

GENERAL CHARACTERIZATION OF THE DISSERTATION

Relevance of the topic. The size of the rights and freedoms of people in a particular state largely depends on whether they are citizens of this state or not, as a rule, citizens of the state acquire more rights and freedoms than foreigners and stateless persons. The legal status of citizens in all cases differs from the legal status of non-citizens (foreigners and stateless persons) residing in the territory of the state. Such cases are also clearly identified in important international documents.

As a whole, international law and human rights play an important role in the regulation of issues of citizenship and the formation of the right to citizenship. At the same time, the construction and further development of real systems for ensuring human rights should be brought to the fore¹. The role of international organizations and international treaties in the formation and development of national security systems is invaluable. In particular, the content of the right to citizenship, the acquisition and loss of citizenship, the legal status of stateless persons, diplomatic protection, etc. in such issues, the influence of international law is seriously manifested. Then the right to citizenship continues to be the fundamental sphere of constitutional (state) law and human rights, since “citizenship” is the central and main chain of relations between the state and the individual. In general, the regulation of issues related to citizenship is of great importance in the development of the legal system of the state, in the development and role of civil society, in the improvement of the political and legal system of the state.

Most scientists who conducted research on citizenship issues in international law (Paul Veis, Alfred M. Boll, Ruth Donner and etc.) in his opinion, citizenship is a special relationship that allows one or

¹ Aliyev A.I. Human Rights. The textbook. Baku: Nurlar, 2019, p. 12 (in Azerbaijani); Ismayilov R. R. Institute of citizenship of the Republic of Azerbaijan. School supplies. Baku: publishing house of Baku University, 2004, p.90 (in Russian).

another person to be identified with all elements of the legal and political system of the state². In recent years, significant steps have been taken to develop the institution of citizenship in the international society. As a result, attempts are made to create a phenomenon called "Global Citizenship", and even certain prerequisites are observed in this area³.

Contradictions between the national legislation of various states that regulate issues of citizenship are the reason for the emergence of problematic areas of the right to citizenship, especially when these problems arise more and more in the legal regulation of issues related to the right succession of states, statelessness, dual and multi-citizenship, diplomatic protection of citizens. And the national legislation of different states is not capable of effectively solving these problems; therefore, states resort to international legal mechanisms, for example, initiating the adoption of international treaties in this area. In this regard, the theoretical justification of the application of international treaties on citizenship issues, as well as the study of various aspects of the practical application of international treaties on citizenship in the legal system of the Republic of Azerbaijan (RA) is quite urgent.

Many important issues of citizenship requiring international legal regulation are currently in the process of codification. For example, the draft articles of 2006 on diplomatic protection issues can be mentioned. Therefore, theoretical and practical research on legal regulation of the mentioned problems of citizenship rights, development of new concepts and projects are of particular importance.

International law affects all aspects of citizenship: its content (rights and obligations of individual and state), issues directly related to citizenship in the sphere of interstate relations (diplomatic protection, expulsion), acquisition, loss of citizenship, etc.

² Weis P. *Nationality and Statelessness in International Law*. Leiden: BRILL, 1979, p. 56.

³ Mische A. *Projecting Democracy: The Formation of Citizenship Across Youth Networks in Brazil // Citizenship, Identity and Social History*, 1996, p. 32-34.

Various positive changes in the life of our state have been reflected in many directions of the RA Citizenship Institute. The RA Constitution recognizes citizenship as an integral element of the constitutional system of the country. Constitutional legal foundations are the foundation that allows the institution of citizenship to obtain solid, progressive development. The Law of the Republic of Azerbaijan “On Citizenship of the Republic of Azerbaijan”, adopted on September 30, 1998, became an important step towards improving the right to citizenship, which provided a clear definition of the grounds for the acquisition and loss of citizenship. However, an analysis of law enforcement practice shows that issues requiring effective solutions in ensuring the legal regulation of relations between the state and the individual still remain, in particular, a simplified procedure for obtaining citizenship, dual citizenship, renunciation of citizenship, diplomatic protection, etc. issues.

The need to carry out a comprehensive scientific research is also manifested in the fact that state bodies implementing the citizenship legislation rarely apply to international treaties in their activities. In fact, the application of the norms of international law along with national legislation should not be uncommon. Although the practice of using international legal norms in the RA is expanding, it is necessary to agree with him that law enforcement bodies tend to consider issues without taking into account the provisions of international treaties, that is, on the basis of national legislation. There are a number of objective reasons for the formation of such a negative practice. Among the objective reasons, first of all, it should be noted that our Republic has not supported broader international legal acts on citizenship issues. At the same time, the issues of applying existing, i.e. approved international legal acts have not been explained in detail.

Thus, the need for a comprehensive study of the right to citizenship in the RA, the implementation of international legal norms adopted in this area into national legislation, revealing contradictions in the legislative acts in force on citizenship issues, making proposals for further development of citizenship rights, etc. it

is among the important issues that indicate the relevance of the selected research work.

