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For Declaring the Legal Act Void

The author of the study aims to define whether the editorial changes adopted to the legal act entail legal invalidity thereof towards the concrete addressee. The author notes that any changes adopted to the legal norm and/or individual administrative-legal act (for instance, editorial changes) shall not entail invalidity thereof. The Article provides that the legal act is invalid when no further interest therein exists or the actual composition or the legal context thereof has changed so to it appears unavailable in the initial form prior to amendment (it is invalid). The Article provides that declaring the legal norm void is directed ex nun, which shall not exclude the circumstance that it might still apply in the past procede ex tunc. The author indicates that declaring the legal act void in the administrative law shall not be related to illegal nature/illegality thereof. While declaring the disputable act non-Constitutional/invalid in the Constitutional Law means that the hereof act during validity, was contradicting the Constitution or was non-Constitutional. The author notes that adoption of the change to the legal act, which fails to change the normative context thereof and the effect of impact on the plaintiff, shall not create the basis for termination of the case in the Court. The editorial change might entail termination of the case in the Court in the event solely if the changes adopted to the disputable act annul the dipsutable norm with the normative context with which it has been put to dispute under the Constitutional claim.

Key Words: *Legal act, invalidity, legal consequence, legal impact, legal act ex nunc, legal act ex tunc, editorial change, Court precedent, non-constitutional nature/invalidity, interpretation of the norm, normative context, termination of the case in the Constitutional Court.*

1. Introduction

The issue of declaring the legal act[1] void is related to the legal consequence[2] thereof. The hereby study does not aim at consideration of all the basics of declaring the legal act void.[3] The subject of the study is whether the actual composition of the legal act through the editorial changes thereto is always being changed so to entail change of the legal consequence of the initial legal act (prior to amendment) towards the certain addressee – that is, whether it entails legal invalidation of the legal act. As we see, the discus-

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1 The concept of the legal act is prescribed under the Law of Georgia on "Normative Acts" (22.10.1999), Article 2 envisaging the legal act to be as normative so individual. The concept of the legal act is provided with the different term in the law of Georgia on "General Administrative Code of Georgia" (25.06.1999), sub-paragraph "c" of the Article 2. According to the hereof paragraph, the administrative-legal act is the legal act issued by the administrative body on the basis of the legislation. In its turn, in line with the sub-paragraphs "d" and "e" of the same Article, administrative-legal act concludes the individual administrative legal act and the normative administrative-legal act.

2 According to the considerations provided in the legal literature, the edition defining the legal act envisaged under the hereof legislative acts, deriving from the objective of each act in terminological term, is different but it does not entail any problems in conformity of regulations (see, *Z. Abashvili,* Municipal Normative Acts, 8, <http://www.ivote.ge/images/doc/uploadedFiles/files/GTZ_Book_Normatiuli_Aqtebi_Print.pdf>.

3 The basics of declaration of the legal act void are provided as in the Law of Georgia on "Normative Acts" (Article 25), so in the Law of Georgia on "General Administrative Code of Georgia" (Article 61).

sions provided in the hereby Article equally concern the legal acts of both types – normative and individual.

While discussing the hereof subject, we have outlined the issue such is the formal criterion of the legal regulation and individual acts upon evaluation/application thereof. We would like to identify whether the legal acts officially are of legal force in law.[4] The hereof issue, along with the basics stipulated under the law, is related to the skill of the lawyer and a Judge of judgment.[5] Legal act to be in force is the legal issue, which other than the basics directly prescribed under the law, might require interpretation, the space of which can be estimated under various criterion, such is for instance substantiation with rational arguments.[6]

As the scientific material provide, the actual composition[7] of the regulation in the structure of the legal norm defines the pre-conditions[8] of the juridical (legal) consequences. Whereas, the evaluation concepts are provided in the law (for instance, whether the editorial change entails invalidity), the issue of legal impact in evaluation sphere (legal consequence) can be sufficiently substantiated.[9]

The presumption provided in the legal literature on compliance of the normative and actual reality echoes the hereof problem at some extent. "We shall take the fact into account that the norm in the law does not bear independent meaning and hence, there is no form for the form. Any form implies the particular context and implementation or non-implementation of the hereof context is important for the legal order. When the hereof context is converted into the formless reality, it obviously cannot lack the evaluation capacity".[10]

2. Particular Actual and Legal Circumstances

We will consider whether any editorial changes adopted to the legal act entail invalidity thereof and change of the legal consequence/legal impact of the legal act towards the certain addressee on the basis of the concrete examples. The hereof example concerns invalidity of the normative act, however as mentioned above, the issue is equally related to the individual administrative-legal act as well.

