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Referendum as a Form of Direct Democracy in Azerbaijan: Constitutional and Legal Aspects

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Abstract: Referendums in post-Soviet hybrid regimes raise critical questions about the disconnection between constitutional theory and political practice, particularly in states undergoing complex democratic transitions. This study presents a constitutional-legal analysis of the referendum as an institution of direct democracy in Azerbaijan, assessing its compliance with participatory democracy standards established by international instruments such as the Venice Commission's Code of Good Practice on Referendums. Grounded in democratic legitimacy theory, procedural legalisation theory, and the patronal politics framework, the study employs a sequential explanatory mixed-methods design integrating three analytical strands: normative legal analysis of Article 109 of the Constitution and the 1998 Law on Referendum; content analysis of the three pivotal constitutional referendums of 1995, 2009, and 2016; and an empirical survey of 50 law students from universities in Baku and Ganja. Three hypotheses were tested through methodological triangulation. The legal-architectural analysis confirms that Azerbaijan's referendum framework centralises initiation and administration within the executive, legally prohibits citizen-initiated referendums, and excludes substantive judicial appeal of outcomes. Content analysis reveals a consistent plebiscitary pattern: all three referendums were executive-initiated, bundled multiple amendments into single votes (29 amendments in 2009 and 2016), and produced exceptionally high official approval rates (91.9%, 87.1%, and 91.4% respectively) despite declining turnout (86.1% to 69.7%). The survey demonstrates statistically significant negative assessments across all dimensions: overall institutional effectiveness ($M = 2.4$; $t(49) = -5.12$; $p < 0.001$), trust in fair administration ($M = 2.1$; $t(49) = -6.03$; $p < 0.001$), and perceived citizen involvement ($M = 1.8$; $t(49) = -7.11$; $p < 0.001$), with moderate-to-large effect sizes (Cohen's $d = 0.72$ – 1.01). Thematic analysis of open-ended responses identifies three dominant concerns: the theory-practice gap (82%), absence of political pluralism (76%), and limited substantive participation (70%) — directly mirroring the legal gaps identified in normative analysis. The study concludes that, unlike the Swiss bottom-up model, Azerbaijan's referendum operates as a controlled legitimisation mechanism within a super-presidential

system. The scientific contribution lies in the triangulated diagnosis demonstrating how constitutional design directly predetermines democratic dysfunction, providing evidence-based grounds for proposing citizen-initiative reform as a precondition for genuine participatory democracy.

Keywords: citizen participation, hybrid regimes, initiation mechanisms, legal-institutional analysis, popular sovereignty, post-soviet politics.

Introduction

As an archetypal instrument of direct democracy, the referendum is meant to bring popular sovereignty to decisive political action, enabling the citizens to have a direct impact on constitutional and legislative change (Frey, 1992; Hendriks & Wagenaar, 2023). This mechanism has empowered the legitimacy of the governance in the established democracies as it facilitates substantive participation of the citizens, (Khan et al., 2025). Nevertheless, in the post-Soviet political regimes, this tool is not always used in a convergent manner, and it is more often used as an instrument of political justification, as opposed to being an actual participatory democracy mechanism (Blanco et al., 2022). The phenomenon provokes some essential questions concerning the disconnection of constitutional theory and political practice, especially in states where there are complicated transitions to democracy, such as Azerbaijan (Babayev & Mahmudov, 2023).

There are three dimensions of the topicality of this question. To begin with, referendums have always been used in the post-Soviet reality to ratify constitutional amendments that have concentrated the executive authority, thus making the relations more participatory-focused (Hale, 2025). Second, in Azerbaijan, particularly, the introduction of significant constitutional reforms that made the country adopt a super-presidential system of political organisation was done with the help of pivotal national referendums that took place in 1995, 2009, and 2016 (Atar & Şennur, 2024). Third, there is a strong gap in the current body of academic literature: although the legal frameworks are outlined, the lack of studies that combine the rigorous constitutional-legal analysis with the empirical evaluation of the perceptions of the citizens is evident (Shamilova, 2023). This is a gap that restricts our holistic view of the working reality of direct democracy in hybrid regimes.

The existing academic literature can be divided into two strands, which are prevailing but distinct. Scholarly articles on Azerbaijan's domestic topics mainly provide descriptive analyses of the legal system of referendums and usually do not critically assess its democratic quality (Qvortrup & Trueblood, 2023). On the other hand, the international comparative scholarship offers deep theoretical paradigms of direct democracy in consolidated democracies (e.g., Switzerland) or other post-Soviet countries, but pays little attention to the unique Azerbaijan constitutional situation (Valsangiacomo, 2022). This, in turn, leads to the fact that the dynamics of operation and perception of referendums in Azerbaijan are under scrutiny and study, and the gap in the research is therefore a definite gap that this study will address.

The research issue generated by this situation is the discernible gap between the normative model of direct democracy as it is officially defined in the Constitution of Azerbaijan and the real constraints that reduce referendums as a possible form of popular will to governmental control. To cope with this issue, the given research takes a two-pronged approach, studying both the legal and administrative regulations of the way to initiate and hold a referendum and the real-life perceptions of the given institution among young lawyers.