Degree of scientific elaboration of the topic. In the dissertation, a number of domestic legal scientists conducting research in these and close areas – A.I.Aliyev, A.I.Askerov, A.Q.Mammadov, L.H.Huseynov, R.F.Mammadov, Sh.I.Aliyev, T.I.Huseynov, Z.A.Askerov, A.I.Mustafayeva, E.T.Suleymanova, I.M.Rahimov, M.N.Aliyev, R.R.Ismayilov, V.N.Agayeva, S.S.Aliye, etc. Foreign scientists, Russian: M.M.Avakov, A.B.Aksenov, Y.A.Ataniyazova, A.V.Belov, Y.R.Boyare, T.A.Vasilyeva, A.M.Mitskevich, İ.V.Rachkov, V.V.Svinarev, E.S.Smirnova, V.Y.Boytsov, N.V.Vitruk, L.D.Voyevodin, V.M.Hessen, A.A.Golovko, V.V.Kalinin, S.S.Kishkin, S.A.Komarov, R.I.Kulik, O.E.Kutafin, V.F.Mironov, E.A.Nexay, V.V.Polyanski, V.M.Safronov, V.Shevtsov, etc. Western and American scientists: P.Magnet, A.Kesby, T.Sh.Abebe, D.Akavi, P.Weis, L.Hettis, L.Oppenheim, A.Ferdross, T.Hammar, U.Q.Hill, LD.Fridman, A.Shayo, I.Izenzee, P.Kirhoff, P.Kloze, S.Castles, A.Davidson, N.Stokes- DuPass, R.Fruja, A.Osler, H.Starky, P.Tambakaki, J.Demaine, H.Entvistle, S.Panser, L.Nauta, A.Mische, S.Veissbrot, P.J.Spiro, E.Rhoda and other researchers.

A number of special studies in this direction are also found in the legal literature of Azerbaijan. However, these studies are devoted exclusively to an extensive analysis of the national legislation on citizenship from the point of view of constitutional law⁴, then the interaction of citizenship issues with international law⁵ and any problems related to citizenship⁶. In the present study, the problem was analyzed from a completely different direction, to be more

⁴ Ismayilov R. R. Institute of citizenship of the Republic of Azerbaijan. School supplies. Baku: publishing house of Baku University, 2004, p.90 (in Russian).

⁵ Aliyev S.S. Legislation on citizenship of the Republic of Azerbaijan and international law. Author's abstract of the dissertation for the degree of Doctor of Philosophy in Law. Baku: 2009, 24 p (in Azerbaijani).

⁶ Agayeva V.N. Diplomatic defense in modern international law. Author's abstract of the dissertation for the degree of Doctor of Philosophy in Law. Baku: 2015, 32 p (in Azerbaijani).

precise, from the perspective of citizenship law as an important human right.

Object and subject of research. The object of the study is public relations arising in the international and interstate legal sphere on the regulation of the right to citizenship. The subject of the study is international legal acts in the field of citizenship law, decisions and resolutions of international organizations, decisions of international judicial bodies, customary norms, legislation of various states and legal norms enshrined in the RA legislation.

Goals and objectives of the study. The purpose of the study consists in a systematic and comprehensive study of the most pressing and controversial issues of international legal regulation of the law of citizenship in the theory and practice of international law, the formation of theoretical provisions and practical recommendations aimed at the further development of the theory and international law practices in this area of interstate cooperation, including At the same time, the purpose of the dissertation research is to study the legal foundations of the right to citizenship in the RA, to assess the effectiveness of existing legal mechanisms for regulating issues of citizenship and, in this way, to develop practical recommendations aimed at improving legislation regulating relations related to the further development of the right to citizenship.

In order to achieve the mentioned objectives, **the following tasks** were defined in the study:

- justification of the historical and social conditions of the formation of the right to citizenship and the definition of the concept of citizenship;
- disclosure of the content of the right to citizenship and provision of general characteristics;
- analysis of the political and legal nature of the right to citizenship by the norms of international law, which regulates various issues of citizenship ; ;
- analysis of the main features of EU citizenship and presentation of their new conceptual features;
- to identify the most acute and frequent problems of citizenship, which is the object of regulation of international law;

- determination of the causes of the phenomenon of dual citizenship, assessment of its positive and negative characteristics;
- analysis of problems related to the protection of stateless persons ; ;
- to reveal theoretical and practical problems related to ensuring the right of citizens to diplomatic protection;
- investigation of problems related to formation of citizenship rights in the Republic of Azerbaijan at different stages of historical development ; ;
- To carry out a detailed analysis of the international legal, constitutional-legal and Human Rights bases of the Institute of RA citizenship;
- comparative - legal analysis of citizenship institute with the RA and other states;
- to identify gaps and contradictions in legal regulation of citizenship issues in the RA based on comprehensive analysis of international law and legislation of the RA;
- To propose legal solutions to eliminate the existing problems of the right to citizenship in the RA.

Research methods. The methodological basis of the research work is the principles and categories of dialectics. General scientific, including other methods, were widely used in the dissertation. For example, historical-legal, comparative-legal, formal-logical, concrete-sociological, etc.

Scientific novelty of the study. The scientific novelty of the study is due to the fact that in the dissertation, an attempt is made to develop, apply international standards in the sphere of citizenship law, which characterizes its importance in international law in modern times, and a complex and comprehensive study of topical problems in this direction. Later, in the dissertation, a number of initiatives are put forward aimed at increasing the effectiveness of the right to citizenship and eliminating the causes of international disputes in this area. Finally, for the first time at the dissertation level, a complex scientific study was carried out on the development of the right to citizenship in the AR under the influence of

international legal norms, improving the practice of existing legislation and law enforcement.

