

Public Control: Problems Of Formation And Organization Of Public Control In Azerbaijan

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Abstract

A number of scientific discussions and arguments were summarized in the research. The primary purpose of the research is to study the role and significance of public control, and the current circumstance and issues related to general control in Azerbaijan. Research and systematization of scientific sources show that there are issues with public control in Azerbaijan and a number of enhancements are required. The foundation of a transparent public control mechanism in Azerbaijan is one of the state's priorities. In this sense, the relevance of the research includes the analysis of public control in Azerbaijan and the problems in this area. The research was conducted in the following sequence:

- General information about the control system has been given;
- The main structural elements of the public control process have been identified;
- Stages, principles, methods, forms, control aspects of public control have been analyzed;
- The current state of public control in Azerbaijan has been analyzed.

The theoretical and methodological basis of the research work includes the perspectives on researchers, theories, scientific articles, scientific research related to public control and its improvement.

The objects of research incorporate the mechanisms of public control, assessment of the present status of public control in Azerbaijan and the problems of organizing public control.

The research is based on scientific-theoretical approaches and empirical analysis. Research has shown empirically and theoretically that development is impossible without public control, and that the application of public control has become a necessity.

At the end of the research, conclusions and recommendations were made in accordance with the research. The consequences of the research are useful in the development of programs, projects and proposals related to public control, in research work, in overcoming the existing problems related to public control. Public control plays an important role in the successful development of public administration, increases the flexibility and efficiency of public administration. The main purpose of public control is to support the adoption of decisions in accordance with the law, improve the quality of work and management of government agencies, protection of the rights and freedoms and interests of citizens.

Keywords: control, law, principle, problem, society, state.

JEL Classification: A13, D73, H83, J18, M14.

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Introduction

In modern times, it is impossible to imagine public administration without a system of public control. The principal purpose of public control is not to punish, but to detect and eliminate existing deviations in governance and to ensure the transparent and efficient operation of government agencies. The essence of the research is to study public control and its features, the current situation with public control in Azerbaijan. The main objectives of the research include the study of the importance, goals and objectives of public control, systematization of scientific and theoretical approaches to public control, identification of ways to increase the effectiveness of public control and the study of existing problems in this area. As a result of the research, it was determined that the human resources related to public control in Azerbaijan are weak, such as the lack of public oversight councils in many local and central executive bodies, or the formal functioning of public oversight bodies within local and central executive bodies. Study and application of international experience in public control in Azerbaijan to eliminate existing problems and improve the mechanism of public control in Azerbaijan, preparation of reports on the activities of councils exercising public control, improving the activities of public oversight councils within local and central executive bodies, public control suggestions were made, such as the training of qualified personnel and regular awareness-raising on the nature, purpose and importance of public control in society.

The practical significance of the research is the study of the problems of the organization of the system of public control and the proposals made to improve public control on the basis of this research.

In modern times, the organization of public control is one of the priorities of every state. In this sense, research on public control is extremely relevant.

Literature Review

15 scientific literature have been used in the research. In the study publications of the last 13 years have been used.

The literature utilized in the study can be divided into 3 groups according to the information sources:

1. The main structural elements of the control system have been inspected, information such as the importance, tasks and goals of the control have been noted.
2. The importance of public control, the role of public control in public administration, the mutual relationship between public control and economic development have been analyzed.
3. The legal specifics and legal significance of public control have been examined.

Methodology and research methods

The methodology of the research includes research on the system of control in management by Azerbaijani and foreign authors, the laws of the Republic of Azerbaijan, decrees and orders of the President of the Republic of Azerbaijan, the results of research conducted by foreign countries, local and international organizations. the research, methods such as economic and social analysis, interview, experiment, analysis, mass observation, statistics, accounting, generalization, systematization, scientific research have been used.

Results

Research has shown that public control is one of the main factors that provide stability in society and promote development. Therefore, it is extremely important to solve the existing problems of public control.

