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Legal regulation of the organization and activities of housing construction cooperatives in the modern era

Abstract: In modern times, the rapid development of information and communication technologies and the widespread application of digital management principles have led to the formation of a new organizational model of corporate legal relations. However, the organization and management of housing cooperatives in the Republic of Azerbaijan is mainly based on traditional methods, which leads to practical difficulties and numerous disputes in recording membership relations, holding general meetings, formalizing decisions, and ensuring the transparency of financial transactions. The digitalization of the activities of housing construction cooperatives, as one of the modern development directions of corporate governance, necessitates the creation of an electronic register of members, the implementation of an electronic accounting system for share fees, the digital registration of general meeting decisions, and the establishment of the legal basis for the institution of electronic voting in legislation. Enshrining these mechanisms in legislation is an important legal tool that serves to increase transparency and accountability in corporate governance, ensure legal certainty, minimize corporate disputes, and more reliably protect the rights and legitimate interests of members of housing cooperatives.

Keywords: Civil Code, Housing Code, law, state, cooperative.

The norms on the legal regulation of housing construction cooperatives are reflected in Chapter XI (Articles 109–118) of Section Five of the Housing Code of the Republic of Azerbaijan dated June 30, 2009 [9]. Since its adoption, the Code has been repeatedly amended and supplemented, as a result of which the legal regulation of housing relations has been adapted to modern socio-economic conditions.

Article 109 of the Housing Code of the Republic of Azerbaijan is one of the main norms that determines the legal status of housing construction cooperatives, the purpose of their establishment, their organizational and legal form, their term of activity, and the procedure for terminating their activities. This article determines not only the issues of establishing housing construction cooperatives as legal entities, but also their place and functional purpose in the system of housing relations. An analysis of the content of the mentioned article states that the legislator intended the housing construction cooperative not as an entity carrying out commercial construction activities, but as a special consumer cooperative serving to meet the needs of its members for living spaces.

Part 109.1 of the Article defines the legislative concept of Housing and Construction Cooperatives. According to this norm, Housing Construction Cooperatives are voluntary membership-based associations of individuals and (or) legal entities, which, by pooling the property shares of their members, carry out the construction or reconstruction of relevant buildings in order to

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meet the need for residential areas, as well as ensure the management of residential and non-residential areas located in the cooperative building for a certain period of time. Therefore, the legislator did not limit the cooperative's activities only to the construction phase, but also defined the management function after the completion of construction as an integral part of its legal designation. This approach serves to ensure legal consistency between the commissioning of a building and its subsequent management. However, the expression "during a certain period" used in the norm raises some questions from the point of view of the principle of legal certainty. Since the legislation does not specifically define the beginning, duration and end of that period. Although Article 109.5 of the Housing Code provides for the liquidation of a cooperative or its transformation into a joint-stock company of apartment owners, this norm does not fully define the legal boundaries of the management period. This situation may, in practice, allow some housing cooperatives to continue managing the building for a long time after construction is completed, and as a result, may delay the full exercise of apartment owners' rights to direct participation and self-governance in building management.

According to the legal position formulated by the Plenum of the Constitutional Court of the Republic of Azerbaijan in its decision dated November 24, 2025, "in order to ensure the principle of legal certainty, legal norms must be unambiguous and clear" [5]. This gives every person reasonable confidence that their rights and freedoms will be reliably protected by law, as well as that the activities of law enforcement agencies will be in accordance with the requirements of the law and predictable. On the contrary, "the uncertainty of the content of a legal norm creates an excessively broad discretion for law enforcement entities, which increases the risk of violating the principles of legal certainty and the rule of law, as well as the principles of equality and justice before the law and the court" [12; 13].

The European Court of Human Rights stated in its judgment of 04.06.2002 in the case of *Landvreugd v. the Netherlands* that "the main threat to legal certainty is posed by vague expressions and contradictory interpretations" [10].