Main provisions put on defense. In the dissertation, the following new scientific provisions expressing the scientific novelty of the study are submitted to the defense:

1. The essence of the "right to citizenship" is directly related to the definition of the concept of "citizenship". "Citizenship" is broader than the concept of "the right to citizenship" and at the same time includes social, political, moral and psychological aspects. In this case, if in the legal quality citizenship forms the relationship between the state and the person, then in the social aspect citizenship embodies, first of all, the relationship of the person with society, which creates the state and is presented in the form of a people (nation). Citizenship is not only legal, but also political-legal relationship of a person with the state. This is due to the high political potential of citizenship. The point is that only citizens have the opportunity to participate in the exercise of political power, and only citizens are affected by the political power of the state in full. The mentioned features related to "citizenship" are reflected in the content of the "right to citizenship" and are reflected in important international documents.

2. International law has made a significant contribution to the assessment and development of the institution of citizenship as a product of intra-state law and as a solid legal link connecting identity with the state. International law reveals a number of mutual rights and obligations of the state and the individual, and also emphasizes the inadmissibility of linking the right to citizenship with the ethnic origin of the individual. The goal here is to avoid discrimination among people according to the criterion of citizenship and, as a result, to ensure human rights and freedoms.

3. Based on the analysis of various approaches to citizenship law, its content as an independent inter-sectoral institution of law was clarified and it was determined that this institute seriously uses the norms of constitutional law, international law, human rights and other branches of law. It is in the unity of these areas that the main essence of the right to citizenship can be defined and developed.

4. International law significantly affects the content of citizenship, that is, establishes the standards of the state's treatment of its citizens. The influence of international law on the content of citizenship is manifested in two forms: in the first case, international legal acts directly determine the rights and obligations of individuals, i.e., those international legal norms are addressed directly to individuals, and in the second case, international treaties oblige states to adapt their legislation to the provisions of those international legal acts. Accordingly, the first form of influence can be defined as a direct settlement of the relevant relations, and the second form is of great importance as the unification of national citizenship legislation implemented with the help of international treaties. Both cases are closely interconnected and should be considered jointly.

5. International law has a fundamental impact on the formation of the basic principles of legal regulation of citizenship, among them the right to acquire citizenship, the Prohibition of arbitrary deprivation of citizenship, etc. especially it should be noted. These general principles are aimed at rapprochement of national legal systems in matters of citizenship, they also act as a binding tool between international law and interstate law in matters related to the criterion of the legality of Interstate acts on citizenship and Citizenship Law. These principles have been enshrined and developed in important international treaties on human rights, including the regulation of citizenship issues.

6. The right to diplomatic protection, which is one of the urgent problems of the right to citizenship in modern international law, can act as both the right and duty of the state in relation to citizens. From this point of view, the legal nature of diplomatic protection can be assessed in two aspects: first, from the point of view of state law-here the state can implement diplomatic protection both for its citizens and other non-citizens (refugees, apatrids; secondly, from the point of view of the duty of the state-here the state is obliged to protect its citizens, including dual citizens, who have a political and legal relationship with it. As for refugees or apatrids, since they do not have a political-legal relationship with the relevant state, the state may make changes to national legislation or take international

obligations to protect these categories of persons. Since the principle of respect for human rights and fundamental freedoms, acting as one of the basic principles of international law, determines the obligation to ensure the human rights of all persons located in the territory of the state, it is necessary to reflect in international treaties (in the form of additional protocols to international treaties) the norms of international law on diplomatic protection. The principle of respect for human rights and fundamental freedoms is based on general system of provisions that suggest the fulfillment of obligations for all states.

7. The citizenship of the EU has an international legal nature which is expressed in preserving subsidiary nature of the EU citizenship in relation to the national citizenship of the EU member states. Moreover, the analysis of EU citizenship gives grounds to assert that EU citizens do not have any obligations to the EU. In our opinion, this issue should not create an impression contrary to the classic idea of citizenship, since citizenship does not give individuals not only rights, but also requires a responsible attitude from them to the counterparties of the relevant legal relationship. It can be argued that this legal structure provides additional rights to citizens of member states in comparison with national citizenship, which, in turn, not only provides an opportunity to expand the legal guarantees of individuals, but also an initiative aimed at the development of the idea of "European solidarity and identity". This does not contradict the concept of "right to citizenship", but is aimed at further development and provision of relations in this regard.

8. In order to give a detailed idea of the right to citizenship existing in our Republic in the modern period, its formation, legal basis, first of all, it is necessary to consider the history of its formation. In different historical periods, Azerbaijan did not have the right to citizenship in the modern sense of the word. The main legal document of the Azerbaijan Democratic Republic and the declaration of independence with the status of constitutional act reflected the issues such as ensuring civil and political rights of citizens, equality of rights of everyone. Despite its existence for about two years, the law on the citizenship of Azerbaijan was adopted in the period of the

Azerbaijan Democratic Republic, specifically dated August 11, 1919, for the first time in the history of Azerbaijan, establishing such concepts as “citizenship of Azerbaijan”, “citizen of Azerbaijan” at the normative legal level, created the legal basis of the right to citizenship. Already in the period of the Azerbaijan Democratic Republic, the concept of “citizenship of Azerbaijan” was used in official documents. The above - mentioned reaffirms the historical and important nature of the concept of” right to citizenship" for our state.

