



## Forms of state administration in the South Caucasus region

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### **Abstract:**

In the history of mankind, forms of government, as the most important aspect of the kingdom, have always been of great interest.

The form of government is interpreted in different ways. The most accurate of them refers to the organization of the supreme authority in the state. "In it, the attitude of government bodies is necessary, as well as their cooperation with each other and with the people."

The search for an effective form of government has always been a central issue at any stage of history. Many thinkers, lawyers and historians expressed their views on this problem.

Naturally, public involvement is very important in the management of the country. This component of state management is implemented differently, depending on the forms of government.

What is the form of government? The form of government of the state, writes Locke, is determined by who holds the supreme power. However, when speaking about the highest authority, Locke has in mind the highest legislative authority.<sup>1</sup>

In the form of government of the state, they mean the creation of the government of the state, according to its special rule and structure. Accordingly, the forms of government are also different from each other. Republican, monarchical, oligarchic, dictatorial and theocratic governments are distinguished.

**Keywords:** mankind, republican, monarchical, oligarchic, dictatorial and theocratic governments

### **Forms of state administration in the South Caucasus region**

The 1990s are characterized by a period of change in the world political map, when the former Soviet Union countries faced a completely different reality. The countries that gained freedom started moving in different directions. A very important period has come for them. In this given reality, it was the most difficult for the countries of the South Caucasus to strengthen their independence. The reason

for this was the geographical repetition known to everyone. It was very difficult for the Soviet Union to give up this region. At the moment, the attitude of the world's second giant, the USA, towards the region should also be taken into account. It was in such conditions that these countries had to develop an effective form of government and foreign policy in order to reach high levels of democratization.

Georgia, Armenia and Azerbaijan tried to overcome the problems before them and to develop the appropriate form of state government in this difficult period with different methods. It was this period that required rapid and effective policy development. Therefore, these countries are on a very difficult path of development. There are a lot of obstacles in front of them, which require the right policy.<sup>2</sup>

In 1995, Armenia adopted a new constitution that replaced the Soviet-era constitution that had been in effect since 1978. This document establishes the distribution of powers between the legislative, executive and judicial branches of government and provides for a strong executive branch. It provides for a number of basic rights and freedoms of citizens.

On December 6, 2015, a constitutional reform was implemented in Armenia on the basis of a referendum, according to which the presidential rule was changed to a parliamentary republic system. Accordingly, the power was concentrated in the hands of the Prime Minister instead of the President. The initiators of the reform claimed that their goal was to ensure more freedom, legality or democracy. All this was followed by a mixed response in the society. The opposition believed that the goal of the reform was something else and it served to preserve the power of the former president. They expressed the opinion that the president still wanted to retain power after two presidential terms. He was going to exercise this authority from the chair of the Prime Minister.

A significant period of transition in Armenia began in 2018, when mass anti-government protests yielded results and forced the ruling political elite to cede power. The new government promised to deal with the problems in the governance of the state.<sup>3</sup>

Under the current government, local governance in Armenia is no longer as politicized as it was in the past. Strengthening local governance and autonomy remains a top priority of the government. Local governments and communities need fiscal autonomy to be independent and determine their priorities based on needs.

Based on the above-mentioned problems, according to the data of Freedom House, the democracy percentage of Armenia is 32.74 / 100, and the democracy score is 2.96 / 7. This once again indicates that this country still has a long way to go to solve the mentioned problems.<sup>4</sup>

As for Azerbaijan, it gained independence from the Soviet Union in 1991. Azerbaijan is a unitary semi-presidential republic based on a political system of separation of powers between its three branches. The president is the head of the state and executive power. The prime minister heads the legislature and acts as head of government, while the judiciary is separate from the executive and legislative branches.

The president, who is elected for a five-year term, is the head of the executive branch. The President, the Prime Minister and the Cabinet of Ministers form the executive power. With the approval of the Parliament, the President appoints the Prime Minister and members of the Cabinet of Ministers. The executive power of Azerbaijan is responsible for the development and implementation of the draft

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<sup>2</sup> "South Caucasus at the geopolitical crossroads: economic integration or war" - Aladashvili. b. - Tbilisi 2010 - p. 55

<sup>3</sup> <https://freedomhouse.org/country/armenia>

<sup>4</sup> <https://freedomhouse.org/country/armenia/nations-transit/2021>

state budget, and the supervision of the implementation of state economic and social programs. After drawing up the draft of the state budget, the executive authority must submit it to the parliament for approval.