The Ordinance of the Minister of Education and Science of Georgia of February 25, 20121 N30/m was the subject of dispute in the Constitutional Law of Georgia. According to the Ordinance of the Minister of Education and Science of Georgia of September 6, 2013 N129/m,[11] the change has been adopted to disputable norms,[12] envisaging the Ministry of Education and Science to administer classification instead of

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4 *Zippelius R.,* Theory of Legal Methodology, 10th ed., Munich, 2006 (Translation in Georgian, 2009), 110 (in Georgian).

5 Ibid, 113 (in Georgian).

6 Ibid, 127.

7 As provided in the legal literature, the fact/actual circumstances shall be differentiated from the actual composition of the norm. The fact is the phenomenon of reality, while actual composition is the normative description of the phenomenon of reality, related to the legal consequences. See, *Khubua G.,* Theory of Law, Tbilisi, 2004, 194 (in Georgian).

8 *Khubua G.,* Theory of Law, Tbilisi, 2004, 54 (in Georgian). The author indicates that the structure of the norm of the law consists of two basic elements: 1) actual composition. and 2) legal consequence.

9 *Zippelius R.,* Theory of Legal Methodology, 10th ed., Munich, 2006 (Translation into Georgian, 2009), 35 (in Georgian). the author indicates that every norm of the law does not relate the legal consequence to the composition of the action (for instance, legislative definitions), See, 37.

10 *Zoidze B.,* Constitutional Control and Order of Values in Georgia, Tbilisi, 2007, 76 (in Georgian).

11 Ordinance of the Minister of Education and Science of Georgia of September 6, 2013 №129/m "on The Rule of Classification to the Text-Books of the Educational Institution and Endorsement of the Fees" on the Change to the Ordinance of the Minister of Education and Science of Georgia of February 25, 2011 №30/m".

12 To avoid overloaded footnotes, I would provide the initial (appealed) edition of sundry disputable norms solely: "According to the Sub-paragraphs "h.a" and "h.b" of the Paragraph one of the Article 6 of the Annex №1 to the Ordinance of the Minister of Education and Science of Georgia of February 25, 2011 №30/m, the contesters, in view to participate in classification, shall submit to the Center the following approvals: a) in the event of classification of the textbook/series submitted for classification, on delegation thereof to the Center under the ordinary license agreement . b) in the event of

the LEPL – National Center for Educational Quality Enhancement and hence, the term "Center" has been correspondingly substituted with the term "Ministry". At that, the term "Facilitative Commission" has been substituted with the term "Classification Commission".[13] As we clearly see from the hereof example, the changes adopted to the disputable norms have changed the authorized subject implementing administration of classification (LEPL - National Center for Educational Quality Enhancement has been substituted with the Ministry of Education and Science of Georgia). At that, the title of the Commission estimating the conclusions of the Subject Groups has been replaced. The rule of classification is identical repeating the normative context used by the plaintiffs to see the problem of Constitutionalism demanding declaration thereof as non-Constitutional.

In compliance with the paragraph two of the Article 13 of the Law of Georgia on "Constitutional Proceedings"[14], annulment or invalidation of the disputable act upon consideration of the case entails termination of the case in the Constitutional Court of Georgia. According to the established practice of the Constitutional Court of Georgia,[15] any change adopted to the disputable norm, including the editorial change to the disputable norm, shall be considered as declaration of the disputable norm void, which entails termination of the case in the Court.[16] In other words, in this event, the Court rejects consideration of the claim, depriving the plaintiffs of capacity to dispute Constitutional nature of the norm, which regardless of being amended, continues application thereto and forces to re-file the claim on so-called changed/edited norm to the Court and join the new waitlist for consideration.