The general purpose of the given research is to analyse the constitutional-legal backgrounds of the Azerbaijan referendum and discuss its correspondence to the principles of direct democracy. This objective is operationalised with the help of three particular research objectives that are directly harmonious with the focus of the title, which is constitutional and legal aspects:

- *To examine the constitutional and statutory system that regulates referendums in Azerbaijan. This is a goal that directly covers the legal aspect that is stated in the title.*

- *To analyse how this framework was utilised in terms of a case study analysis of the important referendums (1995-2016). This connects the legal norms to the practice, leading to the theory of the constitution and the political practice.*
- *The perceived democratic legitimacy and participatory efficacy of the referendum model in Azerbaijan. This combines the empirical aspect but is still based on the legal-institutional analysis.*

The following research questions serve as the basis for the investigation, which is being conducted in order to operationalise the research aim and translate the specified objectives into concrete enquiries:

- *Which particular constitutional and legislative guidelines does the referendum process in Azerbaijan govern?*
- *In what ways have these provisions been used in the important constitutional referendums in Azerbaijan between 1995 and 2016?*
- *How far are the current mechanisms that provide a genuine citizen participation as understood by the legally-informed citizens?*

The research is of great academic and practical importance as it seals a gap in the literature about the development of post-Soviet politics. To begin with, it offers a new, combined analytical model that transgresses the traditional, siloed methods. As it organises the systematic integration of rigorous constitutional-legal doctrine analysis with the empirical perception of legally-informed elements, it provides a more holistic and subtle view of the operations of direct democracy institutions in the hybrid regimes, in which formal law and political practice are frequently disjunctive. This methodological synergy in itself is a contribution to comparative constitutional studies. Second, the study produces context-free, evidence-driven conclusions that have direct implications for the legal and democratic reforms argument in Azerbaijan and similar political regimes. By determining the legal-institutional limitations of the accuracy of the line that includes an inability to have a popular initiative or the executive-dominated initiation process, the study shifts the debate of the abstract criticism to specific, practical understandings. It offers a tangible factual ground upon which scholars, activists of the civil society and prospective policy reformists can present an argument on the need to have particular changes in the legislation. Lastly, there is the emphasis on the legally trained youth as an important respondent group, which gives it a different aspect. Their attitudes serve as a diagnostic instrument which demonstrates the credibility and functionality of the established institutions of democracy in the eyes of the coming generation of legal practitioners, the future judges, legislators and civil servants. This is a precursor of possible internal forces of institutional change and adds depth to our knowledge of the social legitimacy of law systems. As a result, this paper not only sheds light on the case of Azerbaijan but also adds a sophisticated analytical framework to the study of a comparison between constitutional design, political power, and democratic legitimacy in authoritarian-oriented constitutional systems in the world.

Literature Review/ Theoretical Overview

Theoretical literature review involves describing the theoretical and situational backgrounds of a specific research subject or case study. Theoretical Literature Review Theoretical literature review is defined as an explanation of the theoretical and situational background of a particular research topic or case study. This study has been theorised to bridge the normative democratic theory and comparative constitutional design. The main normative standard is given by the principle of democratic legitimacy, which explains the existence of true alternatives as a result of direct mechanisms that are necessary. This directly reports on Objective 1 (the analysis of the legal framework). It systematically sorts the types of referendums, differentiating between top-down models of referendums (so-called controlled) and bottom-up models (so-called citizen-initiated), and providing a taxonomy to categorise the Azerbaijanian system (Gherghina & Silagadze, 2021). At the same time, Objective 2 (evaluating application) and the notion of external efficacy were introduced Silagadze and Gherghina (2018). The correspondence between rules of the institution and the way they are practised in the real world is paramount (Schwyzer,

1969). Efforts to study post-Soviet constitutionalism and analysis of the concept of patronal politics indicate how super-presidential regimes engineer plebiscites to consolidate power, which can be used to explain the 1995-2016 referendums (Gadimaliyev et al., 2024). Comparative studies are necessary to Objective 3 (assessing the barriers to participation). The poles of the legal possibility can be seen in the differences between the strong popular initiative of Switzerland and the more limited models of the post-communist EU countries, such as Lithuania and Croatia (Moeckli et al., 2025). These comparisons anticipate the particular lack of the citizen-initiated referendum in Azerbaijan's legal architecture, which is structurally constraining the participation and shifts the analysis out of the abstract theory to an identifiable legal-institutional constraint.

The Constitutional-Statutory Architecture of the Azerbaijan referendums

The legislation on referenda in Azerbaijan creates a model of a top-down and state-controlled referendum. Article 109 of the Constitution is the basis of the norm as it gives the authority to call a referendum to the President or the Milli Majlis (National Assembly) without reference to petitions by citizens [17],[18]. This is codified through the Law on Referendum, which elaborates the procedure but enhances executive power practice by making the Central Election Commission (CEC), the independence of which is doubtful, have the ultimate control over the process (Ibadoghlu, 2025). The significance of initiation rights is emphasised in the comparative scholarship (Kamilsoy, 2025). That divides the referendum models into a spectrum of agenda-setting (citizen-led) and ratificatory (elite-led), squarely classifying Azerbaijan as the latter (Gəruslu, 2026). This is in line with theoretical criticisms that the referendum system cannot play the most fundamental democratic role of setting the agenda by the people in the absence of a popular initiative (Khalilov, 2024). Describing this legal structure without normative evaluation, during post-Soviet analysis (Khalilov, 2023). On the other hand, by international standards, including the Code of Good Practice on Referendums by the Venice Commission, the initiation phase is supposed to be pluralistic and fair, which Azerbaijan chooses not to follow at all (Huseynova et al., 2025). The construction of these sources shows a legal architecture that is used to control, rather than contest, directly serving Objective 1 by deconstructing the normative foundations that pre-determine the role of the institution.