9. The legal basis of the right to citizenship in our Republic is, first of all, the Constitution of the Republic of Azerbaijan. The RA Constitution provides an understanding of the right to citizenship, provides the right to citizenship, and also provides a wide range of opportunities for the realization and protection of citizens ' rights. In this regard, the RA Constitution is one of the rare constitutions that comprehensively defines this right at the highest level of law and creates legal grounds for its implementation. Along with the RA Constitution, the adoption of a separate normative legal act, the law of RA “On Citizenship of the Republic of Azerbaijan” dated September 30, 1998, indicates that the right to citizenship in our Republic is given special importance and is always in the center of RA attention.

10. One important issue should be especially noted in the issue of the impact of international legal norms on citizenship on the legislation of AR. We are talking about the conflict between the norms of international law and national law in the issue of losing citizenship. Specific cases of loss of citizenship are listed after changes made to the Law” On Citizenship of the Republic of Azerbaijan " (Law dated December 04, 2015). However, these circumstances do not correspond to the 1961 Convention On the Reduction of Statelessness, which the RA has joined, specifically, Articles 8.1 and 9 of the Convention. True, after the last amendments to the Constitution of the Republic of Azerbaijan (September 26, 2016), this issue has also been fixed in the Constitution, but given the fact that during the amendments to the law there is a norm in the Constitution of the Republic of Azerbaijan “in no case can be

deprived of citizenship of the Republic of Azerbaijan”. We believe that a citizen can not be deprived of citizenship, regardless of what kind of crime he committed, he can be brought to criminal liability and punished only for the crime he committed. From this point of view, it can be argued that the norms of international law are not properly applied in national legislation. However, this circumstance makes it necessary to make amendments into the current legislation.

It ought to be noted that the theoretical and practical significance of the study is provided by the fundamental international law approach to the study of citizenship law. The theoretical analysis of the problems that make up the subject of the dissertation research is based on a scientific study of issues of international legal regulation of citizenship, taking into account the modern level of development of international law and interstate cooperation in this sphere. The theoretical provisions summarized in the dissertation can also be used for further research of the problems of international law of cooperation on citizenship issues. Finally, the materials of the dissertation include international public and private law, human rights, constitutional law, administrative law, legal regulation of issues of migration and citizenship, etc.

Approbation and application. A number of issues related to important aspects of the dissertation were published in journals and international conference materials published in the RA and abroad.

The name of the organization in which the dissertation was performed. The dissertation was performed at the UNESCO Chair of “Human Rights and Information Law” of the Law faculty of the Baku State University.

Structure of the dissertation. The dissertation consists of introduction, 10 chapters uniting 3 paragraphs, conclusion and a list of used literature.

MAIN CONTENT OF THE RESEARCH

The introductory part of the research substantiates the relevance of the topic, explains the degree of scientific elaboration, object and subject, goals and objectives, scientific novelty of the work,

new scientific provisions and practical significance, approbation of research results and structure of research.

The first chapter is called "The Essence and Legal Nature of the Right to Citizenship" and consists of three paragraphs.

The first paragraph examines issues related to the formation, essence and specific features of the right to citizenship.

An analysis of the scientific literature and legislation on citizenship law shows that there are several scientific approaches to explaining the essence of this concept. The first of them (Paul Magnette, Alison Kesby, P.Klose) defines citizenship as a special legal or political-legal relationship between the state and the person. Within the framework of this approach, in one case, the content of such a legal relationship of the person with the state corresponds to the totality of the rights and obligations of the person established by the state, in the other case, to the existence of mutual rights and obligations, in other words, citizenship is attributed to the legal status of the person in It should be especially noted at this time that the current legal relationship between the state and an individual is also the primary and main condition for the emergence of mutual rights and obligations. According to the second widespread approach to citizenship (Stephen Castles, Alastair Davidson, Nicole Stoks-DuPass, Ramona Fruja), citizenship is defined as the identity of a person as state. Within the framework of the third scientific direction, scientists (Audrey Osler, Hugu Starki, Paulina Tambakaki) recognize the existence of a certain legal status of a person as the main characteristic of citizenship. The fourth direction (Mark D.Vitaker, Andy Scarry) combines" state identity of a person "with"constant contact", which gives priority to the criterion of" identity".

Citizenship is the basis for determining the legal status of a person, an essential condition for the determination of the complex of his rights and obligations within any state, as well as in international society. This is of fundamental importance not only for the study of the legal status of a person, but also for the development of new mechanisms for solving the problems of bringing the domestic legislation of states to compliance with international law norms on the institution of citizenship. Citizenship, first of all, is a solid

political and legal relationship between an individual and the state, which serves citizens as a prerequisite for the influence of State independence.

Until the middle of the twentieth century, the institution of citizenship was regulated purely by the norms of national law, but later, with international cooperation, international law began to seriously influence the content of citizenship and the protection of human rights, and finally, it began to regulate the main elements in this area. This process is currently developing in the direction of the Primacy of international law.

Thus, citizenship should be recognized as a person's belonging to the state, such belonging manifests itself in a stable legal relationship, and the person acquires the rights, which are enshrined in the Constitution and laws of the state and corresponding to international law, enjoys freedoms, carries out duties, and is also provided with appropriate protection within and outside the state.

