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The State Apparatus of the Azerbaijan Democratic Republic

Abstract

The foundational principles of state governance system of the Azerbaijan Democratic Republic were enshrined in the Declaration of Independence. This constitutional act of the National Council like document specified that the state would be governed The National Council elected by the people of Azerbaijan and a responsible succeeding Provisional Government as a People's Republic, until the establishment of the Constituent Assembly. The democratic nature of the state's political system was underpinned by the proclaimed principles of political freedoms and guarantees for national and religious rights. The Republic's governance system lacked a singular supreme leader. Instead, governance was jointly exercised by the Parliament and the Government, which was accountable to it. The Parliament, as the supreme authority, engaged in legislative activities, while the Government implemented laws passed by Parliament and reported its activities to it. The Government was required to resign if its performance was deemed unsatisfactory or it lost the confidence of a parliamentary majority. In any democratic state based on the rule of law, the independent functioning of the judiciary is as essential as the legislative and executive branches. Otherwise, the legal foundations of the state mechanism weaken, undermining the democratic essence of governance. Demonstrating its commitment to establishing a legal and democratic state, the first cabinet of the Azerbaijan Democratic Republic included the Ministry of Justice, headed by legal expert Khalil Bey Khasmammadov. The significant position of the judiciary within the state apparatus was further underscored when Prime Minister F. Khoyski concurrently assumed the role of Minister of Justice in the second cabinet.

The laws adopted during the Republic's era aimed to construct a fair society that respected the rights and freedoms of all citizens.

Keywords: *republic, state apparatus, parliament, government, judiciary*

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Azərbaycan Xalq Cümhuriyyətinin dövlət aparatı

Xülasə

Azərbaycan Xalq Cümhuriyyətinin dövlət idarəetmə aparatının əsas prinsipləri İstiqlal Bəyannaməsində öz əksini tapmışdır. Belə ki, Milli Şuranın konstitusiya aktına bərabər olan bu qərarında dövlətin idarə formasının Xalq Cümhuriyyəti olduğu, Müəssislər Məclisi toplanıncaya qədər Azərbaycanı xalqın seçdiyi Milli Şura və onun qarşısında məsuliyyət daşıyan Müvəqqəti Hökumətin idarə edəcəyi qeyd edilirdi. Bu hüquqi sənəddə bəyan edilən siyasi azadlıqlar, milli və dini hüquqların təmin olunması prinsipləri isə dövlətin demokratik siyasi sistemini müəyyən edirdi.

Cümhuriyyətin idarəetmə aparatında vahid ali başçı yox idi. Parlament və onun qarşısında məsuliyyət daşıyan hökumət dövləti birgə idarə edirdi. Parlament ali hakimiyyət orqanı olaraq qanunvericilik fəaliyyəti ilə məşğul olurdu. Hökumət isə parlamentin qəbul etdiyi qanunları icra

etməklə öz fəaliyyəti haqqında parlament qarşısında hesabat verirdi və deputat çoxluğu tərəfindən fəaliyyəti qənaətbəxş hesab edilmədikdə və ya etimad göstərilmədikdə istefa verməli olurdu.

Demokratik hüquqi prinsiplər əsasında yaranmış hər bir dövlətin idarəçilik sistemində qanunverici və icraedici hakimiyyətlə yanaşı məhkəmə hakimiyyətinin də müstəqil fəaliyyəti zəruridir. Əks halda dövlət mexanizminin hüquqi dayaqları zəifləyir və idarəetmənin demokratik mahiyyəti öz əhəmiyyətini itirir. Hüquqi-demokratik dövlət qurmaq əzmində olan Azərbaycan Xalq Cümhuriyyətinin ilk hökumət kabinetində Ədliyyə Nazirliyi təsis edilmişdi və bu vəzifəni hüquşünas Xəlil bəy Xasməmmədov daşıyırdı. II hökumət kabinetində baş nazir F. Xoyskinin həm də ədliyyə naziri vəzifəsini tutması məhkəmə sisteminin dövlət aparatında mühüm yer tutmasının göstəricisidir.

Cümhuriyyət dövründə qəbul edilən qanunlar bütün vətəndaşların hüquq və azadlıqlarını nəzərə almaqla ədalətli cəmiyyət quruculuğunu nəzərdə tuturdu.