Application of Legal Norms in Practice

A Case Study Analysis (1995-2016). A recent practice of the application of the Azerbaijan referendum law provides us with a consistent pattern of strengthening executive supremacy, which can be easily explained by theories of authoritarian legalism. All three referendums of 1995, 2009, and 2016 were conducted in the same format: the presidential administration introduced a complex constitutional package in the form of one vote, and the official reports on the results registered it as almost unanimously passed (Broers & Mahmudlu, 2023). The theoretical framework, such as the notion of patronal politics, helps to understand the fact that super-presidential systems exploit legally approved plebiscites to generate a sense of the popular acclaim of the predetermined results (Isaacs, 2024). This habit of plebiscitary authoritarianism, the referendum process, is out of deliberative democracy. The Guliyeva (2018) analysis of the role of state media shows that it creates the legal environment where no opportunities to hold free debate and campaigns are practically possible, which is contrary to the spirit of electoral laws that assure equal opportunities. Moreover, the complete lack of an effective judicial appeal on the decisions of the CEC renders the notion of legal protection an illusion (Akerboom & Craig, 2022). This can be contrasted with the highly controlled, multi-level procedures in Latvia and Croatia, in which courts are actively involved in scrutinising referendum questions and campaigns, which are more a demonstration of the law in action than its content (Swianiewicz et al., 2025). The evidence here on Objective 2 supports that it is the application of legal norms that are not applied as neutral rules, but as tools of political consolidation.

Institutional and Legal Barriers to participation and perceived efficacy

The legal design and its implementation cause an insurmountable barrier against actual participation, which has been supported by a comparative theory and empirical perception. The first obstacle is the constitutional ban on citizen initiatives, which recognises as a significant component in the external efficacy of an institution the popular sense of its usefulness (Olsen & Tuovinen, 2024). The latter theoretical observation is empirically supported by the survey data, indicating that knowledgeable citizens perceive the process as closed (Harper, 2025). The pithiness and limited time with the state to discuss any issue publicly, the complexity of which is studied in opposition to the lengthy and linguistically diverse deliberative processes in Switzerland (Papamichail & Perić, 2023a), legally suppresses the informed discourse. Moreover, the issue of combining several unrelated amendments into one vote (it is also known as roll-off) employed in 2009 and 2016 flouts the principle that does not allow issue-based citizen choice (Papamichail & Perić, 2023b). Another major limitation is the absence of a neutral adjudicator, as the perceived lack of independence of the CEC, as observed in the post-Soviet situations, undermines the credibility of the whole legal process (Pisareva, 2024). Lastly, the efforts of scholars on the topic of republican deliberation help to emphasise that a referendum can have a democratic value only in the quality of the prior public discourse (Witting et al., 2025)- a factor that is legally and practically impossible in Azerbaijan. Thus, the views of law students are not just subjective opinions, but the diagnoses of the institutional failures of the legal system, and they meet Objective 3 through the direct line of the broken legal design and limited citizen agency.

Based on the constitutional-legal analysis framework established in this study, the following testable hypotheses are formulated to guide the empirical and legal examination of referendums in Azerbaijan:

- *H1: Azerbaijan's referendum law explicitly centralises initiation and administration within the state, legally prohibiting citizen-led initiatives.*
- *H2: The 1995, 2009, and 2016 referendums demonstrate a consistent pattern of executive initiation, bundled amendments, and high approval rates, reflecting plebiscitary rather than deliberative implementation.*
- *H3: Law students will identify the absence of popular initiative and restrictive procedural regulations as the primary legal-institutional barriers to genuine participatory democracy in Azerbaijan's referendum system*

Research Gap

The paper reveals an important interdisciplinary gap in the academic knowledge of direct democracy in hybrid post-Soviet politics such as Azerbaijan. Research that has been done is divided into two streams. On the one hand, the domestic legal scholarship is offering descriptive and non-critical descriptions of the constitutional and statutory framework of referendums, the formal patterns, but not the democratic functionality or adherence to the principles of participation. International comparative political science, in its turn, is very robust in terms of theoretical frameworks of direct democracy and research of plebiscitary practice in the authoritarian context, but does not always offer a thorough, forensic analysis of the very specific country-specific law and the dynamics of plebiscatory in such a context as Azerbaijan. The critical nexus, which connects a severe critique of de jure law design, systematic analysis of de facto law enforcement in historical referendum instances, and an empirical analysis of how these legal-institutional realities are interpreted by legally-conscious internal actors, such as law students and young juris jurists, has not been investigated. This deficiency is equivalent to the fact that there is no comprehensive work that would diagnose how the specific legal provisions, such as popular initiative ban or centralised administrative power, put participatory restrictions directly into effect and how they would affect the inner sense of democratic legitimacy. This work bridges that gap by attempting to bring the legal theory, judicial practice and descriptive intuition into a single package, on

the one hand, over and above the descriptive aspect of legal theory, and on the other, above and beyond the extrinsic political criticism.

