitution of the Azerbaijan Republic (Laws and regulations, 2009) envisaged that local self-government shall be exercised by municipalities. This brings to restriction of self-governance rights of the people. From this point of interpretation of the provision as "*local self-government shall be exercised directly by local people or by municipalities*" can prevent contradiction.

Procedure of the execution of law making initiative is determined by municipality statute

according to abovementioned law regulation. But Model Statute Municipality approved by the law of the Azerbaijan Republic of 15 October, 1999 does not determine relevant instructions. Though the law takes into consideration the said legal norm, municipalities did not make any effort to realize it. Filling the statutes with norms is not suitable. Endorsement of normative act *“On Execution of Local Law-making Initiatives of the People”* is considered to be appropriate.

The Order of the President of the Azerbaijan Republic from May 26, 2006 (The Law of Azerbaijan Republic, 1999) had been established inclusion Centre on work with municipalities in a structure of central office of the Ministry of Justice and creation of corresponding local (regional) departments of the ministry. Possibility of state to make certain impact on activity of municipalities is limited to carrying out of registration of municipal acts in the Ministry of Justice and provision of reduction of municipal acts of corresponding structures in conformity with the Constitution, laws, decrees of the President and Cabinet resolutions.

The analysis of the municipal legislation of the states-participants of the Commonwealth of Independent States testifies that in many of them municipal councils to some extent depend on the state. Such dependence, first of all, according to a nation-wide policy is determined by efforts on protection and preserving of territorial integrity of the state. The given circumstance has directly pledged a development basis in the states CIS of the mixed system of local self-government and local management. In some of these countries is observed the close combination of local management and local self-government. So, in VIII section of the Constitution of Republic Kazakhstan in the norms, reflecting character, appointment and an order of forming of local representative bodies of the country, it is noticed that the local government is performed local representative and executive powers which are responsible for a state of affairs in corresponding territory. Local representative bodies-*maslixats* have the right to solve the questions, connected with local self-government and management, expressing will of local population and taking into account state interests (The Constitution of the Republic of Kazakhstan, 1995).

According to article 2-1 of the Law:

*“About local state management and self-government in the Republic of Kazakhstan”*

Local government is carried out separately within the oblast, district, and city, rural County, township and village, is not part of the rural district, members of the local community directly as well as through maslikhats and other local authorities. The mayor (Chairman) region, district, city, district in city, rural country, township and village, is not part of the rural district, along with the functions of public administration carries out functions of local authorities. Form local communities are the gathering of the local community and the local community.

In Uzbekistan local management is performed in areas, districts and cities as the council of People's Deputies headed by *akims (hakims)*, acting from a position of the state interests, solves various questions, local self-government acts in settlements, *kishlaks* and *auls*. In the Republic Uzbekistan Law *“About self-government institutions of citizens”*, accepted on April 14, 1999, self-government of citizens is regarded as warranted by the Constitution and laws independent activity of citizens under the decision of questions of local value in the interests, proceeding from historical features of development, and also national and cultural wealth, local customs and traditions. Citizens implement the constitutional law on self-government in *kishlaks*, *auls*, *mahalla's* according to guarantees of suffrages through descents (meeting of

representatives) citizens (The Law of the Republic of Uzbekistan on Organs, 1999).

In the Kirghiz Republic a state of affairs in this area a bit different. In 8-th section of the Constitution of Kyrgyzstan is regulated the legal status of *kenesh*, performing in this country of function of local government. So, in article 112 are specified functions of local *kenesh*, connected with the statement of programs of social and economic development of territory and social protection of the population and control of their realization, the statement of the local budget and the report on its execution, and also with the audition the information on use of off-budget funds. Besides, is fixed the right of local *kenesh* districts, cities, areas the majority in 2/3 voices of total number of the deputies to fail to trust the head of local city administration of corresponding territorial unit. Thereby in the legislation of this country is reflected realization of activity of local *kenesh* without dependence from local state administration (The Constitution of the Kyrgyz Republic, 2010).