The second paragraph examines the issues related to theoretical and legal approaches to determining the right to citizenship.

It is considered more expedient to approach citizenship as a practical institution, consisting of an understanding of its acquisition, loss and the totality of other issues arising in this process. In other words, it is wrong to look at citizenship, only from the direction of its acquisition or settlement of the rights and obligations of a citizen. In this regard, in modern times, taking into account changes in the content and essence of the concept of citizenship in the context of globalization, it would be important to give a more accurate understanding of this term, especially by analyzing existing ideas and approaches in this direction in scientific literature.

According to most scientists who conducted research on citizenship issues in international law, "citizenship" is the personal relationship of one or another person, which allows him to identify with all elements of the country's legal and political system⁷.

⁷ Donner Ruth. *The Regulation of Nationality in International Law*. Transnational Publishers, 1994, 433 p.

According to the doctrine of classical orientation, three components are necessary for the existence of the state: territorial, population and government⁸, and citizenship is a matter of determining national identity, at which time the nation includes the totality of people who form the basis of a national state. T.N.Marshall defines three elements of citizenship: civil, political and social. The first element, according to the author, refers to the rights necessary for individual freedom. The element of politics gives a person the right to participate in the exercise of political power as a member of a body in which political power is granted, or selectively. The third element covers such issues as the standard of living, the right to education, the right to health⁹.

Thus, citizenship is a stable political-legal relationship between an individual and a state, which is expressed in mutual rights and responsibilities. This approach to the appointment of citizenship is also used in the legislation of most states. The political-legal relations expressed here, by complementing each other, constitute the main content of the right to citizenship and are further strengthened by the definition of important international documents.

In the third paragraph, issues of the international legal foundations of the regulation of the right to citizenship are studied.

Due to the fact that the right to citizenship, on the one hand, is one of the most important institutions of constitutional law and human rights, issues of citizenship are regulated mainly by intra-state law. Citizenship is also an institution of international law, as important and fundamental issues related to citizenship are regulated not only by national law, but also by international law. In the legal literature it is rightly noted that the function of international legal norms in the regulation of citizenship issues is developing along an expanding line. In particular, the principles of legal regulation of

⁸ Savenco I. Brèves Considérations Concernant le Lien entre la Citoyenneté Nationale et la Citoyenneté Européenne/Brief Considerations Regarding the link between the National Citizenship and European Citizenship. Acta Universitatis Danubius. Juridica, Vol 2, No 1, 2006, p. 171.

⁹ Marshall, T. Citizenship and Social Class. In J. Manza, & M. Sauder, Inequality and Society. New York: 2009, p. 148.

citizenship (the right to citizenship, the inadmissibility of arbitrary deprivation of citizenship, the reduction of statelessness, etc.) international law is in line with the norms of international treaties adopted in the field of human rights protection. The norms of international law provide for the unification of separate intra-state legislative acts by principles regulating the issues of citizenship. In other words, the relevant principles form the institution of citizenship, which consists of a complex of constitutional law and international law¹⁰.

The first step towards the International Legal Regulation on citizenship was the adoption of the Convention on certain issues related to the collusion of citizenship laws of 1930. By the convention, the sovereign right of each state to determine the circle of its citizens within the framework of national legislation was recognized, and it was also established that other states respect the condition that this right is subject to current international legislation, international tradition and the general principles of the law on citizenship.

Other important international legal documents adopted in this area define the international legal basis of the right to citizenship: Universal Declaration of human rights of 1948; Convention on the reduction of statelessness in cases of 1961; Convention on the reduction of multidimensionality in cases of multiple nationality in 1963; International Covenant on Civil and political rights in 1966; European Convention on citizenship in 1997;

International law affects the formation of the basic principles of legal regulation of citizenship, and also contributes to the improvement of the national legislation of states and the rapprochement of their national legal systems. For this reason, the Convention on citizenship adopted by the Council of Europe in 1997 as an important international treaty in terms of determining common

¹⁰ Aliyev S.S. Legislation on citizenship of the Republic of Azerbaijan and international law. Author's abstract of the dissertation for the degree of Doctor of Philosophy in Law. Baku: 2009, p.6-7 (in Azerbaijani).

terms, terms and principles for the acquisition and termination of citizenship among member states plays an important role in improving the legislation of the respective states.

The second chapter is titled "Actual Problems of the Right to Citizenship in the Context of Globalization" and consists of four paragraphs.

In the first paragraph, the problem of binary and multi-partnership is studied.

Territorial changes and migration should be noted as the main reasons for the emergence of dual citizenship. Another major reason for the emergence of dual citizenship in the modern world is the presence of disagreements in the legislation of various states regarding the acquisition and loss of citizenship. In this regard, two principles are applied in the legislation of different states: "law of blood" (ius sanquini) and "law of land" (ius soli).

The dissertation proposes to include in the legislation of states provisions on the regulation of dual (multiple) citizenship issues. This, in particular, along with ensuring human rights, will serve the fulfillment of obligations to the state in which each person is stateless, and, finally, legal regulation of issues related to diplomatic protection.

When addressing the issue of dual citizenship recognition, it is important to pay attention to the optimal balancing of the positive and negative sides of the institution of dual citizenship under the appropriate conditions. In other words, it is possible to jointly regulate all existing difficulties related to citizenship and eliminate harmful consequences. In this context, it is necessary to encourage effective measures to be taken so that the problem can be solved effectively and to achieve the creation of a single legal framework that regulates the institution of dual (multi) citizenship at a later stage.