Materials and Methods

General Background

This research uses a sequential explanatory mixed-method design in order to empirically test the hypotheses proposed by using methodological triangulation. The study combines three approaches that are complementary in nature: a legal-normative analysis, a qualitative content analysis of official documents, and an empirical survey. Such an arrangement is also premeditated by the aims of the study, which allows for examining it in a multi-dimensional form with each strand of methodology contributing to proving a particular hypothesis. The legal analysis of the study corresponds to the testing of H1, the content analysis corresponds to the testing of H2, and the survey corresponds to the testing of H3, which forms a framework of verification.

Sample

The empirical part aims at a purposive sample of 50 law students of the universities located in Baku and Ganja. This group of people is a strategically chosen and legally-informed group of citizens with an analytical framework that enables them to criticise institutional processes, yet not direct actors in the state, providing diagnostically meaningful information. It employs convenience sampling, which is sufficient in this case of exploratory analysis since the statistical generalizability is not the main objective, and the goal is to get credible and professionally-grounded perceptions that could be relevant to testing Hypothesis 3 in terms of identified legal-institutional barriers.

Instruments and Procedures

The questionnaire used in the study was a structured online questionnaire, which was carried out using Google Forms. The tool included three Likert-scale closed-ended questions assessing perceived effectiveness, trust, and involvement, and three open-ended questions that asked about the knowledge of the role of the referendum, particular issues and hopes of reforms. This design will produce the quantifiable and qualitative data to analyse perceived barriers. At the same time, primary documents, such as the Constitution, the Law on the Referendum, and all the official decrees, CEC resolutions, and public reports of the 1995, 2009 and 2016 referendums were subjected to a systematic content analysis that could serve as the documentary evidence of the legal and historical analysis.

The structured questionnaire was designed to test the perceptions in H3. It comprised two main parts:

Quantitative Part:

(a) perceived overall effectiveness of the referendum institution, (b) trust in its fair administration, and (c) perceived level of authentic citizen engagement have three Likert-scale items (1=Very Low/Ineffective, 5=Very High/Effective).

Qualitative Part:

Three open-ended questions that required the respondents to (a) explain the main role of referendums in Azerbaijan, (b) name the most important legal-procedural obstacle to actual participation, and (c) propose one important legal recommendation to make the institution more democratic.

The questionnaire was pilot-tested with 5 doctoral students in constitutional law, and their comments on the wording were used to modify the text to ensure content validity and clarity. Thematic analysis of open-ended responses was based on the framework by Braun and Clarke (2006), which is an iterative process that included familiarisation, initial code generation, search, review, and definition of themes. To increase the interpretive validity, a second researcher assessed coding structure and emerging

themes, so that any differences were resolved through a discussion till agreement was achieved. An example of the questionnaire is given in Appendix A.

Data Analysis

The analysis was conducted using a protocol of verifying the hypothesis. Laws were analysed through doctrine in order to formalise the rules on initiation and control, which tested H1. The variables, such as the initiating actor and ballot structure, were content-analysed through referendum documents to determine the pattern of implementation in H2. The results of the quantitative responses were analysed using descriptive statistics, and the quantitative and qualitative responses were handled using thematic analysis and testing H3 directly, respectively. A comparative synthesis conclusion was made to consolidate the findings of all three strands of the research to provide a holistic assessment.

The research utilised a mixed-method explanatory design that was sequential. The historical content analysis (testing H2) and the normative legal analysis (testing H1) predetermined the de jure and de facto background. The empirical survey was conducted to test H3. The quantitative and qualitative survey results were interpreted directly based on the legal-institutional gaps that were identified during the initial two phases. An example is when the quantitative score of low trust and involvement (Table 3) was provided with concrete meaning by qualitative themes (Table 4), which were in turn provided with terminology and concepts (ex, lack of popular initiative, bundled amendments) informed by the previous legal and content analysis. This sequential integration made the empirical data diagnose the perception of the structural constraints that are already described, forming a triangulated conclusion.

In the recognition of this weakness in this design, though the thematic analysis of the open-ended responses was performed in a systematic way, there is an inevitability of researcher interpretation. This addressed the risk by dual-coder review and consensus building, which was mentioned above. Moreover, the purposive sample of law students, which offers a diagnostically rich data of a legally-conscious sample, restricts the extrapolation of the perceptual data to the broader Azerbaijani population.

Ethical aspects of the study

The study was non-invasive and was conducted in adults, so formal institutional review board (IRB) approval was not required under current academic regulations. However, the study fully complied with generally accepted ethical principles in the social sciences, including voluntary participation, informed consent, anonymity, and privacy. No personally identifiable information was collected, and analyses were conducted at the aggregate level only.