We believe that, in order to ensure the principle of legal certainty, it would be appropriate to replace the concept of "certain period" provided for in Article 109.1 with specific legal criteria. We believe that linking that period to the legal facts stipulated in Article 109.5 of the Housing Code or directly determining that management was carried out before the state registration of the joint society of apartment owners would eliminate the current uncertainty in the application of the norm and serve to more effectively ensure the principle of legal certainty. For this purpose, it would be appropriate to add Article 109.1-1 to the Housing Code with the following content:

109.1-1. A housing construction cooperative manages the cooperative building from the date of completion of construction until the date of state registration of the housing owners' association or the completion of the liquidation of the cooperative.

Part 109.2 of the article defines the basis for financing Housing and Construction Cooperatives. According to this norm, cooperative members participate in the construction, reconstruction and subsequent maintenance of an apartment building at their own expense. This provision expresses the financing model of Housing and Construction Cooperatives based on the property participation of members and indicates that the economic basis of the cooperative is formed primarily at the expense of members' contributions. The expression "at the expense of its own funds" used in the norm does not exclude the attraction of loans or other financial sources by the cooperative. Since the fulfillment of obligations to repay such financial sources ultimately falls on the cooperative members when they

are used, these funds can also be indirectly considered as an integral part of the members' financial participation.

In part 109.3 of the article, it is directly established that Housing and Construction Cooperatives are consumer cooperatives.

Part 109.4 of the Article defines the term of operation of Housing and Construction Cooperatives. In accordance with the aforementioned norm, Housing Construction Cooperatives are established for the period of construction or reconstruction of the building, distribution of plots and full payment of share fees. This provision shows that the legislator intended Housing and Construction Cooperatives not as legal entities operating indefinitely, but as legal entities established to implement a specific purpose. This aspect is one of the main features that distinguishes Housing and Construction Cooperatives from production cooperatives and other cooperatives whose activities are not limited to the implementation of a specific goal. Therefore, the legal existence of Housing and Construction Cooperatives is directly related to the purpose of their creation, and after that purpose is achieved, the further legal fate of the cooperative is determined in accordance with the procedure provided for in Article 109.5 of the Housing Code - through liquidation or transformation into a joint society of apartment owners.

Part 109.5 of the article establishes a special rule regarding the termination of the activities of Housing and Construction Cooperatives and their subsequent legal fate. According to the norm, after the construction is completed and more than 50 percent of the plots pass into the ownership of the members, the cooperative must be liquidated within one month or transformed into a joint society of apartment owners. The said norm serves to prevent the indefinite operation of Housing and Construction Cooperatives that have performed the construction function and to organize the management of multi-apartment buildings based on the direct participation of apartment owners. However, the criterion of "more than fifty percent" stipulated in the norm raises certain legal disputes. Thus, the liquidation of the cooperative or its transformation into a joint society of apartment owners may create practical difficulties if a significant part of the residential and non-residential areas in the building still remains in the ownership of the cooperative or other persons. In addition, the legislation does not specify the legal consequences arising if a relevant decision is not made within a month and the legal mechanisms ensuring the implementation of this obligation. This may lead to the principle of legal certainty not being fully ensured in the application of the norm. In order to clearly define the subject (general meeting) making the decision, to specify the legal nature of the one-month period, to eliminate the legal vacuum that arises when a decision is not made, to separately regulate the transfer of property, debts, and rights and obligations arising from contracts in the order of legal succession when a cooperative is transformed into a joint society of apartment owners, as well as to determine the responsibility of the management body and the mechanism ensuring the implementation of the norm, we propose that, Article 109.5 of the Housing Code of the Republic of Azerbaijan shall be amended and rewritten as follows: "After the construction or reconstruction of a cooperative building is fully completed and the ownership rights to more than fifty percent of the total number of residential and non-residential premises in that building are acquired by the cooperative members in accordance with the procedure established by law, a decision on its liquidation or transformation into a joint society of apartment owners shall be adopted by the general meeting of the cooperative within one month. If such a decision is not made within the specified period, the management body of the cooperative must ensure that a general meeting is convened within three months. Failure to fulfill this obligation entails liability established by law.

When a cooperative is transformed into a joint-stock company of apartment owners, all its rights and obligations are transferred in full to the newly created legal entity by legal succession”.