Açar sözlər: cümhuriyyət, dövlət aparatı, parlament, hökumət, məhkəmə

Introduction

The study of the governance system of the Azerbaijan Democratic Republic, the first democratic state in the East in the early XX century, remains relevant today. To objectively characterize the Republic's state apparatus, it is crucial first to analyze its essence and distinctive features. The state apparatus is a system of state bodies endowed with authority. Its organization and principles of operation are determined by the political regime, which defines the nature and methods of state power (democratic, authoritarian, or totalitarian).

The establishment of democratic state governance entails adherence to principles such as: 1) Supremacy of citizens' rights and freedoms; 2) Separation of powers; 3) Democratic governance; 4) Public participation in the organization and influence over government; 5) Transparency in informing the public about the activities of state bodies (Alekseyev, 2005).

From its inception, the Azerbaijan Democratic Republic implemented these principles, organizing its state apparatus as a parliamentary republic. According to the Declaration of Independence, the National Council was to act as the legislative body temporarily, while the Provisional Government would perform executive functions until the convening of the Constituent Assembly (Adres-kalendar...). The Assembly, elected on democratic principles, was to serve as the supreme state authority and outline the Republic's political and economic development trajectory.

The Azerbaijan Democratic Republic's state mechanism was structured as a legal state system, where governance was executed through legislative, executive, and judicial branches.

Research

The process of nation-building in the Azerbaijan Democratic Republic unfolded under challenging conditions, including an economic crisis, sharp ideological divides among political factions, and external threats to the country's territorial integrity. Despite these challenges, the Government aimed to establish a democratic governance system throughout the Republic. Highlighting the importance of an effectively organized state mechanism, the newspaper *Azərbaycan* noted: "The state mechanism functions successfully only when there is proper administrative division and strong executive power in the country. Adjusting this issue to the demands of the new era is a primary task before the Government" (*Azərbaycan*, 1918).

The Azerbaijani Government paid significant attention to organizing the structures of the state governance apparatus. Within a short period, the Council of Ministers and the administrative structures of various ministries were established, and preparations for the Constituent Assembly elections were initiated. The Ministry of Internal Affairs was responsible for organizing administrative governance and overseeing local authorities. All local governance bodies were subordinated to the Ministry of Internal Affairs (Damirov, 1998, pp. 83-84). However, due to political pressures and the prevailing internal and external situation, it was not possible to hold elections for the Constituent Assembly within the planned six-month period. Instead, a temporary supreme legislative body, the Parliament, was established.

The single-chamber Parliament, alongside the Council of Ministers formed from its members, jointly governed the state.

Parliamentary Governance

The Azerbaijan Parliament, as the supreme representative body, exercised legislative authority. Draft laws were developed and initially reviewed in permanent and temporary parliamentary commissions. In addition to its legislative functions, the authority of the Parliament extended to organizing the government and central state institutions, defining their scope of authority, exercising supreme state oversight, approving and executing the state budget, and ratifying treaties concluded with foreign states.

The activities of all ministries, including the Ministry of Foreign Affairs, as well as all state institutions in administrative, legal, financial, educational, communications, and other fields, were to be carried out under the supervision of the Parliament. Even the Ministry of Defense was placed under the control of the Parliament (*Azərbaycan Paris Sülh Konfransında (1919-1920)*, 2008, s. 42).

The Presidium of Parliament (consisting of the Speaker and two Deputy Speakers) held directive authority, including preparing proposals on parliamentary activities, approving the agenda for parliamentary sessions, supervising parliamentary work, and ensuring order within its operations. Additionally, the Council of Elders, composed of faction leaders, was tasked with resolving disputes among factions (*Azərbaycan*, 1919, March 11).

The Charter, adopted on March 17, 1919, was a significant document regulating the Parliament's activities and determining its working procedures. According to the Charter, the Parliament elected a chairperson, two deputies, and a secretary at its general assembly. Their terms of office were set at one year (*Azərbaycan Xalq Cümhuriyyəti (1918-1920)*, s. 269). Legislative proposals in various fields were drafted and initially reviewed by permanent committees. The Parliament had 11 permanent committees—on mandates, regulations, economic management, finance and budget, editorial matters, military affairs, labor issues, agrarian matters, inquiries, legislative proposals, and oversight of the country's productive forces—as well as several temporary committees (*Azərbaycan Xalq Cümhuriyyəti (1918-1920)*, s. 292).