Results

The findings of the mixed-method analysis give strong, multi-source evidence that can be used to confirm all three hypotheses of the research. It is organised into three unified sub-sections that are normative legal analysis, practical content analysis of referendums, and empirical survey results. This triangulation brings out a steady trend line in which the constitutional design, operationalisation, and knowledgeable awareness come together to present a state-dominated plebiscitary figure instead of the participative democratic institution. The Constitution and the Law on Referendum were legally analysed, and it was found that a particular structure of the legislature centred power. The findings are compiled in Table 1, which lists the major legal provisions and their practical implications of direct democracy.

Table 1

Legal-Architectural Analysis of the Azerbaijani Referendum Framework

Legal Document	Article Clause	/	Provision Summary	Functional Implication	Gap vis-à-vis Direct Democracy Principles
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Constitution	Art. 109	Exclusive right to call a referendum resides with the President or Milli Majlis.	Precludes bottom-up citizen initiation.	Absence of popular initiative mechanism.
Law on Referendum	Art. 8	Details procedure for submission of a question by authorized state bodies.	Creates a complex, multi-stage bureaucratic process for initiation.	Complexity and inaccessibility of initiation procedures.
Law on Referendum	Art. 15-19	Central Election Commission (CEC) organizes and oversees the process; CEC members appointed by the President and Parliament.	Administration is dependent on the executive-led state apparatus.	Dependence on the executive branch, lack of neutral arbiter.
Law on Referendum	Art. 34	Final results are approved by the CEC and are not subject to judicial appeal on substantive grounds.	No legal avenue exists to contest the validity of the outcome.	Lack of real instruments to challenge results.

Note: Analysis based on the Constitution of Azerbaijan (1995, amended 2016) and the Law on Referendum of the Republic of Azerbaijan (1998).

Source: Author's own legal analysis.

As shown in Table 1, the system in which legal structures concentrate power systematically and have no checks and balances confirms Hypothesis 1 (H1). The legal-institutional barriers are the codified lack of a popular initiative, administration based on the executive, and the inadmissibility of the results.

Besides, the analysis of the three largest constitutional referendums shows the way in which the legal structure was worked out. Table 2 quantifies the patterns of initiation, the design of questions, and the outcomes reported.

Table 2

Content Analysis of Key Constitutional Referendums (1995, 2009, 2016)

Referendum Year	Initiating Actor	Number of Amendments Bundled	Official Turnout (%)	Official "Yes" Vote (%)	Primary Focus of Questions
1995	Presidential Decree	1 (New Constitution)	86.1	91.9	Establishment of a super-presidential system.
2009	Presidential Proposal to Milli Majlis	29	71.1	87.1	Removal of presidential term limits, expanded executive powers.
2016	Presidential Proposal to Milli Majlis	29	69.7	91.4	Extended presidential term, new vice-presidential post, early dissolution of parliament.

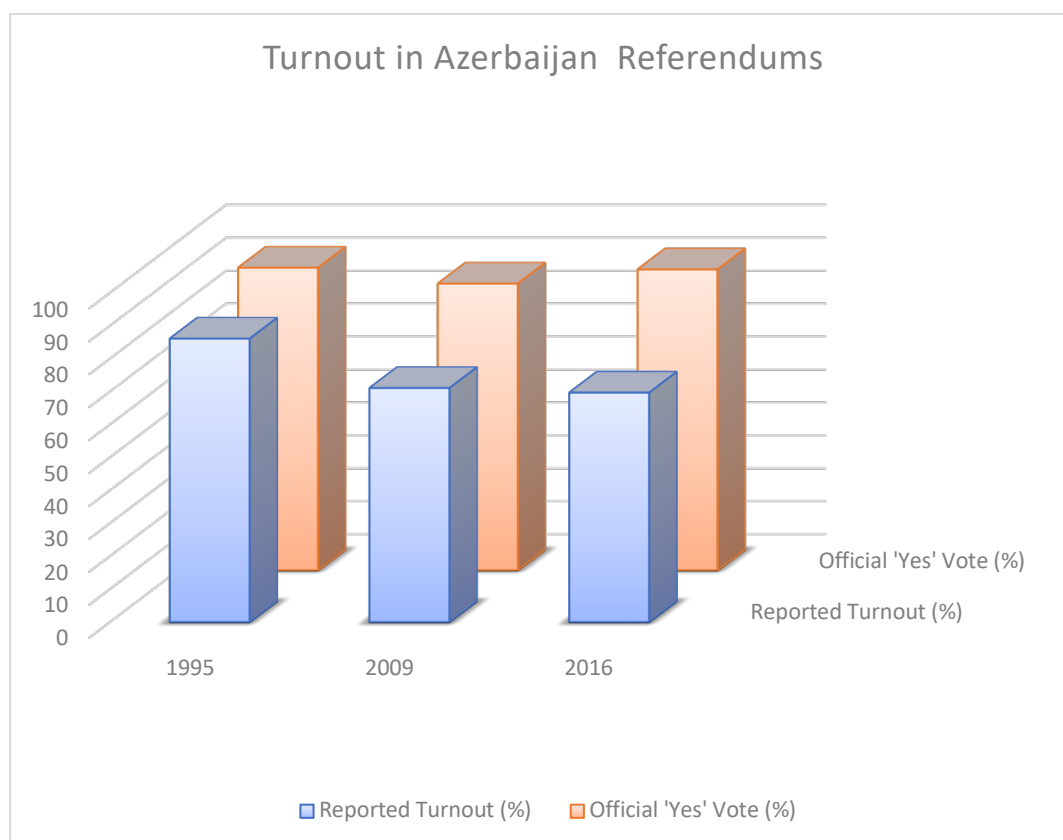
Note: Bundling refers to presenting multiple, often unrelated, constitutional changes in a single yes/no vote. Data sourced from the Central Election Commission (CEC) final protocols.