As we see, the Court, as a result of interpretation of the norm, has established the hereof practice as the legislation fails to define the types of the editorial change entailing invalidity of the norm. In general, the Court precedent facilitates to sustainability and certainty of justice.[17] However, at the same time we shall take the fact into account that in particular events, in case of absence of mandatory protection of the precedence, the Court shall not only be assured in inaccuracy of ratio decidendi,[18] but in absence of other possible basics to support the earlier decision.[19]

Description of the norms by the Court/Judge is of utmost importance for proper development of modern law and practice. According to the assumption provided in the legal literature, the norm of the law in the Continental European Law countries often does not apply with the initial meaning as stipulated under the law. It is applied in capacity as established by the Judge in practice and shall be elucidated for the given moment.[20] Elucidation of the norm by the Judge may be based on strictly literal understanding of "legal

classification on the basis of the recommendation by the Facilitative Commission - "Exceptionally the best" – to the textbook/series submitted for classification, delegation of the copyright to the Center under the particular license in exchange for remuneration.

13 See, the Judgment of June 24, 2014 №3/559 of the Constitutional Court of Georgia and the different opinion of the Member of the Court, Maia Kopaleishvili on the subject of dispute: "Constitutional nature of the sub-paragraphs "h.a" and "h.b" of the Article 6 of the Annex №1 to the Ordinance of the Minister of Education and Science of Georgia of February 25, 2011 №30/m, as well as the sub-paragraph "b" of the Article 10 and the sub-paragraphs "b" and "c" of the paragraph 2 of the Article 22 in regards with the second sentence of the paragraphs 1 and 2 of the Article 21 and the paragraph 1 of the Article 23 of the Constitution of Georgia".

14 Law of Georgia on "Constitutional Proceedings", 1996, March 21.

15 We mean the practice established upon development of the hereby Article.

16 For instance, see the Judgment of the Constitutional Court of Georgia of June 28, 2010 №1/1/474 "Public Defender of Georgia vs. Parliament of Georgia". the Judgment of the Constitutional Court of Georgia of December 27, 2013, №2/1/539 "Citizens of Georgia – *Vladimir Sanikidz*e and *Maia Khutsishvili* vs. Parliament of Georgia".

17 See, *Gogiashvili G.,* Comparative Constitutional Law, Tbilisi, 2014, 256 (in Georgian)..

18 Ibid, 257, the principle imposing mandatory protection of the precedents.

19 Ibid, 260.

20 *Kereselidze D.,* The Most General System Concepts of Private Law, Tbilisi, 2009, 59 (in Georgian).

binding", which is consistently substituted with more liberal and loyal approach to the estimation categories. Evolution of the main moments of the elucidation methods is related to consistent "exemption" of the Judge "bound" under the rule of law and creative establishment of the new rules of conduct which is based on the integrity-based values.[21]

3. Legal Problem

The question is, when the legal act terminates impact towards the plaintiff/party concerned, that is – when/since when the impact applies no longer.

Naturally, the misconception is that the any change adopted to the legal norm and/or individual administrative-legal act (for instance, editorial change) entails invalidity thereof. In legal terms, the legal act is invalid, when no further interest therein exists or the legal context or actual composition thereof has changed to eliminate the initial form thereof (invalidated). Adoption of the editorial change to the legal act yet does not indicate to invalidity thereof.

We will discuss the hereof issue regarding the legal act of both types. Invalidity of the individual administrative-legal act is obvious when as a result of the change of actual and legal relations adopted to the law-compliant legal act or in absence of further interests in application thereof, it is necessary to reject and annul it.[22] Naturally, the act is the subject of declaring void, which makes legal impact. Declaring void aims at annulment and prevention of the hereof legal impact and it is the pre-condition thereof as well.[23] The equipped and/or prohibiting (binding) individual administrative-legal act shall be declared void, when the actual or legal basics of issue of the act are being changed in the event of continuing administrative act.[24]

Declaring the act void is inadmissible when the act is issued with the same context, that is – when in legal terms, it is the act of the same context and we still encounter the pre-conditions for declaring the act void, which means that necessity to declare the act void has not been eliminated.[25] Correspondingly, the act shall be declared void only when the actual and legal relations change and the act shall no longer apply. It is related to the legality principle[26] as well, inasmuch as the legality principle requires annulment of the individual administrative-legal act converted into "illegal".[27]

The normative act, as well as the individual legal act is capable to regulate concrete legal relations (concrete issue). It is feasible only when the act impacts the hereof relations (can impact) and hence, if the legal norm impacts, it shall be followed with further legal check thereof in regards with the concrete fact, issue. It is considered that if the legal norm inflicts impact, it relevantly is valid (is in force), is the part of the law,[28] and is enacted.[29]