At the same time, in order to create such a legal framework governing the institution of dual (multiple) citizenship, it is necessary, first of all, to have a policy, coordinated and purposeful by the majority of states, based on a single universal worldview, moral values and moral principles. It is also necessary to try to bring

the existing legal systems of the states in this area closer to the maximum level. It should be noted that in practice we are witnessing an increasing number of individuals who are citizens of several states. As we mentioned above, most states either allow or formally promote dual (multiple) citizenship and successfully solve problems in this area. In short, it should be considered the right way to find a legal solution to this problem based on the expansion of human rights and freedoms. And this makes the adoption of a number of international documents relevant in this direction.

The second paragraph examines issues related to the problem of legal protection of stateless persons.

Based on the reasons for the occurrence of statelessness, two types are identified: "absolute" and "relative" apatriism. Absolute statelessness arises on maternity leave. Relative apatriism is a consequence of the loss of citizenship. " De jure "and" de facto " statelessness are also distinguished. Refugees are stateless persons who are" de facto "unless they recognize them as" de jure " stateless persons.

States usually eliminate the current status of statelessness by applying the following rules: to grant stateless persons the right to citizenship; to refuse to withdraw from citizenship; to adopt laws of a general or special nature aimed at eliminating statelessness.

The main international legal documents on the reduction of statelessness are the Convention on the status of stateless persons of 1954 and the Convention on the reduction of statelessness of 1961.

It is noted in the dissertation that for the full use of all rights and freedoms, real initiatives aimed at reducing statelessness by states through the conclusion of international agreements should be shown, because this problem goes beyond the scope of one state, has the aspect of international law, and finally creates additional problems and difficulties in ensuring human rights.

At present, a new international legal obligation of states is being formed in relation to the institution of citizenship - in the case of legal succession of states, not to keep individuals in the status of stateless persons under any circumstances. The discussions held in the Sixth Committee of the UN General Assembly in 2006 on

“citizenship issues in the case of the right succession of states”, as well as the experience gained within the Council of Europe stipulate the adoption of a new international convention in this sphere on a universal level.

The third paragraph examines issues related to ensuring the right of citizens to diplomatic protection.

Issues related to diplomatic protection occupy an important place in ensuring the rights of foreigners and stateless persons. From this point of view, the principle of diplomatic protection by the state in which foreigners are stateless should be emphasized as an important principle regulating the legal status of foreigners. Diplomatic protection has already been defined as a basic principle of international law.

The right to diplomatic protection is directly based on state sovereignty. This right is manifested in the concept of citizenship, based on a legal relationship between an individual and the state. The right to diplomatic protection is usually realized when a person is outside his / her state border. The main thing here is when and how diplomatic defense can be implemented. Any state, if any of its citizens has suffered damage to its identity or property abroad, may exercise its right to diplomatic protection. In this case, the right to defense may be realized regardless of whether that damage was caused by the relevant state or its official.

Later in the dissertation, classical, modern (objective) and mixed scientific concepts on diplomatic defense in the international legal literature are analyzed.

In general, the implementation of diplomatic protection is regulated mainly by the norms of international customary law. At the same time, it should be noted that the adoption of a universal document based on the draft articles on Diplomatic Protection developed by the UN International Law Commission in 2006 will allow codification and progressive development in the international legal regulation of the institution of citizenship. And this should be highly appreciated through the prism of the development of the right to citizenship and Human Rights.

The fourth paragraph examines issues related to the legal regulation of citizenship problems in the EU.

One of the specific features of a single pan-European citizenship is its potentially dynamic nature. In order to better understand the true nature and essence of common European citizenship, the content and features of the rights granted to an EU citizen should be noted. Thus, every citizen of the EU has the following rights: to move freely throughout the EU and live there unhindered; to participate in elections as a voter and to nominate his candidate for municipal and European elections in the country of residence; Outside the EU, use the protection of diplomatic missions and consular missions of any EU member country; apply to the European Parliament with petitions and complaints in compliance with established procedures.

The EU Charter on fundamental rights dated December 7, 2000 complements the rights of Union citizens and, as a continuation of the rights listed above, declares the following rights: the right to good governance, guided by the case law of the European Union; the right to access the documents of the European Parliament, Council and commission.

Thus, the activity on the establishment of common European citizenship is mainly aimed at further accelerating integration processes within Europe. The true meaning of the provisions of the Maastricht Treaty on EU citizenship today is not directly related to the realization of their content, but to the future perspective.

Summing up what is mentioned in this paragraph in the dissertation, it is concluded that EU citizenship has an international legal nature which is expressed in maintaining the subsidy nature of Union citizenship in relation to the national citizenship of the EU member states. Moreover, the analysis of EU citizenship gives grounds to assert that EU citizens do not have any duties to the Union, which creates an impression contrary to the classical approach to citizenship, that is, citizenship requires both granting rights and performing duties. It can be argued that this legal concept, in comparison with national citizenship, provides citizens of member states with some additional rights, which makes it possible to expand the legal guarantees of the rights and freedoms of these persons. As a

result, it does not contradict the classical approach to citizenship, existing theories in this area, the general principles of law and Human Rights, and, finally, important international norms.