Part 109.6 of the article defines the normative basis for the legal regulation of Housing and Construction Cooperatives. According to the said norm, the establishment, activity, management, reorganization, liquidation and other issues related to the legal status of the Housing and Construction Cooperatives are regulated by the Civil Code, taking into account the specifics of the Housing Code. This provision determines the ratio of application of special and general law norms. Thus, the Housing Code acts as a special normative act regulating specific issues related to housing relations of housing construction cooperatives, while the Civil Code acts as the main civil legislative act determining the general principles of their activities as legal entities. As a result, the norms of both codes are mutually complementary and their joint application ensures complex legal regulation of the legal status and activities of Housing and Construction Cooperatives.

Article 110 of the Housing Code of the Republic of Azerbaijan defines the legal basis for membership relations in Housing and Construction Cooperatives. The article regulates the number of cooperative members, the rules for admission to membership and withdrawal from membership, the right to later admission to membership, interaction with civil legislation, as well as the rules for alienation of cooperative shares. This norm, in addition to ensuring the continuity of the cooperative's activities as a corporate organization, serves the effective exercise of members' property and management rights.

Part 110.1 of the Article establishes quantitative criteria for membership by determining the minimum and maximum number of members of Housing and Construction Cooperatives. According to the norm, the number of members of the cooperative cannot be less than five people and cannot exceed the total number of residential and, in cases provided for by legislation, non-residential premises in the multi-apartment building being constructed. This restriction serves to ensure consistency between the number of cooperative members and the number of sectors, to prevent the creation of multiple membership rights in the same sector, and to ensure legal certainty in cooperative activities.

Part 110.2 of the article is a guarantee norm serving the implementation of the state's housing policy. According to this provision, the categories of citizens specified in Article 48 of the Housing Code are granted preferential rights to become members of Housing and Construction Cooperatives established with the support of state bodies or municipalities. Therefore, the state supports the provision of housing to people in need of social protection not only through direct state programs, but also through the mechanism of Housing and Construction Cooperatives.

Part 110.3 of the article regulates the right of a member to withdraw from the cooperative. The norm allows a member who has paid the full share fee and acquired ownership of the residential or non-residential area allocated to him to leave the cooperative while retaining ownership of that area. However, the number of remaining members in the cooperative should not be less than five. This norm establishes that the right of ownership does not depend on the membership of the cooperative and distinguishes between membership relations and the right of ownership. At the same time, maintaining the minimum number of members serves to ensure the continuity of the cooperative's activities as a legal entity.

Part 110.4 of the article recognizes the right to become a member of the cooperative of persons who have acquired residential or non-residential premises in a cooperative building on the basis of ownership rights. This norm allows for the subsequent establishment of membership relations

between the owner and the cooperative and ensures the right of those persons to participate in the management of the building. As a result, the right to participate in the management of the building is not limited to the initial cooperative members, but is also recognized by persons who subsequently acquired ownership rights, which serves to more fully exercise the right of owners to participate in management.

Part 110.5 of the article is a reference norm and provides for the resolution of issues related to membership in Housing and Construction Cooperatives that are not regulated in the Housing Code in accordance with the provisions of the Civil Code of the Republic of Azerbaijan on cooperatives.

Part 110.6 of the article stipulates that notarial certification of transactions related to the alienation of a cooperative member's share is a mandatory condition. Notarial certification serves to ensure the validity of the transaction, the determination of the true will of the parties, and legal security. This requirement is an important legal guarantee aimed at increasing transparency in the circulation of cooperative shares, preventing fraudulent transactions, and minimizing legal disputes that may arise in the future.

G.Z. Beglova rightly notes that “under ideal conditions, the formalization of transactions with the participation of a notary makes a significant contribution to ensuring legal certainty in the mechanism of transfer of ownership of property and significantly strengthens legal stability in this area” [2, p. 6].