According to the research, a number of results related to public control have been obtained in Azerbaijan. Thus, the application of the mechanism of public control in Azerbaijan is in the center of attraction of the state. In modern times, when radical socio-economic changes are observed in Azerbaijan, discipline is being strengthened, and a democratic and socially- oriented civil society is being established, the formation and application of an effective public control mechanism is highly important. At the same time, there are certain

problems in the field of public control in Azerbaijan, and a number of laws have been adopted and measures have been taken to eliminate these problems.

Discussion

A number of discussions have been held on the results of the research. As a result of the research, it has been determined that the level of public awareness about public control in Azerbaijan is low, human resources in this area are weak and many local, additionally, central executive bodies, ministries do not have public control councils or they function formally. The acquired results reflect the current situation with public control in Azerbaijan. According to the discussions, the results obtained are substantiated scientifically, and they are extremely relevant and important in solving problems in the existing field.

Public Control: Problems of formation and organization of public control in Azerbaijan

The control system consists of a set of processes to achieve the set goals and objectives, such as checking the implementation of activities in a timely manner and in a lawful manner, the implementation of adopted laws, compliance with legal norms. The term control is derived from the French word "Controle", which means to conduct inspections, to audit. The control activities carried out in the department include obtaining information about the events and processes that took place, analyzing and investigating that information, complying with established norms and standards, ensuring the rights and freedoms, legitimate interests of citizens, and other such processes. During the control activities, inspections are carried out in two directions. The first direction includes inspections of compliance with existing laws, requirements of legislative acts and compliance with the prohibitions established by law. The second direction includes inspection measures to determine the real situation in management and to adapt the management environment to possible changes (Abbasov and Sadıqov, 2013).

A number of tasks are set during the control activities. These responsibilities are:

- Assessment of the real state of control bodies and management activities;
- Achieve timely and complete fulfilment of obligations;
- To ensure efficient and purposeful use of resources;
- Ensuring the accuracy of accounting and reporting;
- Identification and elimination of illegal and disciplinary violations
- Improving discipline and legality in management, ensuring compliance with relevant legislation and other regulations;

Identify the causes of deviations and violations (Rzayev, 2011). The control process is carried out in three stages:

Stage I: defining norms and standards - at this stage, planning work is underway. For this purpose, efficiency indicators, strategic plans, norms, standards and goals are first identified. Norms and standards are specific criteria for measuring management performance, which these criteria serve as the normative standard used in the comparison. The establishment of norms and standards affects the results of the control process. Therefore, the correct definition of norms and standards is one of the key issues.

Stage II: evaluation and comparison of results - at this stage, the actual results are compared with the established norms and standards. As a result of the comparisons, an overall assessment is made and the extent to which the set goals are achieved is determined.

Stage III: implementation of necessary measures - at this stage, the negative cases, shortcomings and violations resulting from the comparison and evaluation are analyzed and appropriate measures are taken to eliminate them. Appropriate measures mean choosing one of two alternatives:

- 1) elimination of negative situations, shortcomings and violations of the law;
- 2) revision of norms and standards (Cafarli, 2018).

The stage of implementation of the necessary measures is important in terms of preventing the recurrence of problems and negative situations in the future. One of the main and widespread forms of control in modern

times, which penetrates all spheres of public life and management activities, is public control. One of the most important functions of management is public control, a system of activities that defines and regulates the relationship between the state and society, ensuring efficiency, transparency and compliance with the law of government agencies and officials. In legal encyclopedias and scientific literature, the concept of public control is characterized as a mass form of social control. In modern world practice, the participation of civil society in public administration and its ability to influence decisions is considered an effective and successful method. In this case, the principle of transparency in the regulation of civil-state relations is ensured (Habibova and Abdullayeva, 2018). Public control, which is one of the most effective forms of decision-making and enforcement, is an important form of ensuring democracy, eliminating shortcomings and deviations, taking into account the interests of citizens, and involving citizens and groups of citizens in public administration.

The process of public control includes the following activities: monitoring, observation, audit, research, evaluation, accountability (Aliyeva, 2012). In addition, public control is the control performed to the implementation of executive activities, quality, efficient and lawful use of resources, and the effectiveness of programs, plans, and strategies.