Naturally, the by-law normative acts are issued within authority stipulated under the legislation. The legislator is to solve who is authorized to decide the issues prescribed under the law, what are the issues to be regulated under the legal act (the context of the act), what are the scopes (regulation area) and the aim of regulation (the objective of the act). The objective shall be sufficiently clear and defined.[30] The aim of

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[21] *Kereselidze D.,* The Most General System Concepts of Private Law, Tbilisi, 2009, 65-69 (in Georgian).
[22] *Maurer H.,* Allgemeines Verwaltungsrecht, München, 2011, 297.
[23] Ibid, 300.
[24] *Turava P.,* General Administrative Law, Tbilisi, 2016, 133 (in Georgian)..
[25] Maurer H., Allgemeines Verwaltungsrecht, München, 2011, 326.
[26] Ibid, 326.
[27] *Turava P.,* General Administrative Law, Tbilisi, 2016, 133 (in Georgian)..
[28] See <https://jura-online.de/lernen/konstellationen-der-rechtsverordnung/46/excursus?unauth=true>.
[29] *Maurer H.,* Allgemeines Verwaltungsrecht, München, 2011, 76.
[30] *Jarass H., Pieroth B.,* Grundgesetz für die Bundesrepublik Deutschland, Kommentar, 9. Auflage, München 2007, 828-829.

regulation is one of the most important categories and thus, if the hereof objective of the legal act towards a certain addressee does not change regardless of the editorial changes adopted thereto, it further continues impact on the addressee. The ability to impact is one of the important conditions of the legal act. The impacting legal act is directed to the addressees, to which it has legal impact.[31]

As to the law, promulgation of the law ends the legislative process. The matter is when the law enters into force and when it has the legal impact and binds or equips the addressees. Entry of the law into force is not the part of the legislative process but the part of the context of the law. The date of entry of the law into force is not the provision on indication of the time solely but it has the substantive-legal impact.[32] Entry of the law/normative act into force is the part of the normative regulation. Entry into force launches the legal impact thereof.[33] In the event, if the legislative rule is in force, it does not matter what entry into force is related to – is it related to a particular date, promulgation, annulment or changes to the norm – control of the rule is still necessary if the legislative rule continues to apply.[34]

In the classic sense, declaration of the legislative rule void is directed to ex nunc. It does not exclude the circumstance that as a result of the actual or legal change adopted to the legal norm it is to continue application retroactively and proceed to the present. It takes place in the event when as a result of the change adopted thereto, the context of the norm has the opportunity to apply ex tunc, namely envisages implementation of earlier arising liabilities in view of achievement of a particular objective. The disputable norm would be invalid in the event of non-alteration thereof in the manner to deprive it of the resources of similar impact towards the addressee. It is inadmissible to recognize the legal norm void when regardless of the changes adopted thereto, it continues the similar material-normative contextual application.[35]

The hereby Article does not aim at discussing application of the decisions of the Constitutional Court in sense of time. However, we could not avoid the circumstance that declaration of the disputable act/norm under the decision of the Constitutional Court is related to application of invalidity of the hereof act/norm in the sense of time. Hence, systematic regulation requires reference to the considerations provided in the legal literature.[36] According to the hereof supposition, the Decisions of the Constitutional Court might as well apply ex tunc and ex nunc.[37] As the legal literature provides, in the first event the decision has the retroactive force and if the normative act is declared as non-Constitutional, it shall be considered invalid upon enactment thereof (the act). Similar solution in practice entails restoration of the legal relations generated as a result of application of the non-Constitutional act to the original state or remuneration of the damage inflicted due to application of the act.[38] Ex nunc decisions are applied in practice more often, which means that validity of the Court orders on declaration of the act void applies ex nunc.[39] The issue of problematic nature of the legal consequences of declaration of the normative act non-Constitutional/void by the Con-

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[31] *Jarass H., Pieroth B.,* Grundgesetz für die Bundesrepublik Deutschland, Kommentar, 9. Auflage, München 2007, 833.

[32] *Maurer H., Staatsrecht I.,* Grundlagen.Verfassungsorgane.Staatsfunktionen, München, 2007, 561.

[33] *Jarass H., Pieroth B.,* Grundgesetz für die Bundesrepublik Deutschland, Kommentar, 9. Auflage, München 2007, 842.