Article 111 of the Housing Code of the Republic of Azerbaijan defines mandatory requirements for the content of the charter, which is the main constituent document of Housing and Construction Cooperatives, and its legal significance. This norm forms the legal basis of internal corporate relations arising during the establishment and operation of a cooperative, serves to implement the principles of legal certainty and transparency in corporate governance by predetermining the rights and obligations of members, the management system, financial relations, as well as the legal mechanisms related to the reorganization and liquidation of the cooperative. The provisions of the article are of an imperative nature and determine the minimum range of information that must be reflected in the charter of Housing and Construction Cooperatives. Although the full payment of the share fee stipulated in Part 112.1 of the aforementioned article constitutes the material and legal basis for acquiring the right of ownership over the residential area, it is also necessary to register that right in the state register of real estate. According to the Law of the Republic of Azerbaijan on the State Register of Real Estate dated June 29, 2004, rights to real estate are subject to state registration [11]. State registration, in addition to ensuring the official recognition and protection of rights to real estate by the state, acts as one of the important guarantees of legal certainty and security of civil circulation. Therefore, there is a close legal connection between the acquisition of the property right envisaged in part 112.1 of the article and the state registration of that right. Thus, full payment of the share fee constitutes the material and legal basis for acquiring the right to ownership, while state registration ensures the official recognition of that right, its full implementation in legal circulation, and its legal protection in relation to third parties.

Article 113 of the Housing Code of the Republic of Azerbaijan determines the procedure for allocating residential and non-residential areas in the buildings of Housing and Construction Cooperatives to members of the cooperative, the legal significance of the decision of the general meeting adopted for this purpose, as well as the scope of rights created by membership in Housing and Construction Cooperatives over residential and non-residential areas. The norm not only regulates the legal relationship between cooperative membership and the allocation of a specific residential or

non-residential area, but also determines the legal basis for moving to that area and subsequent state registration of ownership rights.

Article 114 of the Housing Code of the Republic of Azerbaijan determines the legal grounds and conditions for temporary residents to live in residential areas located in the buildings of Housing and Construction Cooperatives. On the one hand, the norm regulates the procedure for exercising the right of a member of Housing and Construction Cooperatives to use the living space, and on the other hand, it determines the legal mechanisms that ensure the protection of the legitimate interests of the cooperative and other members. The purpose of the abovementioned article is to put relations related to the temporary use of residential space into a legal framework, to ensure legal certainty in this area and to prevent disputes that may arise within the cooperative. At the same time, this article regulates the legal status of a member of Housing and Construction Cooperatives who has not fully paid the share fee, thus covering the transitional stage of cooperative relations - the period when the right of membership exists, but the right of ownership over the residential space has not yet arisen.

Article 115 of the Housing Code of the Republic of Azerbaijan determines the legal basis for the division of residential space located in the building of Housing and Construction Cooperatives among persons with shared ownership rights and the procedure for resolving disputes arising from such division. The norm considers the division of living space not as an absolute right, but only possible within the conditions established by law. The main purpose of the mentioned article is to ensure, on the one hand, the exercise of property rights of the participants in shared ownership, and, on the other hand, to ensure the protection of the functional purpose of the living space, the technical safety of the building and its normal operation.

The Plenum of the Constitutional Court of the Republic of Azerbaijan emphasized in its Decision dated May 31, 2020 that “the right to property is one of the fundamental rights guaranteed by the Constitution and its implementation may be restricted only within the framework of the grounds and constitutional principles established by law” [6]. This legal position is also of great importance in terms of assessing legal relations related to Housing and Construction Cooperatives. Thus, illegal interference with the property rights of members of Housing and Construction Cooperatives in relations related to the exercise of their rights over living space, payment of share fees, provision of living space, and state registration of property rights cannot be allowed. At the same time, when resolving disputes related to the division, reconstruction and use of residential premises, the principles of inviolability of property rights, legal certainty and fair balance of interests should be taken into account. In this regard, the legal position of the Constitutional Court is of significant methodological importance in the application of Articles 112-115 of the Housing Code.

Article 116 of the Housing Code of the Republic of Azerbaijan establishes a special legal regime regarding the rental of residential areas located in the buildings of Housing and Construction Cooperatives. The article regulates both the conditions for renting out residential space used by a member of a Housing and Construction Cooperatives who has not fully paid his/her share fee, and the procedure for temporarily renting out residential spaces vacated after the termination of cooperative membership by Housing and Construction Cooperatives until new members are accepted. This norm, on the one hand, allows for more efficient implementation of the right of members of Housing and Construction Cooperatives to use their living space, and on the other hand, serves to ensure the property interests of the cooperative, the rights of other members, and the efficient management of cooperative property. The main purpose of the mentioned article is to provide legal certainty regarding the rental of residential premises within the framework of cooperative relations,

to maintain a balance between the rights and legitimate interests of the parties, and to prevent disputes that may arise in this area.