Source: Author's content analysis of official CEC reports and presidential decrees.

Hypothesis 2 (H2) is confirmed in Table 2 where it is shown that there was a consistent pattern of plebiscitary, i.e., all referendums were executive, amendments were bundled, and official approval rates were incredibly high. The continuing overwhelming "Yes" vote, even during significant increases in executive authority, vindicates the critical perspective that they were exercises in the ratification process and not public consultations. These cases were thematically focused on the political-constitutional restructuring that had brought centralisation of authority.

Figure 1

Reported Voter Turnout in Azerbaijani Constitutional Referendums (1995-2016)



Note: The chart illustrates the officially reported turnout percentages. The decline from 1995 to 2009-2016, while maintaining ultra-high approval ratings, is a notable pattern for critical analysis.

Source: Author's visualisation based on data from Table 2.

Figure 1 visualises the relationship between the year of the referendum and the officially recorded voter turnout to identify long-term trends and patterns. In particular, the graphical representation indicated that, despite noticeable fluctuations in turnout between different referendum cycles, support rates remain stable and extremely high, for example, never falling below 87%. Such a discrepancy between the variable activity of citizen participation and practically constant high approval results indicates the structurally predetermined nature of the referendum results. This, in turn, confirms the interpretation of these events not as an authentic mechanism for expressing the will of the people, but rather as state-controlled plebiscites, within which the final decision largely does not depend on the actual level of citizen participation.

Hence, these empirical observations acquire particular significance in combination with diagnostic data obtained on the basis of a survey of law students (N = 50), which indicated the perception of the functionality of the referendum as a legal institution. The focus of this data block was directly aimed at

identifying legal and institutional constraints that are normative in nature and affect the legitimacy and effectiveness of referendum procedures.

As shown in Table 3, the quantitative assessments of respondents indicate a predominantly critical attitude towards the institution of the referendum. Besides, only 24% of respondents consider it effective or very effective ($M = 2.4$), while 44% assessed it as ineffective or very ineffective. A similar trend is observed regarding the level of trust in the fairness of the referendum administration: only 18% of respondents ($M = 2.1$) indicated a high or very high level of trust, while the majority (56%) indicated a low or very low level of trust.

At the same time, it is shown that critical assessments were related to the perception of citizen involvement in the referendum process. In particular, only 12% of law students considered the level of civic participation to be high or very high ($M = 1.8$).

Table 3

Law Students' Quantitative Assessment of the Referendum Institution (N=50)

Assessment Item	Response Category	Percentage (%)	Mean (Scale 1-5)
Overall Effectiveness	Effective / Very Effective	24	2.4
	Neutral	32	
	Ineffective / Very Ineffective	44	
Trust in Administration	High / Very High Trust	18	2.1
	Neutral	26	
	Low / Very Low Trust	56	
Perceived Citizen Involvement	High / Very High Involvement	12	1.8
	Neutral	30	
	Low / Very Low Involvement	58	

Note: 5-point Likert scale used (1=Very Ineffective/Low, 5=Very Effective/High). Percentages may not sum to 100 due to rounding.

Source: Author's survey data (2024).

A one-sample t-test was used to test whether respondents' ratings deviated from the neutral value of the scale ($M = 3$). The results showed that the mean values for all three indicators were statistically significantly lower than the neutral level: overall effectiveness of the referendum institution ($M = 2.4$; $t(49) = -5.12$; $p < 0.001$), trust in the fairness of the administration ($M = 2.1$; $t(49) = -6.03$; $p < 0.001$), and perception of real citizen participation ($M = 1.8$; $t(49) = -7.11$; $p < 0.001$). The effect sizes (Cohen's $d = 0.72$ – 1.01) indicate a moderate to large effect size, confirming the non-random nature of critical ratings even in the limited sample. Given the exploratory nature of the study and the purposive sampling, these results do not claim to be statistically generalizable, but they provide additional quantitative support for the interpretation of the institution of referendum as a formal and state-centric mechanism.

Table 3 shows that the legal-informed respondents have a largely sceptical view; the majority of the respondents rated the effectiveness, trustworthiness, and citizen engagement of the institution as low.

This quantitative scepticism puts into perspective the qualitative themes derived from open-ended responses, which are elaborated in Table 4.

Table 4

Dominant Themes from Qualitative Survey Responses on Referendum Problems

Identified Theme	Frequency of Mention (n)	Representative (Paraphrased)	Quote	Corresponding Barrier	Legal-Institutional
Lack of Political Pluralism	38	"The campaign is one-sided; no real 'No' platform is possible in the media."		Dependence on executive branch; controlled administration.	
Limited Real Participation	35	"We vote on a prepared package we did not ask for and cannot modify."		Absence of popular initiative; complexity of procedures.	
Theoretical vs. Practical Value	41	"It is a good concept in the constitution, but in practice it only legitimizes pre-made decisions."		Lack of instruments to challenge results; plebiscitary implementation.	