[34] *Hufen F.,* Verwaltungsprozessrecht, München, 2011, 330.

[35] See, the different opinion of the Member of the Constitutional Court of Georgia, *Maia Kopaleishvili* on the Judgment of the Constitutional Court of Georgia of June 24, 2014 №1/3/359, paragraph 12.

[36] See, the Article 20 of the Organic Law of Georgia on "Constitutional Court" envisaging "declaration of the law or any other normative act as non-constitutional does not imply annulment of the earlier made Judgment and the Decisions on the basis of the hereof act but entails suspension of enforcement thereof solely in order established under the Procedural Legislation". See also, Article 310 of the Code of Criminal Procedure.

[37] *Kakhiani G.,* Constitutional Control in Georgia, Tbilisi, 2011, 43 (in Georgian).

[38] Ibid, 43.

[39] Ibid, 43-33.

stitutional Court is the subject of constant discussions. As the legal literature provides, the authors as in Georgian legal literature so the international organizations indicate to fact that the mechanisms established under the legislation on the Constitutional Court in view of restoration of the infringed human rights are not perfect.[40]

At that, in terms of termination of application of the legal act declared void, we shall take the difference between declaration of the legal act void for the purpose of Administrative Law and declaration of the legal act non-Constitutional/void for the purpose of Constitutional justice into account. Declaration of the legal act void in the Administrative Law is not related to the unlawful nature/illegality thereof.[41] While in the Constitutional justice, declaration of the disputable act non-Constitutional/void implies that the hereof act upon validity thereof, was contradicting with the Constitutional nature or was non-Constitutional and as mentioned above, it is up to the Constitutional order whether it is invalid ex tunc or ex nunc, that is the act, declared void/non-Constitutional by the Constitutional Court is considered to be in contradiction with the Constitution as with the fundamental law during validity/upon promulgation thereof, does not correspond thereto and hence, is non-Constitutional.

As the legal literature provides,[42] declaration of the disputable act void under the decision of the Constitutional Court is related to enforcement of the Court order.[43] The issue of the legal force of the decision of the Constitutional Court of Georgia is also relevant.[44] It is the subject of constant discussions. The issue concerns the period upon enactment of the disputable act up to declaration thereof as non-Constitutional. The presumption that the non-Constitutional, invalid act prior to declaration thereof as void or non-Constitutional, was in conformity with the Constitution[45] and the state acted in good faith[46] is a disputable circumstance.

4. Invalidity of the Disputable Act for the Purpose of the Constitutional Proceedings

The paragraph 2 of the Article 13 of the Law of Georgia on "Constitutional Proceedings" shall be interpreted taking the purposefulness thereof and the normative context of the legal act put under dispute by the plaintiff into account. Namely, the paragraph 2 of the Article 13 of the Law of Georgia on "Constitutional Proceedings" aims, upon verification of compliance of the current legal norms put under dispute by the plaintiff with the Constitution of Georgia, to ensure efficiency and affordability of the Constitutional proceedings. Discussions on the void or annulled norm, other than the exceptions stipulated under the law, fail to serve for the Constitutional proceedings. Hence, the terms in the hereof norm "declaring void or

[40] *Khetsuriani J.,* Authority of the Constitutional Court of Georgia, Tbilisi, 2016, 142-154 (in Georgian).

[41] See *Zikow J.,* Verwaltungsverfarengesetz, Kommentar., Stuttgart., 2006., 360. Also see, General Administrative Code of Georgia, Article 61. Compare the sub-paragraph "c" of the paragraph 2 of the Article 61 to the paragraph 6 of the same Article which does not exclude declaration of the act void upon entry thereof into force (regardless compliance thereof with the law upon promulgation). Compare, *Turava P.,* General Administrative Law, Tbilisi, 2016, 121 (in Georgian).

[42] See Article 20 of the Organic Law of Georgia on "Constitutional Court of Georgia", envisaging: "declaring the law or any other normative act non-Constitutional shall not imply annulment of the Court Judgments or Decisions earlier made on the basis of the hereof act but entails suspension of enforcement thereof solely in order established under the procedural law".

[43] *Zoidze B.,* Constitutional Control and Order of Values in Georgia, Tbilisi, 2007, 179 (in Georgian).

[44] See *Eremadze Q.,* Relevant Problems related to the Legal Force of the Decision of the Constitutional Court of Georgia. Overview of the Constitutional Law, Magazine, 2013, №6, 3 (in Georgian).