In the Constitution of Ukraine from June 28, 1996, in XI section under the name "*Local government*", local self-government it is specified as the right of territorial *gromads* (a ground community and general meeting of members of a community) independently to solve all questions of local value within the limits of the Constitution and laws of Ukraine. Territorial *gromads* are the territorial units uniting the population of villages, settlements and the cities, having general interests in connection with compact residing in the limited territory. The local self-government is performed by the population of these territorial units as directly on referenda, and through local self-governments-rural, settlement, city councils and their executive powers. Local self-governments are separated from public authorities and not included in their system. However in territories of villages, settlements and cities there are no local enforcement authorities, therefore certain functions of the given bodies on the basis of the commission carry out local self-governments. Therefore local self-governments are accountable to enforcement authorities only in these questions. The great value in determination of the specific parties of local self-government represents the law "*About local self-government in Ukraine*" from May 21, 1997. In Ukraine the elite the municipal council head simultaneously carries out executive functions, i.e., practically represents itself as the chief executive. Such combination can be regarded as expression of compromise between two branches of the power (The Constitution of Ukraine, 1996).

In Belarus activity of local self-governments at all levels of administrative-territorial division will be agreed activity of local authorities. In territory of areas, districts, cities, settlements, villages simultaneously act executive bodies of local self-government and the councils which are considered as representative state structures, constituting system of Republic Belarus. In Belarus, as well as in Kazakhstan, the local self-government acts as a subsystem of the uniform state-administrative mechanism.

In Georgia in activity of local self-governments for a basis also are taken theoretical sights of the French doctrine. Local Government Code from February, 5<sup>th</sup>, 2014 local management admits some kind of as the form of the decentralized government as under the law remain functions of local meetings-an elective representative body of local self-government. Here decentralization includes transfer of imperious powers not to government officials, and the local meetings which are elected body of local self-government. Without calling into question centralized character of local management in Georgia, it is necessary nevertheless to notice that *sakrebulo*-the local self-government, is not in hierarchical submission, i.e., is directly selected local population.

Along with local elected bodies-*sakrebulo*, in administrative and territorial units of Georgia act state bodies, in particular, *uprava's (gamgeoba)* (on the basis of the law from 1991, local management was performed by prefects, and local self-government-the local meetings, selected the population, which are referred to as *adgilobrivi sakrebulo*). It is necessary to notice institutional feature of *uprava*-an executive office of local meeting. Unlike a municipal government, at level of rural self-government *uprava* is formed by local elections, therefore it, along with local meeting, practically it is considered a representative body, performing executive functions.

The municipal legislation of Georgia includes in structure of executive powers of local self-government head of *uprava*, and also its assistants, heads of the device and various municipal services. However in villages and the communities, which population does not exceed 3 thousand persons, *uprava* as the executive office of self-government, is not created, its functions carries out head of a representative body-the chairman of local meeting.

The local self-government in Russia is perceived as independent not state administrative structure. According to the constitution of the Russian Federation, the power is performed by the people directly, and also through public authorities and local governments. The local self-governments, selected the population, performing independent activity under the decision of questions of local value, are not included into system of public authorities. These bodies, i.e. municipal structures, function in the Russian legislation (both in federal law-making, and in law-making of subjects) under such names, as the Duma, Council of deputies, Municipal council, Meeting of representatives and so forth (Federal Law, 2010). A wide range of responsibilities of local authorities are set out in the Federal law:

*"On general principles of organization of local government in the Russian Federation"* (Federal Laws, 2010).

Territorial organization of local self-government consists of the municipal settlements, municipal districts and urban districts, which are only present in big cities (Federal Law, 2010).

Generalizing the above facts, it is possible to come to a conclusion that in connection with reflexion in the new constitutions, accepted in Azerbaijan, and also in the former Soviet republics, conceptual positions of development of the beginnings of the local self-government, leaning against principles of independence, liberty, responsibility for results of agreed conclusions, democratic ideas in these countries has begun forming of special system of the municipal administrative relations which have separated centralized system of the government within the limits of the public powers, and now there is a work on development of the given system.

## DISCUSSION

Summing up the situation in Post-Soviet States should emphasize the problem of centralization of power. Despite the fact that the States gained independence over 20 years ago, they still are unable to decentralize power and have because of this negative aspect in politics and the economy. First and foremost, this is manifested in problems of governance and power-sharing, as well as in the sphere of budget allocations and revenues.