Article 117 of the Housing Code of the Republic of Azerbaijan regulates property relations between a member who has left or been expelled from a Housing and Construction Cooperatives and the cooperative regarding the return of the share fee. The article determines the procedure for returning the member's share after the termination of cooperative membership, the term of payment, the legal basis for determining its amount, and the mechanism for resolving disputes arising in this area. The norm, on the one hand, ensures the protection of the property rights of a member who leaves or is expelled from a Housing and Construction Cooperatives, and on the other hand, serves to maintain a balance between the financial stability of the cooperative and the legitimate interests of the members. The main purpose of the mentioned article is to ensure transparent and fair regulation of share relations in the event of termination of cooperative membership.

L.S. Afanasyev writes: “Generally accepted concepts of the understanding of law allow us to assess justice as a necessary idea of law, the foundation of legal judgment and an independent legal category, regardless of the legal nature of the cases considered and resolved by the courts on their merits” [1, p. 9].

In our opinion, the principle of justice in legal relations related to Housing and Construction Cooperatives is the basis for reliable protection of the property rights of cooperative members, the right to obtain housing in accordance with their share fees, and ensuring the legitimate expectations of a conscientious participant. For this reason, when considering disputes between Housing and Construction Cooperatives the court should base itself not only on the formal requirements of civil legislation, but also on the general principles of law, in particular the principles of justice, fairness and legal certainty. Such an approach serves to prevent abuse of rights in cooperative relations, to protect the rights of participants in a balanced manner, and to ensure that court decisions are made in accordance with the requirements of substantive justice.

Article 118 of the Housing Code of the Republic of Azerbaijan regulates the relations related to the termination of the right to use the living space of a member expelled from a Housing and Construction Cooperatives and his family members living with him, and the relocation of these persons from the living space. The mentioned article determines the effect of termination of cooperative membership on the right to residence, the period for vacating the living space and the legal grounds for relocation. The norm is aimed at protecting the property rights of the cooperative and the interests of other members, on the one hand, and ensuring the property rights of the former member, on the other hand. In this regard, the mentioned article acts as an important safeguard norm that determines the legal relationship between the loss of cooperative membership and the termination of the right to use residential space.

One of the most common legal problems related to the activities of Housing and Construction Cooperatives in Azerbaijan is the sale of the same residential area to several persons or the creation of legal obligations with different persons in relation to the same apartment. Such situations lead to a violation of the principle of legal certainty in real estate transactions, damage to the rights and legitimate interests of bona fide buyers, and the emergence of long-term legal disputes. One of the main factors leading to the emergence of current legal problems is the insufficiently efficient organization of state control over the activities of housing construction cooperatives, the failure to record information on cooperative members' contributions and housing allocation in a single

electronic register, as well as the fact that contracts concluded during the construction process remain outside the state registration system.

The decisions of the Constitutional Court of the Republic of Azerbaijan are of great importance in the formation and development of legal relations related to Housing and Construction Cooperatives in Azerbaijan. These decisions have formulated important legal positions regarding the protection of property rights of members of Housing and Construction Cooperatives, the implementation of contractual obligations, the legal significance of state registration of rights to real estate, the principle of fair acquisition and the right to judicial protection. The legal positions established by the Constitutional Court have had a significant impact on the unification of subsequent judicial practice, ensuring uniform application of legislation, and strengthening the principle of legal certainty in resolving disputes related to Housing and Construction Cooperatives. To assess in more detail the essence of these legal positions and their impact on law enforcement practice, let us turn to some decisions adopted by the Constitutional Court of the Republic of Azerbaijan regarding Housing and Construction Cooperatives. The Decision of the Plenum of the Constitutional Court dated October 25, 2010 states that “a member of a cooperative and other persons entitled to collect contributions shall acquire the right to own and use the property upon full payment of the contribution, and the right to dispose of it after its registration in the state register of real estate” [7].