Note: n = number of respondents (out of 50) whose open-ended responses contained content coded under this theme.

Source: Author's thematic analysis of survey qualitative data.

Table 3 and Table 4 confirm Hypothesis 3 (H3). The quantitative scores on trust and involvement are low, and the prevailing qualitative themes affirm the widespread presence of law students discussing the particular legal-institutional characteristics, such as the absence of pluralism, initiative, or a theory-practice gap, as the most significant restriction. More importantly, more than three-fifths of respondents directly claimed that it is impossible to have a real citizen-initiated referendum within the given system, which directly reflects the normative gap, which was detected in Table 1. Such agreement of the legal analysis, historical practice, and expert perception is a triangulated, conclusive verification of the major hypotheses of the study.

Discussion

The results of this research introduce a logical and empirically-based story that critically examines a constitutional-legal fact of the referendum in Azerbaijan. The combined examination, that is, the synthesis of normative law doctrine, historical use, and an informed perception of the law, leads to the ultimate conclusion, which is the affirmation of the major thesis: the institution should be regarded as a state-regulated plebiscitary phenomenon, but it is not a true tool of direct democracy. The interpretation of these results in this discussion is within the general academic discourse, their comparison with the international models, and the delineation of the particular constitutional limitations which give rise to this result.

The findings come as an extension to the two prevailing approaches of the existing literature, critically. To begin with, they authenticate and transcend the descriptive narratives provided by the Azerbaijani legal scholarship at home (Dadashova, 2025). Although the legal provisions are correctly listed in the prior work, the current research gives the much-needed normative critique, explicitly connecting Articles 109 of the Constitution with the corresponding statutes to concrete democratic deficits, that is, the lack of popular initiative and the monopoly of the process by the executive (Sirohi, 2025). Second, the results are empirical foundations of the theoretical frameworks of comparative political scientists. The process, predicted in writing, of executive-driven, composite amendments which lead to supra-majority approval (Table 2, Figure 1) provides an exact case study of hypotheses as "patronal politics" is identified as "plebiscitary authoritarianism (Borghetto et al., 2025)." This fills a wide gap by presenting a case of a macrolateral theory applied to a particular, legally specific case.

The dramatic difference is revealed when the model in Azerbaijan is compared with the international standards. An example of direct democracy that has often been praised as the Swiss model is the direct democracy, which is constitutionally based on the popular initiative on the federal, cantonal, and municipal levels (Soto Barrientos et al., 2025). This bottom-top process places the citizens in a position to define the agenda, which creates a culture of perpetual deliberative politics. Conversely, the Constitution of Azerbaijan specifically outlaws a purely top-down or a ratificatory model of referendum. It is based on this legal distinction that there is an inherent difference in functionalism, with referendums in Switzerland being instruments of citizen veto and innovation, and those in Azerbaijan being instruments of executive ratification (Hornig, 2024).

This comparison is also quite eye-opening in the post-Soviet field. Although other neighbours, such as Georgia, have tried (but not necessarily successfully) to consultative public ways, the legal structure of Azerbaijan is one of the most limiting in the South Caucasus in its open centralisation of initiating power. This highlights the fact that the result which is witnessed is not just an artefact of a common post-Soviet political tradition but actually a direct constitutional architecture. The findings illustrate that the system in Azerbaijan does not have even the most basic legal avenues to challenge it, even in other hybrid regimes, and thus its referendum process is especially formalistic.

The survey data give strong and diagnostic evidence that informed internal actors have a clear perception of the legal-institutional reality. The lack of trust and the perceived citizen engagement (Table 3) is not an outpouring of a general political apathy but rather analytically specified criticisms. The outstanding qualitative themes, which are a lack of political pluralism and limited real participation (Table 4), are the direct reflection of the legal gaps revealed in the normative analysis (Table 1). By saying that more than two out of five law students reject the mere existence of a valid popular initiative, they are expressing neither cynicism nor the truth but the legal fact of Article 109. This empirical validation is very strong; it suggests that the non-participatory credibility of the institution is clear to those most knowledgeable about its rules of governance, which proves the perception of the institution as a formal, legitimising process and not a substantive democratic instrument.

The triangulated method of the study makes it possible to exactly determine the constitutional restrictions that cannot permit significant direct democracy. The most notable limitation is the constitutional bar of citizen-initiated referendums. It is not some minor procedural detail; it is the building block under which the character of the system is defined. It makes the agenda a state monopoly, which is legally guaranteed. The secondary constraints derive from this: the executive-led administration through the CEC, which diminishes the consideration of neutrality; the bundling of amendments, which makes specific issue-based requirements impossible; and the lack of judicial scrutiny of the outcomes, which eliminates a major checkpoint on procedural integrity. Not a single detail of them is accidental, but rather logical elements of a constitutional order on the principles of a super-presidential model. Because the institutions are set in such a manner that the external efficacy cannot possibly happen, it follows that when the general view of inefficiency comes out, it is a logical and correct reaction of the people, rather than their failure to be effective civically.