Despite minor reforms in 2019, no significant changes were made in Azerbaijan's judicial system. The president maintains firm control over the judiciary, appointing first-instance judges directly, as well as nominating appellate judges, who are then confirmed by the National Assembly.<sup>5</sup>

The European Advocacy Center for Human Rights has published a list of more than 20 lawyers in Azerbaijan who have been unjustly imprisoned, released, reprimanded or suspended for political reasons since 2005.<sup>6</sup>

The government of Azerbaijan has been criticized for human rights violations and corruption. The ruling party beat the opposition parties at the expense of majority representation in the National Assembly. Executive interference in the legislature also affected the functioning of the National Assembly.<sup>7</sup>

According to Freedom House, the percentage of democracy in Azerbaijan is 1.19/100, and the democracy score is 1.07/7.

As for Georgia, it is an independent state. Gaining its independence is connected with the referendum held on the entire territory of Georgia on March 31, 1991. It is also important to note the fact that when we mention the entire territory, we also mean the autonomous districts of Abkhazia and Ossetia. Also an official document is the Act of Restoration of Independence, which was adopted on April 9, 1991.”<sup>8</sup>

All constitutions in force in the history of Georgia and the regime based on it were characterized to a greater or lesser extent by the weakening of the role of the people as the source of government, the deformation and imbalance of the systemic relations of the highest level of state bodies, the concentration of excessive power in the center of the country, which is generally recognized by the Constitution of Georgia. It is against the established principle of separation of powers.<sup>9</sup>

In 2017, a constitutional reform was implemented in Georgia. It was preceded by a series of constitutional revisions that began in 1999, but the constitutional reform received a fundamental change only in 2017. Until now, only two times, in 2004 and 2010, some changes were made to the constitution. It is significant that the purpose of all these three constitutional changes was to improve the fundamental foundations of the new system of governance or to develop a new system within it. Everything ended in 2017, when a new form of governance of the state of Georgia, classical parliamentary governance, was established.

The final conclusion of the Venice Commission regarding the 2017 constitutional reform states: "The constitutional reform completes the process of transforming Georgia's political system into a parliamentary system and represents a positive step towards the consolidation and improvement of the

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<sup>5</sup> <https://www.kavkaz-uzel.eu/articles/333886/>

<sup>6</sup> [https://ehrac.org.uk/en\\_gb/](https://ehrac.org.uk/en_gb/)

<sup>7</sup> <https://www.worldatlas.com/articles/what-type-of-government-does-azerbaijan-have.html>

<sup>8</sup> Constitution of Georgia, Chapter One, Article 1. "State Sovereignty"

<sup>9</sup> A. Demetradze, From Presidential to Parliamentary, collection of articles, Tbilisi 2013, p.11

country's constitutional structure, based on the principles of democracy, the rule of law and the protection of basic rights".<sup>10</sup>

Government in Georgia is divided between 3 branches. These are: legislative, executive and judicial. Legislative power is exercised by the Parliament, which is a representative body. In addition to the legislative process, the Parliament determines the domestic and foreign policy of the country, and also monitors and controls the activities of the Moon in accordance with the legislation."<sup>11</sup>

Currently, the Parliament of Georgia is unicameral, but the Constitution of Georgia contains an article according to which the Parliament of Georgia will become bicameral, after it fully restores the jurisdiction of Georgia over the entire territory. The two chambers are hereinafter referred to as: the Council of the Republic and the Senate.<sup>12</sup>

The bicameral scheme of creating the parliament in the world is mainly characteristic of countries with a federal arrangement. The implementation of the bicameral system is related to the issues of territorial organization and territorial representation in the Senate. Therefore, if the entire population cannot be represented in the upper house, the essence and idea of bicameralism is lost. From this point of view, it is too early to talk about the functioning of the bicameral parliament in today's reality.

Nevertheless, the Georgian government is trying to take effective steps to solve the existing problems. In the Constitution of Georgia, we find the Law of Georgia on Occupied Territories. A state strategy for the occupied territories has also been developed.<sup>13</sup>

Thus, it can be said that the countries in the South Caucasus region face many problems. Here, we should not forget the geopolitical location of this region and foreign interests, which do not shy away from interfering in the activities of states in various ways. The reforms carried out by the countries of this region need more efficiency in order for them to achieve such a sophisticated model of governance that will become a factor promoting their development.

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<sup>10</sup> <https://gdi.ge/uploads/other/0/620.pdf>

<sup>11</sup> Constitution of Georgia, Chapter Three, Article 36-1

<sup>12</sup> Constitution of Georgia, Chapter Three, Article 37-1

<sup>13</sup> <https://matsne.gov.ge/ka/document/view/19132?publication=8>  
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