Public control is based on the following principles: legislation, objectivity, impartiality, volunteering, transparency, openness, accountability, equality, non-discrimination (Huseynov, 2017). In modern times, in a number of developed democracies around the world, there are Social Activity Centers as a form of broad public control. These centers monitor the rights and freedoms of citizens, the interests established by law, and monitor the appeals of citizens and the activities of government agencies. The importance of public oversight in governance is also emphasized by a number of international organizations. Therefore, a number of documents, resolutions and recommendations on public control have been adopted by the United Nations, the Council of Europe and its bodies and committees. In international practice, the implementation of public control over the activities of official government agencies is considered one of the important conditions for successful and effective governance. The public control society encourages public mobilization to solve existing problems, ensures that the necessary recommendations are prepared and sent to government agencies. Through public control, the society receives flexible and accurate information on the activities of government agencies and is able to identify existing problems and shortcomings (Qandilov, 2010).

Public control in Azerbaijan

One of the main forms of state control in Azerbaijan is public control. Public control activities are carried out in accordance with the legislation of the Republic of Azerbaijan. According to the legislation of the Republic of Azerbaijan, public control activities are carried out by public councils operating under the central and local executive authorities. These public councils include representatives of non-governmental organizations, the media, trade unions, neighborhood committees, and civil groups. Public oversight activities in Azerbaijan are carried out in stages, and oversight bodies have a number of responsibilities. These responsibilities are:

- Identification of existing problems in society;
- Development of effective and efficient proposals for solving the identified problems;
- Establishment of relations between civil-society-state bodies;
- Reporting on public control activities (Mahmudov et al., 2012).

One of the priority goals of the state in the field of state control in Azerbaijan recently is the organization of public control over the activities of central and local executive authorities, local self-government bodies. For this purpose, public oversight councils have been formed within a number of government agencies and ministries in Azerbaijan. There are public oversight councils within the following ministries:

- Public control committee under the Ministry of Justice;
- Public control committee under the Ministry of Labor and Social Protection;
- The Ministry of Youth and Sports, as well as social control committee;
- A committee of public control at the State Migration Service;

- Public Control Committee under the State Agency for Population Services and Innovations under the President of the Republic of Azerbaijan;
- Public Control Committee under the State Committee for Family, Women and Children;
- Public Control Committee under the State Examination Center of the Republic of Azerbaijan;
- Public Control Committee under the Ministry of Ecology and Natural Resources.

The main goals of the public oversight councils established on the initiative of the State ministries consists of the preparation of effective proposals for the carrying out of the control over the work of the ministries, provision of the effective action and transparency, establishment of the direct and effective relations between society and state organizations (Vahidov and Agayev, 2009). Along with state ministries, a number of state universities in Azerbaijan also have public oversight councils. These functioning public oversight councils were established on the initiative and personal will of the universities. The following state universities have public oversight councils: Baku State University, Azerbaijan State University of Oil and Industry, Public Oversight council under Azerbaijan State University of Economics, Public Oversight council at the Azerbaijan University of Languages, Public Oversight council at the Azerbaijan State Pedagogical University.

The objects of the process of public control in Azerbaijan include the following:

- Control over the observance of the current legislation, laws adopted by state bodies, legal acts;
- Control over the expediency of the decisions made by the management staff;
- Control over the protection of the rights and freedoms and personal interests of citizens;
- Control over the observance of discipline and activity of state bodies within their powers;
- Monitoring compliance with bans and restrictions;
- Control over the efficient and proper use and distribution of resources (Shahbazov et al., 2011).