The Speaker of Parliament, in consultation with the Council of Elders, nominated the Prime Minister and entrusted them with forming a government cabinet. The Parliament would then approve the Council of Ministers organized by the Prime Minister, based on coalition principles. The Government was accountable to Parliament, reporting its activities regularly. If the majority of deputies deemed its performance unsatisfactory or withdrew their confidence, the Government was required to resign (Damirov, 1998, p. 77).

Government Structures

During the Azerbaijan Democratic Republic period, the Government lacked a permanent structure. The number of ministries was determined by the Prime Minister during cabinet formation, considering technical and political factors, including the proportional representation of political parties within coalition governments. The Government's composition reflected the balance of power within Parliament. Coalition governments did not operate based on formal alliances, relying instead on incidental majorities.

Shifts in the composition of government cabinets occasionally led to the transfer of specific functions from one ministry to another or the division of responsibilities between ministries. In the first three cabinets, the determination of the number of ministries and the allocation of ministerial portfolios fell under the Prime Minister's authority. However, in the fourth cabinet, the composition of the Government depended entirely on the consensus of all parliamentary factions, ensuring equal participation without any party's dominance. This arrangement, while fostering inclusivity, limited the Prime Minister's initiative and delayed the formation of new cabinets (*Adres-kalendar' Azerbaydzhanskoy Respubliki na 1920 god.*, 1920).

In cases of political crises, the Prime Minister's powers were expanded to streamline cabinet formation, including determining the number of positions allocated to each faction and selecting individual nominees. Responsibility for the outcomes of these decisions rested with the factions

rather than the Prime Minister, as their work was contingent on achieving party consensus (Azərbaycan Cümhuriyyəti (1918-1920), 1998, s. 282).

No overarching law defined the structure of central state governance bodies, with each ministry organized according to its internal regulations. These regulations, outlined in decrees approved by the Minister, could be amended at their discretion. Ministries, representing central authorities, played a pivotal role in governance and exercised hierarchical control over all subordinate state institutions.

Local Governance and Administrative Divisions

At the lower tier of the state mechanism were local administrative authorities — governorates (*guberniyas*) and districts (*qəzas*). The Republic's territory was divided into three governorates: Baku, Ganja, and Zagatala. The Council of Ministers appointed and dismissed governors, who were the highest representatives of central authority in their respective regions (Azerbaydzhanskaya Demokraticeskaya Respublika, 1998).

The responsibilities of governorates included: 1) Supervising the implementation of central directives at the local level, 2) Monitoring the development of regional economies, 3) Ensuring public welfare, 4) Maintaining public order and safety, 5) Overseeing administrative and civil institutions, 6) Supervising municipal self-governance, 7) Enforcing all state obligations, 8) Managing the activities of police forces (ARDA, f. 894, s. 1, iş 37, v. 38).

Despite the broad scope of duties assigned to governors, their actual authority was nominal. Central state bodies assumed direct control over functions delegated to governorates, rendering them an additional bureaucratic layer within the governance apparatus. Each ministry operated its local branches independently, addressing region-specific issues within their purview.

This structural inefficiency stemmed from a mismatch between the country's territorial size and its administrative divisions, a legacy of Tsarist Russia's governance. To improve administrative efficiency, it was necessary to draft new laws for territorial division, aligning with contemporary geographical and economic conditions.

In Baku and surrounding mining areas (the Absheron Peninsula and nearby islands), the city head (*qradonaçalnik*) performed the functions of a governor due to Baku's unique status as the capital and a critical economic hub. Governorate administrations existed only in Ganja and Zagatala governorates. These administrations consisted of several advisors, each responsible for specific administrative tasks such as policing, construction, road management, and economic development. The governorate administration's office was divided into departments aligned with these responsibilities.

Governors were supported by vice-governors, who acted as deputies and executed the governor's orders in their absence. Local governance below the governorate level was organized into districts. The Republic was divided into 14 districts, except for the Zagatala Governorate, which was subdivided into police jurisdictions. District governors were appointed by the Ministry of Internal Affairs.

To address interethnic conflicts and maintain order in areas with heightened tensions, a temporary general-governorship was established on January 15, 1919, encompassing the districts of Shusha, Javad, Jabrayil, and Zangezur within the Ganja Governorate (ARDA, f. 894, s. 1, iş. 43, v. 13-14) The general-governor was granted extraordinary powers to implement emergency measures (ARDA, f. 894, p. 2, file 39, v. 48-49).