The third chapter is titled "Problems of the Development of the Right to Citizenship in the Republic of Azerbaijan" and includes three paragraphs.

The first paragraph examines issues related to the formation and main features of the right to citizenship in the legal system of AR.

In the dissertation, first of all, the primary and main features of the institution of citizenship in the territory of Azerbaijan in the ancient and Middle Ages are analyzed extensively and consistently.

One of the most significant events in the history of Azerbaijan from the point of view of the formation of the right to citizenship was the adoption of the law "on citizenship of Azerbaijan" by the Parliament of the Azerbaijan Democratic Republic on August 11, 1919. The Azerbaijan Democratic Republic provided political rights and the right to citizenship to all citizens living within its borders, regardless of nationality, religion, class, age and gender.

The first Constitution of the USSR, adopted in 1924, enshrined the concept of unified Union citizenship (citizenship of the USSR), jointly with the citizenship of the Union republics included in the USSR. In the years of the Azerbaijan SSR(1921, 1925, 1927, 1937, 1978) although the adopted constitutions indicated the rights and freedoms of citizens in various fields, but the lack of State independence led to the fact that some important issues related to citizenship were not resolved independently.

After the collapse of the USSR, a new history of legal regulation of citizenship issues began in Azerbaijan. In modern times, specific laws and other normative legal acts regulating issues of citizenship, acquisition, loss of citizenship, dual citizenship, statelessness and other cases have been adopted in our republic. The main characteristic feature of the legislation adopted on citizenship is its establishment on the basis of respect for international law, which is that the main goal of our state is to protect human rights and freedoms.

The second paragraph examines issues related to the problems of developing the right to citizenship in the legislation of the Republic of Azerbaijan.

The legislative system related to citizenship of the Republic of Azerbaijan is constituted by the Constitution of the Republic of Azerbaijan, laws, international treaties and other normative legal acts. First of all, in 1995, Article 52 of the Constitution of the Republic of Azerbaijan adopted by popular vote (referendum) provides for the definition of citizenship of the Republic of Azerbaijan. The law of the Republic of Azerbaijan “on citizenship of the Republic of Azerbaijan” dated September 30, 1998, which regulates the issues of citizenship in the Republic of Azerbaijan and is a special legislative act, covers the main issues related to citizenship-the principles regulating citizenship, the circle of citizens of the Republic of Azerbaijan, the rules for obtaining, termination, restoration of citizenship, etc. it reflects issues extensively.

The RA legislation does not accept dual citizenship. The law on citizenship of the Republic of Azerbaijan states that if a person who is a citizen of the Republic of Azerbaijan has dual citizenship (along with RA citizenship, is a citizen of another state (state)), the belonging of that person to the citizenship of a foreign state is not recognized except for cases stipulated by international treaties of the Republic of Azerbaijan or settled in accordance with paragraph 109 of Article 32 of the Constitution of the Republic of Azerbaijan.

The main features characterizing the essence of the right to citizenship in the legislation of the Republic are: presence of political-legal relationship between a citizen and the state; observance of balance in the content of legal relations, i.e., non-violation of the balance between freedom of Will and substantive intervention of the state; constant formalization of legal relations; continuous, regular and; the fact that these relations can be stopped at the request of a citizen or on legal grounds.

In addition, in the dissertation, in connection with the more effective legal regulation of the Institute of citizenship in accordance with the requirements of the modern era, the presence of certain shortcomings in the relevant legislation of the Republic of

Azerbaijan is considered expedient from the point of view of the development of the right to citizenship as a whole.

The third paragraph examines issues related to the impact of international legal norms on the development of citizenship law in the RA.

As in other areas, the norms of international law play an important and decisive role in the formation of national (internal) citizenship legislation.

All international treaties in the sphere of human rights define provisions on the performance of obligations of the states to which they are its participants. During the implementation of these provisions, the RA was able to ensure interaction using various methods. In this regard, the provisions of Articles 10, 12, 148 and 151 of the Constitution of the Republic of Azerbaijan should be especially noted. The expression “the rights and freedoms of Man and citizen listed in the present Constitution shall be applied in accordance with the international treaties to which AR is a party”, expressed in Part 12 of Article 2 of the Constitution of the Republic of Azerbaijan, has a special weight in relation to international law and in ensuring human rights, as well as in Article 151 of the Constitution also established the legal basis for resolving the collusion between the norms of international treaties and national legislation.

Recognition of the primacy of international law governing citizenship issues over intra-state law implies improvement of this sphere and application of complex regulation mechanisms. This process is carried out both at the stage of normalizing and at the stage of law enforcement.

It is noted in the dissertation that the internal state implementation of international law in the field of citizenship issues should be constantly improved. This process should be carried out both at the normative-legal and institutional level. First of all, all adopted normative legal acts should be fully reflected in the spirit of human rights and freedoms. Protection of citizens ' rights should be a priority issue in the activities of every state body. For this purpose, relevant changes should be made in the Constituent acts of state

bodies, where all spheres of protection of human and civil rights and freedoms should be fully covered. These facts are directly related to new trends emerging in the international community and envisaging rapprochement of the laws of the states.