After gaining independence, the participation of civil society in social, political and social processes in Azerbaijan has accelerated and a number of decisions and measures have been taken in this direction. A number of articles of the Constitution of the Republic of Azerbaijan (Articles 1, 2, 50, 54, 55, 57, 58, 94, 96, 130) reflect the right of citizens of the Republic of Azerbaijan or their elected representatives to participate in the public, political and social life of the state. In addition, a number of other legislative acts contain a number of provisions related to the direct and indirect participation of citizens in decision-making and public, political and social life of the state (Qandilova, 2010). A number of public control methods and control mechanisms are used to carry out the functions of public control activities. Public control is exercised through the following methods and mechanisms:

- Through observations (observation of court proceedings, parliamentary and other sessions).
- Analyzing official statistics and documents submitted by government agencies;
- Conducting field research (related to the reception of citizens, social services, etc.);
- By visiting organizations and authorities;
- By collecting complaints and appeals;
- Through conversations, interviews, focus group surveys;
- Through public examinations;
- Through practical experience (for example, how to be received by a government official, MP);
- Through public surveys;

Through public monitoring (Abdullayev and Qadimaliyev, 2012). One of the main forms of public control in Azerbaijan is public participation. It is the adoption of laws, normative legal acts and decisions that ensure the interests of society through public participation, social consultations and public discussions. Public participation is regulated by the draft law "On public participation" signed by the President of the Republic of Azerbaijan on June 1, 2014. According to the signed Law on Public Participation, the following main objectives of public participation have been identified:

- expansion of active participation of citizens and public associations in public administration activities;

- implementation of public control over the activities of central and local executive authorities, local self-government bodies in order to ensure openness and transparency;
- increasing the efficiency and effectiveness of state-society and state-citizen relations;
- to ensure the protection of public opinion and the legitimate interests of citizens in the adoption of laws and decisions;

protection of the rights and freedoms of citizens (Quliyev, 2013). After gaining independence, Azerbaijan has witnessed significant progress in the field of public control. In recent years, the implementation of public control over the central, local executive authorities and local self-government bodies in Azerbaijan is one of the priorities of the state. Also, the radical social, legal, social, economic reforms implemented by the President of the Republic of Azerbaijan Ilham Aliyev, the adoption of national priorities for sustainable development, institutional and structural changes, improving the functioning of government and the policy of revival, construction and settlement in the liberated territories are the factors that make its implementation a serious necessity (Hasanov, 2012).

The importance of public control in Azerbaijan has been repeatedly emphasized by President Ilham Aliyev. President Ilham Aliyev has repeatedly stressed the importance of public control in his speeches. In one of his speeches, Ilham Aliyev said the following about public control: "I assume that mechanisms of public control should be developed. There must be both public activism and mechanisms at the required level. Public control mechanisms must be applied. Let the government submit its proposals on this issue. Of course, wastefulness should never be allowed, especially in the current situation." After President Ilham Aliyev's calls for the importance of public control, a meeting was held with the participation of a number of leading non-governmental organizations and extensive discussions were held. As a result of the discussions, working groups were established in three areas to identify mechanisms for organizing public control and take concrete steps:

1. Working group on economic issues;
2. Working group on social issues;
3. Working group on public relations.

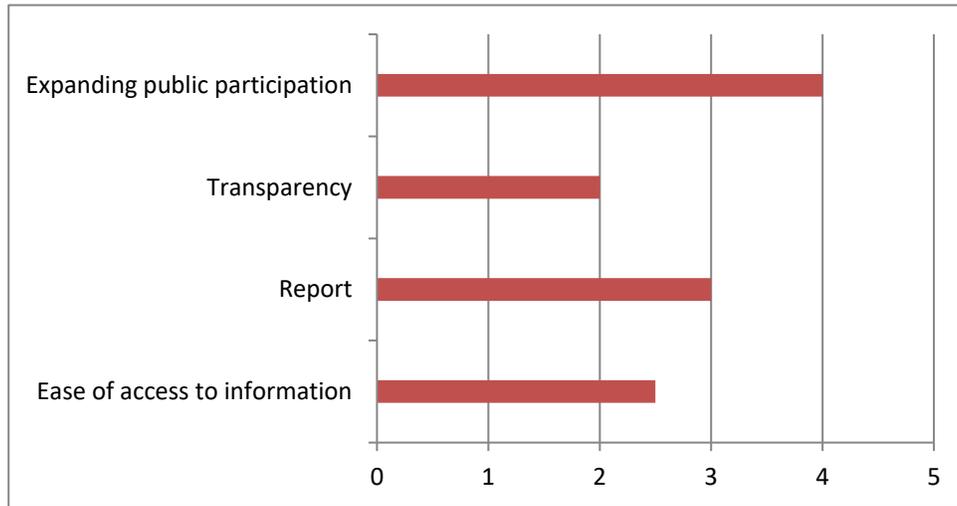
At the same time, President Ilham Aliyev has approved a number of orders and action plans for the development of the mechanism of public control. One of such orders is the order of April 27, 2016 on the "National Action Plan on Promotion of Open Government for 2016-2018."

