

пичная форма занятости определяется как тип трудовых отношений, характеризующийся многообразием форм заключения трудовой сделки по ее условиям (срок, продолжительность рабочего времени, нормативное оформление), расположению рабочего места и типу работодателя [2, с. 8].

На наш взгляд, данное определение является не совсем корректным. Представляется, что в определении нетипичной занятости целесообразно сделать акцент на критериях отграничения нетипичных форм занятости от стандартных, традиционных форм, а также учесть общие признаки занятости, обозначенные нами ранее. Кроме того, некорректным представляется использование термина «трудовая сделка» при обозначении трудовых и связанных с ними отношений. С учетом изложенного, полагаем возможным сформулировать следующее определение данного термина: нетипичная занятость — это не запрещенная законодательством, приносящая доход деятельность, связанная с удовлетворением личных и общественных потребностей, основанная на трудовом договоре, содержащем особенности в части отдельных условий ее осуществления (срок, продолжительность рабочего времени, расположение рабочего места и иных условий).

Заключение. На основании проведенного исследования понятия и признаков нетипичной занятости можно сделать следующие выводы:

1) главными критериями отграничения нетипичных форм занятости от традиционных являются наличие особых признаков трудовых и связанных с ними отношений, а также отсутствие некоторых из этих существенных признаков, характерных для трудовых отношений, в рамках нетипичных форм занятости;

2) под нетипичной занятостью следует понимать не запрещенную законодательством, приносящую доход деятельность, связанную с удовлетворением личных и общественных потребностей, основанную на трудовом договоре, содержащем особенности в части отдельных условий ее осуществления (срок, продолжительность рабочего времени, расположение рабочего места и иных условий).

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HEYDAR ALIYEV'S REFORMS IN THE DIRECTION OF THE MODERN LEGAL SYSTEM OF THE REPUBLIC OF AZERBAIJAN

Introduction. Heydar Aliyev, the architect and founder of the state of Azerbaijan, who has done great and irreplaceable work for the independence and development of his people and state, and who influenced the historical processes related to this, is a genius that we will always be proud of and remember with pride. Heydar Aliyev is a historical personality who solves the fateful problems of the people and the state of Azerbaijan, and is also a personality who creates history.

For our country, which regained its independence in the early 90s of the last century, carrying out reforms in the direction of legal state building as a future guarantee of its independence and statehood was one of the most important factors. In parallel with the restoration of our independence, our exposure to Armenian aggression and occupation and the chaotic processes taking place inside the country kept all priorities related to statehood, including the legal state building process, in the background.

The National Leader, who laid the foundation of the development strategy, initiated a wide reform process in the legal field as the main component of that process. As much as it was important for a state that had just regained its independence to carry out legal reforms, it was equally important to adopt the Constitution, which stipulates those reforms, contains their basic principles and generally defines the future road map of the reform process. Guided by this principle, Great Leader Heydar Aliyev successfully completed the very complex and equally important process of adopting the first Constitution in the history of independent Azerbaijan in 1995 despite all the difficulties and obstacles. As one of the main factors determining the establishment of a legal state in the country, there was public opinion, will at the highest level of the state, and a road map for the implementation of legal reforms.

The main part. Although the process of reforms in the direction of building a legal state in Azerbaijan began with the adoption of our first national Constitution and the establishment of the Legal Reform Commission, some important steps were taken before that. Thus, measures to fight crime were being expanded to ensure the security

of our newly independent state, to prevent serious threats to the interests of our people, our state and our statehood. Adoption of Decree No. 181 dated August 9, 1994 by Heydar Aliyev "On measures to strengthen the fight against crime, strengthening the rule of law and the rule of law", which provides for the implementation of concrete measures in the field of strengthening the fight against all manifestations of criminality, including corruption and bribery, and its as a result of its implementation, important progress was made in the direction of restoring the rule of law and justice in the country, ensuring the safety of the population, and protecting their rights and freedoms.

At the same time, the implementation of legal reforms in the country was started by renewing the existing legislative framework based on the principles of humanism. Thus, the basis of the process of abolition of the heaviest punishment - the death penalty, which is still met with hesitation in many developed countries of the world, was laid in 1993 in our country. In the same year, National Leader Heydar Aliyev put forward the initiative to put a moratorium on the execution of the death sentence. Later, the Law No. 431-IQD dated February 10, 1998 of the Republic of Azerbaijan "On amendments and additions to the Criminal, Criminal-Procedural and Correctional-Labor Codes of the Republic of Azerbaijan in connection with the abolition of the death penalty in the Republic of Azerbaijan" was adopted. On December 11, 1998, when our country joined the Second Optional Protocol of the International Covenant on Civil and Political Rights aimed at abolishing the death penalty, this type of punishment was abolished in Azerbaijan for the first time in the East. With the initiative of Heydar Aliyev, who has humanistic views and benevolence, institutions of forgiveness such as pardon and amnesty based on law and law were restored in our country, taking into account the principles of humanism, justice and the compatibility of punishments for crimes. In 1995-2003, 32 amnesty decrees signed by him directly and 7 amnesty acts adopted by the legislative body during his presidency applied to more than 80 thousand people. Also, for the first time in the post-Soviet space, the penitentiary service, which was previously part of the Ministry of Internal Affairs, was completely subordinated to the Ministry of Justice, as part of the reforms carried out related to the system of execution of punishments.