In the **Conclusion** of the dissertation, important suggestions and conclusions obtained in connection with the study can be formulated in general as follows:

1. Citizenship is a special political and legal situation of a person, which forms a common, continuous and strong relationship between him and the state, as a result of which a person gets the opportunity to enjoy all the rights and freedoms determined by international and national law, and also carries certain duties. In addition to the right to intra-state citizenship, there is also an international legal institution of citizenship, the norms of which have priority in comparison with the norms of intra-state law. An important point here is that the human rights factor plays a key role in the regulation of citizenship issues.

2. The dissertation proposes to include provisions on the regulation of issues of dual citizenship in the legislation of states. This, in particular, along with ensuring human rights, will serve the fulfillment of obligations to the state in which each person is stateless, and, finally, legal regulation of issues related to diplomatic protection. It should also be considered necessary to sign international agreements on transition from regulation to regional and universal regulation within the framework of bilateral cooperation in this area. At the same time, the factor of development of civil-state relations with new trends should be noted as an important basis.

3. For the full use of all rights and freedoms, real initiatives aimed at reducing statelessness by states through the conclusion of international treaties should be shown, as this problem goes beyond the scope of one state, has the aspect of international law and, finally, creates additional problems and difficulties in ensuring human rights. Thus, statelessness in general is the lack of the right to citizenship, which is a particularly important human right.

4. The realization of international legal norms in the field of human rights, specifically international legal norms regulating issues of citizenship, is carried out, as a rule, through intra-state law. In general, a comprehensive approach to international and intra-state legal norms should be taken into account when regulating citizenship issues, and as a result, the Primacy of international legal norms should be ensured. The reward which is given to him who announces these joyful tidings.

5. The internal implementation of international legal norms in the field of citizenship should be constantly improved by conducting both at normative-legal and institutional levels, all adopted normative legal acts should be fully reflected in the spirit of human rights and freedoms, and finally, the creation of effective and flexible additional national mechanisms for the protection of human rights and freedoms in the the establishment must also be carried out.

6. Constitutionally defined provision of human rights and freedoms, including a decent standard of living, the RA Constitution and national legislation are based on the principle of respect for international legal norms. The RA is a member of important international organizations, as well as a participant of sufficient international human rights agreements. Such a serious attitude of the RA to international law in the general sense determines and justifies the further improvement of national legislation in this area. Finally, it also suggests further expansion of international activity in this area before our state (membership in new international organizations, accession to other international documents, application of international judicial practice).

7. A comparative analysis of the historical, theoretical, international and national-legal foundations of the right to citizenship necessitates further improvement of the legislation of the Republic of Azerbaijan in a number of important areas. These cases should include relations related to the loss of citizenship, reduction of statelessness and diplomatic protection. At the same time, the possibilities of regulation and application of relations on dual (multiple) citizenship should be considered in the future. This is the reward of those who purify themselves (by abstaining from

8. The application of international judicial precedents (especially the European Court of Human Rights), including decisions of international organizations and Human Rights Committees in the practice of AR, can make a significant contribution to the regulation of relations on citizenship and lead to further improvement of judicial practice. In this area, it should be considered necessary to study in detail the experience of developed countries, and finally to carry out improvements in the relevant directions of Law-application.

The main provisions of the dissertation are reflected in the following scientific works of the applicant:

1. The essence and features of the law on citizenship // materials of the international scientific-practical Conference "main trends in the development of legal Science and education in the Republic of Azerbaijan in modern times" dedicated to the 94th anniversary of the national leader of the Azerbaijani people Heydar Aliyev:-June 1-2, - 2017, - p.51-56 (in Azerbaijani).

2. Theoretical and legal approaches to the definition of citizenship // materials of the international scientific-practical conference "modern trends in the development and direction of legal Science in Azerbaijan" dedicated to the 90th anniversary of M.N.Alasgarov-Baku: - 02-03 October, - 2018, - p.235-238 (in Azerbaijani).

3. Ensuring diplomatic protection of citizens / / - Kiev: legal bulletin: bait and space law, - 2019. # 2 (51), p.51 – 58 (in Russian).

4. Formation and current status of civil rights in the legal system of the Republic of Azerbaijan // - Baku: Azerbaijan Law Journal, - 2019. No. 3, - p. 16-29 (in Azerbaijani).

5. Problems of protection of stateless persons / / materials of the international scientific-practical conference "jurisprudence in the modern information space", Vol. 2, - Kiev: - 01 February-2019, - p.196-199 (in Russian).

6. Theoretical problems of determining citizenship / / materials of the international scientific-practical conference" jurisprudence in

the modern information space", Vol.1, - Kiev: - February 01, 2020, - p.174-177 (in Russian).

7. International normative legal basis of the Institute of citizenship // - Baku: Azerbaijan Law Journal, - 2020. # 3, - p. 248-256 (in Azerbaijani).

8. The problem of dual (or multiple) citizenship in international law and its solutions // - Baku: International law and integration problems, - 2020. # 2 (60), p.53 – 60.

9. The impact of international legal norms on the development of the right to citizenship in the Republic of Azerbaijan / / - Baku: Azerbaijan Law Journal, - 2021. # 1, - p. 79-87 (in Azerbaijani).

10. Legal regulation of citizenship problems in the European Union / - Baku: scientific-theoretical, practical Journal "Transport law" - 2021. # 1, p. 217-226 (in Azerbaijani).

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The dissertation is accessible at the Baku State University Library.

Electronic versions of the dissertation and its abstract are available on the official website of the Baku State University.

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