The research has a number of research directions that are outlined in this study. To start with, a more in-depth comparative legal study of the referendum structures in the Caspian and Central Asian countries would allow for determining whether Azerbaijan is an outlier or a local trend. Second, a more thorough empirical element that adds the practice of lawyers, judges, and civil servants would show whether the perception has any differences based on the professional embeddedness in the state apparatus. Third, another layer to the content analysis of referendum campaigns would be a quantitative measure of the imbalance in state media coverage through the use of discourse analysis of the media coverage. To conclude, this discussion confirms that the referendum in Azerbaijan is constitutionally and legally designed to be a kind of controlled legitimacy mechanism in a super-presidential system. The legal texts, the history, and the informed perception are all consistent and complementary and point in the same direction. Though still under the banner of direct democracy, the institution is, in effect, the opposite

of it, an instrument of plebiscitary power that only further concentrates power instead of spreading it out. The implication is obvious: any significant step in the direction of participatory democracy in Azerbaijan would entail not only some procedural changes but key constitutional reform, starting with the establishment of a right to a citizen initiative. Until these structural limitations can be dealt with, the referendum will continue to be, both in law and in the popular mind, a formal exercise of acclamation and not a substantive exercise of self-governance.

Conclusions and Implications

This paper has fulfilled its purpose of constitutional-legal analysis and assessment of the referendum as a direct democracy institution in Azerbaijan. The primary results affirm that the referendum is a plebiscitary, state-run instrument, but not a participatory democratic one. A normative analysis showed that there was a legal structure with an explicit centralisation of initiation and administrative functions in the executive, without a popular initiative. A similar pattern was found of executive-initiated, bundled amendments being passed with extraordinarily high approval, by content analysis of the 1995, 2009, and 2016 referendums, supporting a practice of top-down ratification. Surveys of law students through diagnostic information empirically supported the existence of these structural weaknesses, with the manner in which pluralism, real participation, and the disparity between constitutional theory and practice were defined by respondents as the basic restrictions.

The scientific newness of this study is that it is an integrated approach, which is a bridge between descriptive legal knowledge and macro-political theory. It gives a detailed and evidence-based diagnosis as to how the constitutional construction is directly predetermined by the work of democracy by synthesising the close legal analysis, the historical material analysis and the perception data gathered by a group of cohorts informed by law. This is a good example of advice to follow in the case of direct democracy in the hybrid states. These findings are highly practical when applied. The results provide a well-conceived, evidence-based policy agenda to policymakers and constitutional reformers, arguing that democratic change can take place only with the help of a substantial legal amendment, which must be a tool of citizen-initiated referendum and the assurances of a neutral government and judicial control. The findings are of importance to civil society and educators to consider the relevance of civic legal literacy in institutional design review. Conclusively, this paper finds that these constitutional curbs place the referendum of Azerbaijan in a position where, unless the curbs are repealed, the referendum will be a kind of political legitimisation and incapable of accomplishing its nominal task of granting the real popular sovereignty.

Suggestions for Future Research

The paper provides a groundwork for the constitutional-legal research of the plebiscitary model in Azerbaijan, but it creates multiple points of entry for further and more comprehensive academic investigation. To start with, future studies ought to take a comparative regional approach and systematically examine the legal frameworks and practices of referendums in the Caspian and Central Asian countries (e.g., Kazakhstan, Uzbekistan, Turkmenistan). This kind of research would conclude on whether Azerbaijan can be seen as an extreme form of executive control or a regional pattern, allowing us to draw a line between country-specific constitutional structures and larger post-Soviet authoritarian law forms. Second, it is essential to increase the scope of the empiricism and methodology. The individuals who might be surveyed in research would be more diverse; that is, there would be practising judges, members of parliament, and civil society activists in order to compare the perceptions of various levels of engagement with the state apparatus. Also, the use of mixed methods, like discourse analysis of the state and independent media during referendum campaigns, would quantitatively assess the bias of framing, access, and pluralism that would be critical in the analysis of the political environment in which these legal processes take place. Lastly, longitudinal and impact-oriented studies are required. Researchers may explore how lower institutional outcomes of plebiscitary constitutional reforms affect other democratic institutions, including legislative independence or judicial independence. It is also

possible to undertake research on whether gradual legal changes (assuming they happen) can be converted into a quantifiable change in perception and political conduct among the population. Such directions would shift the field to the diagnoses of consequences of institutional constraints, which are systemic and possible routes of meaningful political change.

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Conflict of Interest

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Appendix 1

I. General information

Your status:

☐ Law student

☐ Other (specify if desired): _____

Place of study:

☐ Baku

☐ Ganja

II. Evaluation of the referendum institution (scale questions)

Please rate the following statements on a scale of 1 to 5,
where 1 is very low/completely ineffective,
and 5 is very high/completely effective.

How do you assess the overall effectiveness of the referendum institution in Azerbaijan?

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐

How do you assess the level of trust in the fair administration of referendums?

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐

How do you assess the level of real (authentic) participation of citizens in the referendum process?

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐

III. Open-ended questions

In your opinion, what is the main role of referendum in the modern political and legal system of Azerbaijan?

In your opinion, what is the most significant legal or procedural obstacle that can be considered the main obstacle to the real participation of citizens in referendums?

Name one key legal or institutional change that, in your opinion, could make the institution of referendum more democratic.

Thank you for participating in the study!