The Decision of the Plenum of the Constitutional Court dated March 10, 2020 states that “state registration of real estate serves to recognize property rights, ensure legal certainty, and prevent legal disputes” [8].

According to the legal position expressed in the Decision of the Plenum of the Constitutional Court dated June 23, 2021, “the mandatory state registration of ownership rights to real estate arises from the public legal interest of the state in determining the ownership of that property” [14].

According to the legal position formulated by the Plenum of the Constitutional Court in its Decision dated February 7, 2022, “Construction and demolition works carried out by Housing and Construction Cooperatives cannot eliminate the constitutional guarantees of property rights”. In this regard, when considering such disputes, courts must fully, comprehensively and objectively examine all evidence in the case, including legal documents, technical passports (Building Blueprint) and other documents related to real estate, and sufficiently substantiate the judicial acts they adopt” [15].

Now let's turn to the judicial practice formed by the Supreme Court of the Republic of Azerbaijan regarding Housing And Construction Cooperatives. The decision of the Supreme Court of the Republic of Azerbaijan dated February 25, 2025, which established a unified judicial practice, expressed an important legal position regarding the implementation of contractual obligations undertaken by Housing And Construction Cooperatives (construction companies) within the framework of reconstruction projects. The court emphasized that “the shortcomings of the Housing And Construction Cooperatives in the design, determination of housing areas and agreement on the terms of the contract are within its scope of risk and these circumstances do not provide grounds for exemption from liability by referring to the impossibility of fulfilling the obligation”. The decision also stated that “Housing And Construction Cooperatives cannot terminate an obligation under the contract unless they prove that it is impossible to perform it for objective reasons beyond their control” [16]. This legal position is of great importance in terms of strengthening the contractual discipline of Housing And Construction Cooperatives and ensuring more effective protection of the rights of cooperative members and other persons.

The Decision of the Civil Collegium of the Supreme Court of the Republic of Azerbaijan dated November 14, 2025 analyzed the determination of the superior right in disputes arising from the sale of the same apartment to different persons, the legal essence of contracts concluded with Housing And Construction Cooperatives, and the legal significance of actual ownership [4]. The Supreme Court noted that the contracts concluded with the parties in the specific case did not reflect classic cooperative relations. As such, the contracts did not contain cooperative membership, payment of membership fees, participation in management, and other legal elements specific to cooperative relations. Since the relationship is essentially based on the obligation of the construction organization to build the apartment and hand it over to the customer, the court, in accordance with Article 404 of the Civil Code, assessed the legal essence of the contracts and, if necessary, considered it appropriate to apply the norms regulating contractual relationships.

The Supreme Court also drew attention to the development of legislation. The decision indicated that the current version of Article 178.8 of the Civil Code considers the acquisition of housing in an unfinished building no longer as a cooperative relationship, but as a contractual relationship. Therefore, regardless of whether the organizational and legal form of the construction organization is a Housing And Construction Cooperative or another legal entity, the essence of the legal relationship should be taken as the basis.

The decision also emphasized that actual ownership is of great legal importance. The court determined that the plaintiff had lived in the disputed apartment for a long time, had renovated it, and had actual ownership of it. These circumstances were legally assessed in terms of Article 452.1 of the Civil Code and were considered the basis for recognizing the plaintiff's right to ownership and use.

At the same time, the Supreme Court noted that since the subsequent buyer also has a valid contract with the Housing And Construction Cooperatives, his rights are not completely extinguished. Such a person may demand from the Housing And Construction Cooperatives to provide another apartment of the same size or to pay the market value of the apartment. Thus, the court showed that the protection of the rights of a bona fide buyer should be ensured at the expense of the Housing And Construction Cooperatives.

Consequently, this decision confirms that in cases where Housing And Construction Cooperatives sell the same apartment to several individuals, courts must assess not only the date of the contracts, but also the actual legal relationship of the parties, actual ownership, the real purpose of the contracts, and the modern development of the legislation. The decision also shows that in such disputes, it is not the formal designation of cooperative relations, but their actual legal nature that is decisive.

