

REPUBLIC OF AZERBAIJAN

(AZARBAYCAN RESPUBLIKASI)



BACKGROUND AND LEGAL SYSTEM

LEGAL SYSTEM	Civil law system.
POLITICAL SYSTEM	Presidential Republic.
HEAD OF STATE	President, elected by direct election. The president serves a term of 5 years with a right to one re-election.
HEAD OF GOVERNMENT	Prime Minister, appointed by the President with legislative approval.
SUBNATIONAL ENTITIES	As of 2006, Azerbaijan is divided into 59 districts (<i>rayonlar</i>). The capital is Baku.
SUBLOCAL ENTITIES	There are 11 cities (<i>saharlar</i>). Nakhichevan, an autonomous republic (<i>muxtar respublika</i>), contains 7 districts and 1 city.
TRANSLITERATION SYSTEM	Latin.
LANGUAGES	Azeri, Russian, Armenian, other minority-group languages.

NOTE ON
AZERBAIJANI
LEGAL
PUBLICATIONS

Publications of legislation and information on Albania's legal system come mainly from the Digest of Legislation of the Azerbaijan Republic, an official legal reporter published once a month in Azerbaijan. The Digest consists of three parts: the first part includes Laws of the Azerbaijan Republic, the second part includes Decrees and Orders of the President, and the third part includes Resolution and Orders of the Cabinet of Ministers.

CONSTITUTION

OFFICIAL NAME	Azerbaijan Republikasi Konstitusiyası.
ENACTMENT	Adopted by the Referendum of the Republic of Azerbaijan on November 12, 1995. Amended by the Referendum on August 24, 2002.
CITATION FORMAT	Azerbaijan Republikasi Konstitusiyası [Constitution] art. <article number>.
<i>Example</i>	Azerbaijan Republikasi Konstitusiyası [Constitution] art. 35.

STATUTES

GOVERNMENT STRUCTURE	A unicameral national assembly containing 125 seats. Members are elected by a popular vote to serve 5-year terms.
LEGISLATIVE PROCESS	The legislative power is vested in the National Parliament (Milli Mejlis) of the Republic of Azerbaijan. It is a unicameral body consisting of 125 members elected on the basis of majority in local elections. Parliamentary elections are held every five years on the first Sunday in November. Every Azerbaijani citizen 25 years of age or older may be elected a member of Parliament. The laws and resolutions enacted by Parliament come into effect upon publication unless otherwise specified in the legislation. The president may veto legislative decisions. To override a presidential veto, the Parliament must have a majority of 95 votes (for legislation originally passed with a majority of at least 83 votes) or a majority of 83 votes (for legislation originally passed with a majority of at least 63 votes).
REPORTER	<i>Azərbaycan Respublikasının Qanunvericilik Toplusu</i> (Digest of Legislation of the Azerbaijan Republic).
CITATION FORMAT	The Law of the Azerbaijan Republic On <subject>, (Digest of Legislation of the Azerbaijan Republic, <year>, <issue number>, <article number>; Year, Number of Issue and Article of the Digest with published amendments, if any, should follow.
<i>Example</i>	The Law of the Azerbaijan Republic on Normative-Legal Acts (Digest of Legislation of the Azerbaijan Republic, 2000, No. 1, Article 9).

ADMINISTRATIVE REGULATIONS

ADMINISTRATIVE SOURCES	The President of the Republic issues decrees (<i>farman</i>) and orders (<i>saranjam</i>). The Cabinet of Ministers adopts resolutions (<i>qarar</i>) and orders. Central executive bodies adopt regulations within the scope of their authorities.
REPORTER	<i>Azərbaycan Respublikasının Qanunvericilik Toplusu</i> (Digest of Legislation of the Azerbaijan Republic).
CITATION FORMAT	<Decree, Order, or Resolution> of the <President or Cabinet of Ministers> of the Azerbaijan Republic on <Subject>, No. <Number of Decree, Order, or Resolution> dated <month day, year> (Digest of Legislation of the Azerbaijan Republic, <year>, <issue number>, <article number>). Number of Issue and Article of the Digest with published amendments, if any, should follow.
<i>Example</i>	Decree of the President of the Azerbaijan Republic on Decorating Azeri Oil Workers, No. 584 dated September 20, 2001 (Digest of Legislation of the Azerbaijan Republic, 2001, No. 9, Article 599).

CODES

CIVIL CODE	In force sometime during the second half of the 1990s [precise date could not be determined].
CODE OF CIVIL PROCEDURE	In force sometime during the second half of the 1990s [precise date could not be determined].
CRIMINAL CODE	In force on September 1, 2000 after being adopted by Parliament on September 30, 1999.
CODE OF CRIMINAL PROCEDURE	In force sometime during the second half of the 1990s [precise date could not be determined].
TAXATION CODE	In force on July 11, 2000 after having been approved by law No. 905-IG of the Azerbaijan Republic.

CITATION FORMAT <code> of the Azerbaijan Republic, Article <article number>, Digest of Legislation of the Azerbaijan Republic, <date of enactment>.

Example Criminal Code of the Azerbaijan Republic, Article 12.1, Digest of Legislation of the Azerbaijan Republic, September 1, 2000.

CASE LAW

JUDICIAL OVERVIEW Primary judicial power is vested in several Azerbaijani courts, primarily the Constitutional Court, the Supreme Court, and the Economic Court. There are also several other general and specialized lower courts. Judicial power is exercised through constitutional, administrative and other legal codes.

The seven members of the Constitutional Court are selected by the president subject to the approval of the Parliament. The Constitutional Court focuses solely on constitutional cases and only addresses matters of law. The Court's competence is directly determined by Article 130 of the Azerbaijani Constitution. Members of the other major courts are elected in a similar manner as are members of the Constitutional Court.

REPORTER *Azərbaycan Respublikası Konstitusiyası Məhkəməsinin Məlumatı* (Information of the Constitutional Court of the Azerbaijan Republic).

CITATION FORMAT
CONSTITUTIONAL COURT <case name>, <date of decision>, <CC>.

Example On Interpretation of Articles 21 and 23 of the Civil Code of the Azerbaijan Republic, May 31, 2002, CC.

SOURCES

The CIA Factbook:

<http://www.cia.gov/cia/publications/factbook/geos/aj.html>

LLRX – A Guide to the Republic of Azerbaijan Law Research

<http://www.llrx.com/features/azerbaijan.htm>

European police and justice systems – Azerbaijan

<http://www.interpol.int/Public/Region/Europe/pjsystems/Azerbaijan.asp>

LEGAL SYSTEMS OF THE WORLD: A POLITICAL, SOCIAL & CULTURAL
ENCYCLOPEDIA (Herbert M. Kritzer, ed., 2002).

The Law of the Azerbaijan Republic on Normative-Legal Acts (Digest of Legislation
of the Azerbaijan Republic, 2000, No. 1, Article 9).

The Resolution of the Central Elections Commission of the Azerbaijan Republic on
the Results of the Referendum Held on August 24, 2002 for the Purpose of
Making Amendments to the Constitution of the Azerbaijan Republic, August 29,
2002, No. 99/372.

SPECIAL THANKS

George Goolsby

Attorney at Law

Baker Botts, LLP

Benjamin A. Schatz – Staff Member. Oct. 2006

Brad S. Keeton – ICM Committee Member. Oct. 2006

Matthew T. Nagel – ICM Coordinator. Oct. 2006