Law Enforcement and Policing. The government prioritized the creation of a disciplined and capable law enforcement apparatus. In governorate cities, police chiefs (*polismeysters*), operating under the governors' supervision, were responsible for maintaining public order with the assistance of inspectors and watchmen. The appointment and dismissal of district police chiefs were handled by governors, while subordinate officers were managed by district governors or police chiefs (ARDA, f. 894, p. 1, file 9, v. 10).

To combat administrative abuse and corruption, a Special Investigation Commission was established on February 26, 1919, under the supervision of N. Patsevits. This body was tasked with

investigating and addressing misconduct in various state institutions. (*Azərbaycan*, 1919, March 15).

The supreme legislative body of the Azerbaijan Democratic Republic was to be the Constituent Assembly, elected through universal suffrage. The "Statute on Elections to the Constituent Assembly of the Azerbaijan Republic," adopted on June 21, 1919, defined the main principles of suffrage and election procedures (ARDA, f. 970, p. 1, file 212, v. 1–10). This body, elected based on universal, equal, secret, and direct voting, was tasked with drafting the Constitution of the Azerbaijan Republic and preparing laws on critical issues such as land and labor. In April 1920, preparations for elections to the Constituent Assembly were expanded. The Central Election Commission and local election commissions in districts and cities were established. The population census was scheduled for April 20 (*Azərbaycan*, 1920, April 15).

Judicial System

Judicial institutions, as an integral component of the state mechanism, were restored and reorganized during the early days of the Republic. On October 1, 1918, the government authorized the re-establishment of prosecutorial bodies under the Baku District Court. Due to the absence of a comprehensive legal framework for the judiciary, a provisional judicial-investigative apparatus was established during the transitional period.

Appellate courts, previously located in Tiflis during the Tsarist era, were absent in the Republic. Recognizing the need for an independent appellate body, the Ministry of Justice drafted legislation to establish the Court of Appeals. On November 14, 1918, the Council of Ministers approved the Charter of the Azerbaijan Court of Appeals (ARDA, f. 100, p. 2, file 7, v. 61).

On January 25, 1919, the Parliament adopted the draft law "On Parliamentary Membership and Public Service," which outlined the separation of legislative, executive, and judicial powers. M. A. Rasulzadeh regarded this separation of powers as the foundation of the Republic's governance system and considered it impossible for a parliamentary deputy to simultaneously serve as a state official, with exceptions only for ministers and independent professionals (*Azərbaycan Xalq Cümhuriyyətinin Ensiklopediyası*, 1998, s. 139).

The court was officially inaugurated on March 16, 1919, with jurisdiction over the entire territory of the Republic. At the opening ceremony, Prime Minister F. Khoyski emphasized the judiciary's role in upholding the rule of law, stating that the independence and impartiality of the courts were essential to ensuring justice (*Azərbaycan*, 1919).

The Court of Appeals included an Office of Prosecutor, responsible for overseeing the lawful application of justice. The Prosecutor General, who also served as the Minister of Justice, led this body.

Towards the end of the Republic, during governmental crises, a draft law was prepared to establish the Azerbaijan Senate to preserve the democratic state-building process. Considering the necessity of a political body exercising supreme oversight over the entire state administration apparatus in a legal state, it was decided to create the Azerbaijan Senate in the style of the Russian Senate, with adjustments to local conditions and political structure. However, since a constitution had not yet been adopted in Azerbaijan, the Senate's functions excluded the authority to promulgate and approve laws and government decrees. Legislative proposals were reviewed by a special department under the Parliament, the Government Affairs Administration, or the Ministry of Justice (ARDA, f. 894, p. 1, file 69, v. 84-85).

Conclusion

Despite its brief existence, the Azerbaijan Democratic Republic successfully laid the foundations for democratic and legal governance. Its Parliament, representing various political parties, social organizations, and ethnic communities, and the coalition government formed by its members demonstrated a political system comparable to modern democratic institutions. The Republic's laws aimed to ensure justice and equality, safeguarding the rights and freedoms of all citizens. However, the democratic processes initiated during this period were abruptly halted by the

Soviet occupation in 1920. The Republic's ambitious plans for constitutional reform, socio-economic development, and legal codification remained incomplete.

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