In our opinion, the creation of an electronic register of members in Housing And Construction Cooperatives, electronic accounting of share fees, and digital registration of information on the distribution of apartments can be one of the important legal tools for preventing such disputes.

The Court Order of the Civil and Commercial Boards of the Supreme Court of the Republic of Azerbaijan dated May 18, 2026 states that “good faith in acquiring property rights is not knowing the existence of an obstacle to acquiring the right, despite due attention” [3]. This legal position is also of particular importance in relations with Housing And Construction Cooperatives. As such, the rights of persons who have acquired housing in good faith must be protected by law and their legitimate expectations must be met.

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Müasir dövrdə mənzil-tikinti kooperativlərinin təşkili və fəaliyyətinin hüquqi tənzimlənməsi

Xülasə: Müasir dövrdə informasiya-kommunikasiya texnologiyalarının sürətli inkişafı və rəqəmsal idarəetmə prinsiplərinin geniş tətbiqi korporativ hüquq münasibətlərinin yeni təşkilati modelinin formalaşmasını şərtləndirmişdir. Buna baxmayaraq, Azərbaycan Respublikasında mənzil-tikinti kooperativlərinin fəaliyyətinin təşkili və idarə olunması əsasən ənənəvi üsullara əsaslanır ki, bu da üzvlük münasibətlərinin uçotunda, ümumi yığıncaqların keçirilməsində, qərarların rəsmiləşdirilməsində və maliyyə əməliyyatlarının şəffaflığının təmin edilməsində praktiki çətinliklərə və çoxsaylı mübahisələrin yaranmasına səbəb olur. Mənzil-tikinti kooperativlərinin fəaliyyətinin rəqəmsallaşdırılması korporativ idarəetmənin müasir inkişaf istiqamətlərindən biri kimi üzvlərin elektron reyestrinin yaradılmasını, pay haqlarının elektron uçot sisteminin tətbiqini, ümumi yığıncaq qərarlarının rəqəmsal qeydiyyatının aparılmasını və elektron səsvermə institutunun qanunvericilikdə hüquqi əsaslarının təsbit edilməsini zəruri edir. Bu mexanizmlərin qanunvericilikdə təsbit edilməsi

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корпоратив idarəetmədə şəffaflığın və hesabatlılığın artırılmasına, hüquqi müəyyənliyin təmin edilməsinə, korporativ mübahisələrin minimuma endirilməsinə, habelə mənzil-tikinti kooperativlərinin üzvlərinin hüquq və qanuni mənafeələrinin daha etibarlı müdafiəsinə xidmət edən mühüm hüquqi vasitədir.

Açar sözlər: Mülki Məcəllə, Mənzil Məcəlləsi, hüquq, dövlət, kooperativ.

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Зейналлы Н.Ю.♦

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Правовое регулирование организации и деятельности жилищно-строительных кооперативов в современный период

Аннотация: Стремительное развитие информационно-коммуникационных технологий в современный период и широкое применение принципов цифрового управления обусловили формирование новой организационной модели корпоративных правоотношений. Тем не менее, в Азербайджанской Республике организация и управление деятельностью жилищно-строительных кооперативов в основном основываются на традиционных методах, что приводит к практическим трудностям и возникновению многочисленных споров при учёте членских отношений, проведении общих собраний, оформлении решений и обеспечении прозрачности финансовых операций. Цифровизация деятельности жилищно-строительных кооперативов как одно из современных направлений развития корпоративного управления обуславливает необходимость создания электронного реестра членов кооператива, внедрения системы электронного учета паевых взносов, ведения цифровой регистрации решений общих собраний, а также законодательного закрепления правовых основ института электронного голосования. Закрепление данных механизмов в законодательстве является важным правовым средством, способствующим повышению прозрачности и подотчетности корпоративного управления, обеспечению правовой определенности, минимизации корпоративных споров, а также более надежной защите прав и законных интересов членов жилищно-строительных кооперативов.

Ключевые слова: Гражданский кодекс, Жилищный кодекс, право, государство, кооператив.

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