But, nevertheless, in the Russian Federation there is the desire of politicians to return to

the Soviet model of administration. At the moment the most significant place is the local government than national government. Widely used the right to self-determination (Brodkin, 1994). But there is a lack of funding due to improper budgeting. In addition to the financial problems are disputes between the governors and measures regarding the separation of functions. With the purpose of their resolution was carried out appropriate reforms but because of their lack of comprehensiveness and consistency they did not give the desired effect.

Also, in recent years, was cancelled, then renewed, then cancelled the direct election of governors. In 2014, was also abolished the direct election of mayors of large cities. The selection function of the above chapters has been assigned to the respective local councils. Tips to choose the mayors of major cities are composed of regional delegates and the President vested with minimal powers. These actions are part of the population considered authoritarian political tendencies protested. In addition, there is excessive compaction of the regions, which local government cannot function properly (Brodkin, 1994).

Despite a number of initiatives for reforms regarding decentralization, Ukraine remains highly centralized state that is a legacy from the Communist era of the Soviet Union. There is a need for delegation of authority from Central to local authorities. It is necessary not only to transfer significant powers to local authorities, but local authorities should also be accessible and accountable to local citizens. This requires active citizen participation in local government and a focus of local authorities to meet the needs of the population. However, unlike many other countries in Central and Eastern Europe, Ukraine has not undergone comprehensive reforms on decentralization because of the inconsistency of the reforms, which do not give the desired effect or return the situation to its original position. The main problem is the lack of public access to, and low level of openness, transparency and responsiveness in government and local government.

In Estonia, Latvia and Lithuania also present a problem of decentralization. It is connected with traditions since the times of the Soviet Union. Decentralization should be a political, economic, administrative and fiscal.

Activities of local governments related to economic, social, demographic, scientific-technical and environmental industries. For the successful implementation of their functions, local governments in post-Soviet States needs to create an effective regional policy, and formed the legal base for its implementation. In addition, the regions should save up to 70% of their income and not to obtain subsidies through corrupt mechanisms of the centralized system. It is necessary to carry out municipal reforms aimed at improving the daily lives of citizens, displacement of responsibilities and logistical resources from the regional to the local authority (Brodkin, 1994).

States must establish a mechanism of effective interaction between state authorities, local authorities and other agencies in the implementation of tasks of civil protection. This is necessary for prevention and preparedness to protect against technological, military, social, and other emergency situations (Ismayilov, 2011). This is particularly important for local authorities because one of their primary functions enshrined in national and international legislation, is security and disaster for the population in consequence of various adverse situations.

We need to make legal adjustments to the legislation, regulating activity of local authorities. To expand and clearly regulate their authority, rights and obligations, scope of activities. It is necessary to adopt a special regulatory legal act and facilitate their actual application.

## CONCLUSION

In this study, we identified features of the formation and development of local self-government in Azerbaijan, the current state of self-government in Azerbaijan and other former Soviet States. To perform historical aspects of the development of self-government in the Republic of Azerbaijan. By investigating the genesis and development stages of local governance in Azerbaijan that, since ancient time there have been various forms and types of governance in our country and although these formations have some similarities with the management structure of other countries it has distinctive character that is shown in its structure, compound and activity. On the other hand, the development level of local governance in different periods depended on the attitude of the state government to these formations. In many cases, the bodies that implement the activity of local governance also execute various types of functions such as state orders.

To explore the current situation of local self-government in the Republic of Azerbaijan and other CIS countries. In addition, we developed recommendations on development of self-government in the post-Soviet States. Local self-governance in Azerbaijan functioning on the basis of Constitution adopted 1995 and by normative legal acts since 1999, during 16 years existence, though gaining some experience, faces confrontation in their functions. From this point of view, scientific development of the issues such as history of local self-governance, formation of local self-governance in Azerbaijan, formation of legal basis for self-governance institutions in cities, prerogatives between state organizations and local self-governance organizations, formation, governance and mechanism of municipality, determination of income and expenditure of budget and functions of local self-governance.

The post-Soviet States have in common the issue of decentralization of power. The local governments cannot function properly. The necessary legislative and organizational changes are aimed at identifying and securing the powers, rights and duties of these bodies, the legislative branch of local governments from other governments.

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