Updating of the legislative framework left over from the Soviet era and normative legal acts that meet the requirements of the current period of social relations, including "On the protection of consumer rights", "On children's rights", "On the Constitutional Court", "On courts and judges", "On the police", the laws "On normative-legal acts", "On the regulation of the exercise of human rights and freedoms in the Republic of Azerbaijan", Constitutional laws "On the human rights commissioner (ombudsman) of the Republic of Azerbaijan", the Constitution of the Nakhchivan Autonomous Republic, as well as the currently valid basic drafts of codes and other legal acts were prepared and adopted. With the adoption of the Law of the Republic of Azerbaijan "On Courts and Judges", an improved and independent three-level judicial system was formed in our country, which is fundamentally different from the previous judicial system, aimed at efficient and effective implementation of justice.

At the same time, on July 14, 1998, the Constitutional Court of the Republic of Azerbaijan was established, the supreme constitutional justice body whose main goals are to ensure the supremacy of the Constitution of the Republic of Azerbaijan and to protect the fundamental rights and freedoms of everyone. In order to ensure the organization of the judicial system that administers justice, to select candidates for judicial positions and to form a body of judges that administer justice independently and impartially, the Judicial-Legal Council was established under the President of the Republic of Azerbaijan by Decree No. 30 of December 1, 1998 of the Great Leader and its charter Approved. With the Decree "On the improvement of the rules for selecting candidates for the position of judges in the Republic of Azerbaijan" signed by Heydar Aliyev on January 17, 2000, the selection of judges based on a transparent procedure and in accordance with international requirements, the determination of the professional training of the candidates for the position of judge and their suitability for this position, and the selection of qualified and competent persons for the position of judge the objectives of appointment were successfully achieved, for the first time in the history of our statehood, the selection of judges was started on the basis of test and interview.

Steps have also been taken regarding the institution of advocacy, which has a unique role in the justice process, and with the Law of the Republic of Azerbaijan dated December 28, 1999, "On Lawyers and Advocacy Activities", for the first time in the history of our country, advocacy was established as a completely independent institution that does not depend on any branch of government. has been identified. With this, important progress has been made in the direction of providing high-quality legal assistance to individuals and legal entities.

One of the main directions of the multifaceted legal reforms carried out by the Great Leader Heydar Aliyev was the strengthening of the protection and protection of human rights and the establishment of institutional mechanisms in this field.

National Leader Heydar Aliyev saw the progress of the independent Republic of Azerbaijan in the development of the "human criterion" and in order to increase the efficiency of the measures implemented in the field of human rights protection, with the Decree No. 832 dated June 18, 1998, the first fundamental document in the field of human rights protection in our country — Human Rights approved the State Program on its protection. On December 24, 2002, the Constitutional Law "On Regulation of the Implementation of Human Rights and Freedoms in the Republic of Azerbaijan" was adopted in order to align the implementation of human rights and freedoms in the Republic of Azerbaijan with the Convention "On the Protection of Human Rights and Fundamental Freedoms". The national strategy for human rights laid by Heydar Aliyev was consistently continued by the President of the country, Ilham Aliyev, with his decrees in 2006 and 2011, respectively, the National Action Plan for the Protection of Human Rights in the Republic of Azerbaijan and the Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan As a result of the approval of the National Action Program in the field of increasing human

rights, the process of ensuring human rights in our country has entered a qualitatively new stage. According to President Ilham Aliyev's Decree No. 2231 dated June 18, 2007, June 18 has been celebrated as Human Rights Day in the Republic of Azerbaijan. During the leadership of the National Leader, who defined the reliable protection and provision of human rights throughout the country as a priority task of the state, our country "On ensuring the rights of people belonging to national minorities", "Against torture and other cruel, inhuman or degrading treatment and punishment". It has joined numerous international documents in the field of ensuring human rights and freedoms, including the conventions "On Slavery", "On the Elimination of All Forms of Racial Discrimination", "On the Protection of Human Rights and Fundamental Freedoms".

The establishment of the institution of human rights representative of the Republic of Azerbaijan, provided for in the Constitution of which he was the author, was made possible as a result of Heydar Aliyev's initiative in this direction. In the Decree No. 678 dated February 22, 1998, signed by him "On Measures in the Field of Ensuring Human and Civil Rights and Freedoms", as well as in the "State Program for the Protection of Human Rights", approved by Decree No. 832 dated June 18, 1998 establishment of the authorized ombudsman institution of the Republic of Azerbaijan was envisaged and this institution was established on December 28, 2001 by the Constitutional Law "On the Ombudsman of the Republic of Azerbaijan on Human Rights".

Conclusion. The successful reforms carried out in the judicial system today arouse great interest in the international world, the achievements of our country in this field are highly appreciated, the innovations applied, the creation of a modern infrastructure of the courts in line with the high status of the courts, and the positive experience of Azerbaijan in the field of the application of new innovative electronic systems are set as an example to other countries. The noted achievements are a manifestation of the strong policy and advanced reforms program founded by our great leader Heydar Aliyev and successfully continued by President Ilham Aliyev.

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