According to the approved order, the following priority goals have been set for the development of public control:

- Expansion of public control and public participation;
- Establishment, strengthening and sustainability of public councils exercising public control;
- Release of reports on the activities of public councils on media and official websites.

The adopted law on public participation also reflects the organizational and legal forms of public participation. Organizational and legal forms of public participation are as following: public council, public discussion, public listening, study of public comment, public discussion of draft legal acts, written consultations (Sabzaliyev and Quliyev, 2014). Recently, a number of decisions and measures have been taken in Azerbaijan regarding public control. As a result of these decisions and measures, public participation in the activities of government agencies increased by 4 times, transparency in governance by 2 times, accountability for the activities of government agencies by 3 times, and access to information on government activities by 2.5 times, in 2017-2019 year.

Table 1. Development of public control in Azerbaijan for 2017-2019 year



Sources: Write compiled by the authors based on (10.11, 2021).

The mechanism of public control formed in Azerbaijan plays an important role in the formation of the principles of a democratic state, the legal basis of human and social relations, the growing dynamics of trust between citizens, society and the state. Public control, which builds trust and confidence in society, in addition to protecting the interests of citizens in general, exercises control over the lawful functioning of state administrative bodies.

Conclusion

In the general sense, public control consists of a set of measures taken to identify and eliminate violations and deviations, to ensure the rights and freedoms of citizens, the rule of law, to achieve the set goals and objectives in full and on time. Necessary corrective measures should be identified and submitted to the relevant government agencies to eliminate violations and deviations identified as a result of the control process. The role and importance of public control is growing in modern times. Public control regulates state-society and state-citizen relations, ensures the development of social, economic, social and legal spheres of the state and plays a special role in the development of management activities. Public control ensures the successful implementation of public policy and is one of the basic principles of a democratic state. The role and importance of public control has significantly increased in recent years against the background of radical socio-economic reforms in Azerbaijan, strengthening legislative discipline, the formation of a democratic and socially oriented civil society.

Discussions and Suggestions

Summarizing the research and analysis of public control in the study, it can be concluded that in recent years there have been significant changes and developments in public control in Azerbaijan. At present, the formation of a mechanism of public control over management activities that meets world standards, ensuring transparency in this area is one of the main priorities of the state policy. It should be noted that as a result of the steps taken in Azerbaijan in recent years in connection with public control, information transparency, legal responsibility and accountability in government agencies have been strengthened. As a result of the research, the following problems related to public control in Azerbaijan were revealed:

- Low level of public awareness about public control;
- Weak human resources related to public control;

- not having public oversight councils or not functioning of many local and central executive bodies, ministries formally.

- Adequacy of adequate measures taken for violations detected during control activities. For the development of public control in Azerbaijan and the elimination of existing problems in this area, it would be expedient to implement the following system of measures:

- Study of international experience in public control and its application in Azerbaijan;
- Preparation of reports on the activities of the councils exercising public control;
- Improving the activities of public oversight councils within local and central executive bodies;
- Training of qualified personnel related to public control and improvement of existing personnel potential;
- Continuously educating citizens about the nature, purpose and importance of public control.

Research shows that the elimination of existing problems related to public control in Azerbaijan, which has entered a new stage of development, will give impetus to the development of social, economic and legal spheres.

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