[45] *Zoidze B.,* Constitutional Control and Order of Values in Georgia, Tbilisi, 2007, 179 (in Georgian).

[46] Ibid, 179.

annulment" shall be interpreted taking the normative context into account, manifested under the disputable norm as a result of the changes adopted thereto.[47]

The legal literature provides the consideration about application of the norm. Existence of the legal norm is explained with application thereof. The norm does not exist when no application thereof exists.[48] The "Law,[49] although is future-oriented but the future concerns not only the newly emerged legal reality but the reality deriving from the past. The most important is the fact that enactment of the new Law sometimes officially annuls the old law while actually it continues application".[50]

For the purpose of Constitutional proceedings, the disputable act is considered void or annulled, when it no longer exists with the normative context which the plaintiff states as basis for putting Constitutional nature thereof under dispute. Deriving from the said fact, all the changes adopted to the disputable norm shall not automatically entail termination of the case in the Court and each case shall be evaluated on individual basis taking the fact into account whether the disputable norm amended or edited by the authorized subject, maintains the same normative context and whether it has impact with the same normative context to the addressee.[51]

5. Conclusion

Adoption of the changes to the legal act/disputable norm failing to change the normative context thereof and the application effect on the plaintiff, which appears obvious within the above-mentioned case, shall not create the basis for termination of the case in the Court.[52] The availability of the editorial changes solely to the disputable norm shall not serve the basis for emergence of the impediment for the Court to discuss the Constitutional nature of the hereof disputable norm.[53] The editorial change shall entail termination of the case in the Court solely if the changes adopted to the disputable act result in annulment of the disputable norm with the normative context with which it has been put under dispute as stipulated under the Constitutional claim.

Entry of the legal norm into force is related to the legal impact of the hereof norm. In particular case, regardless of the changes adopted to the norm, the disputable norm shall not lose the impact force. Naturally, the respective agency is entitled to apply certain legal means (annulment, invalidation) and hence, prevent the possible negative impact of the norm, however it cannot be achieved with the editorial changes that surfaced in the particular event above. In material terms, the disputable norm is in force as towards the addressee of the norm, so towards the issuer agency. In general, invalidation is limitable according to the composition of the normative context of the norm. The act is invalid if it is no longer in force with the same normative context.[54]

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47 See the different opinion of the Member of the Constitutional Court of Georgia, *Maia Kopaleishvili* on the Judgment of the Constitutional Court of June 24, 2014 №1/3/559, paragraph 6.

48 *Zoidze B.,* Test of the Practical Existence Cognition of Law, Tbilisi, 2013, 83-84 (in Georgian).

49 See *Zoidze B.,* Constitutional Control and Order of Values in Georgia, Tbilisi, 2007 (in Georgian). The author discusses the retroactive problem, real and unreal retroaction. With reference to the practice of the Constitutional Court of Germany, the author notes that real retroaction takes place when the new law applies to the relations emerged and terminated in the past and when the new law concerns as the relations emerged in the past continuing through the present, so the relations emerged upon enactment of the law, 67-72. See also, *Jarass H., Pieroth B.,* Grundgesetz für die Bundesrepublik Deutschland, Kommentar, 9. Auflage, München 2007, 490-492.

50 Ibid, 70.

51 See the different opinion of the Member of the Constitutional Court of Georgia, *Maia Kopaleishvili* on the Judgment of the Constitutional Court of June 24, 2014 №1/3/559, paragraph 8-9.

52 Ibid, paragraph 17.

53 Ibid, paragraph 10.

54 Ibid, paragraph 13.

When discussing invalidity of the legal act, we shall as well take the fact into account whether the special regulation in the amended norm deriving from the normative context of the norm prior to amendment has been changed. As noted, the material context has not changed as a result of the change, impact of the hereof norm is obvious and correspondingly, the norm is in force in material and legal terms. At the same time, we shall take it into account that not the fact that the amended act is equipped or prejudicial is the subject of interest but the fact that regardless of the changes, the act entails same impact. At that, we shall as well take the fact into account that the issue body of the act remains unchanged.[55]

[55] See the different opinion of the Member of the Constitutional Court of Georgia, *Maia Kopaleishvili* on the Judgment of the Constitutional Court of June 24, 2014 №1/3/559, paragraph 14.