P-ISSN 2233-3746 / E-ISSN 2720-782X
https://doi.org/10.60131/jlaw.1.2024.7949

Kristine Kuprava*

Requesting the Justification of a Constitutional Claim as a Guarantee of Effective Constitutional Control

Following an increased appeal the Constitutional Court of Georgia faces the challenge not to be overburdened with baseless constitutional claims and submissions. The court needs to take into consideration the issues that fall within the scope of powers determined by the Constitution and serve to restore the violated right and prevent an infringement of the right. Since the substantial consideration of each constitutional claim is related to limited human and material resources, only their rational application can ensure the implementation of the mandate of the Constitutional Court.

The article is dedicated to the complex and comparative analysis of the theoretical and practical problems arising while deciding on the issue of considering constitutional claims substantially, particularly in terms of requesting justification. The paper will also discuss specific recommendations to improve legislation in the mentioned discipline and provide judicial practices.

Keywords: *Constitutional Court, Constitutional Control, Effective Constitutional Justice, Fundamental Human Rights, Constitutional Claim, Acceptance of a Claim for Consideration on Merits, Justification of the Claim.*

1. Introduction

The decision to accept a constitutional claim for consideration has practical importance because this stage in constitutional proceedings has a direct and immediate effect on the implementation of constitutional justice.

The resources of the Constitutional Court are exhaustible. This issue has always been a subject of discussion in the example of different countries. Therefore, following the recommendation of the Venice Commission, the constitutional courts must provide the tools to accept unsubstantiated claims.[1]

To reduce the number of unsubstantiated constitutional claims in the Constitutional Court, the national legislation ensures procedural "filters"[2] that are laid out on the ground for declaring a constitutional claim inadmissible. European countries have developed different variations of the procedural "filters" for adopting the constitutional claim[3], depending on the national level of operating the constitutional control and the powers of the Constitutional Court Court.[4]

---

* PhD Student, Visiting lecturer at Ivane Javakhishvili Tbilisi State University Faculty of Law.

1 *Venice Commission,* Revised Report On Individual Access To Constitutional Justice, CDL-AD(2021)001, Opinion No. 1004/2020, Strasbourg, 22 February 2021, 22.

2 *Venice Commission,* Revised Report On Individual Access To Constitutional Justice, CDL-AD(2021)001, Opinion No. 1004/2020, Strasbourg, 22 February 2021, 19.

3 *Dürr S. R.,* Comparative Review of European Systems of Constitutional Justice, "Law Journal", No. 2, issue, 2017, translator: Paata Javakhishvili, 347.

4 *Chakim Lutfi M.,* A Comparative Perspective on Constitutional Complaint: Discussing Models, Procedures, and Decisions, Constitutional Review, Vol. 5, 2019, 98.

The requirement for the justification of the claim, in turn, consists of several criteria. In light of the general legislative record on requesting the substantiation of the constitutional claim, the Constitutional Court of Georgia established criteria for meeting each constitutional claim to consider. Since this practice is not uniform, especially in the recent period of performing the Constitutional Court, it is necessary to scientifically analyze one of the most important requirements for the admissibility of a constitutional claim – the requirement for the justification of the constitutional claim, which is the starting point in constitutional proceedings.

The article will examine the current legislative records on the request for justification and peruse the norms that have been applied for constitutional proceedings in Georgia. Also, the paper will summarize the practice developed by the Constitutional Court of Georgia and scrutinize the criteria established following the practice. Similarly, the article will propose recommendations for the implementation of effective constitutional justice.

2. Analysis of the Legislative Grounds for Requesting the Justification of a Constitutional Claim

To study the grounds for the admissibility of a constitutional claim, it is expedient to analyze the legislative space created by the legislator. It is especially important to study, interpret and understand the provisions regulating the claim of reasoning. Accordingly, the following chapter of the article will be devoted to the analysis of the legislative grounds from the period of the establishment of the Constitutional Court to the present day.

The essential originality of the 1995 Constitution of independent Georgia was setting up a specialized body of constitutional control.[5] This was a European model of constitutional control[6] based on the experience of Germany and other Western European countries where the Institute for Constitutional Control successfully functioned at that time.[7]

The imperative-bearing requirement of the transitional provisions of the Supreme Law of Georgia was to regulate the performance of the Constitutional Court by 1 February 1996. Accordingly, the Parliament of Georgia accurately followed the requirements of the Constitution and on January 31, 1996, adopted the Organic Law on the Constitutional Court of Georgia. On March 21, 1996, the Parliament of Georgia voted in favor of the Constitutional Proceedings of Georgia Law.[8] Accordingly, the rules for the activities and proceedings of the Constitutional Court were determined and regulated by two legislative acts.

---

5 *Kakhiani G.,* Institute of Constitutional Control and the Problems of Its Functioning in Georgia: An Analysis of Legislation and Practices, Tbilisi, 2008, 78; (in Georgian) *Demetrashvili A.,* Constitution of Georgia 1995 After 20 Years: Achievements, Challenges, Visions of the Future, in the book "Constitution of Georgia after 20 Years", *ed.: V. Natsvlishvili, D. Zedelashvili* , 2016, 32 (in Georgian).

6 *Kobakhidze I.,* Constitutional Law, Tbilisi, 2019, 231 (in Georgian).

7 *Schwartz H.,* Establishment of Constitutional Justice in Post-Communist Europe, Publishing House Ltd. "Sesan", Tbilisi, 2003, 63 (in Georgian).

8 *Khetsuriani J.,* Authority of the Constitutional Court of Georgia, Second Revised and Completed Edition, Tbilisi, 2020, 8 (in Georgian).

Regarding the issue of adopting the constitutional claim for consideration, before the 2018 legislative amendments[9], the Organic Law on the Constitutional Court of Georgia did not contain articles[10] that determine the formal and material grounds for the admissibility of the claim. The issue was regulated by the Law of Georgia on Constitutional Proceedings.[11] However, paragraph 2 of Article 31(2) of the Organic Law on the Justification of the Constitutional Claim has been making a reservation since the day of the establishment of the law. On the list of the basis of eligibility, the request for reasoning was directly indicated in the Law of Georgia on Constitutional Proceedings.

As a result of the 2017-2018 constitutional reform, the Law of Georgia on Constitutional Proceedings was declared invalid to bring the constitutional court into force with the provisions of the Constitution of Georgia [12], and its norms were reflected in the main organic law On the Constitutional Court of Georgia. A similar principle was applied to the issue of admission of the constitutional claim for consideration. The regulatory provisions were fully reflected in Articles 31^1 and 31^3 of the Organic Law of Georgia on the Constitutional Court. However, since 1996 the formal and material grounds for the admissibility of the constitutional claim have been regulated in the Law of Georgia on Constitutional Proceedings. After their transfer to the Organic Law on the Constitutional Court of Georgia, only minor changes were made in the context but the mentioned amendments did not apply to the premise of the justification of the claim.

According to paragraph 2 of Article 31 of the Organic Law of Georgia on the Constitutional Court of Georgia, "The constitutional claim or submission must include evidence that, in the opinion of the plaintiff or the author of the submission, justifies the grounds for the claim or submission."[13] Claus E of Article 31^1 of the Organic Law provides a similar obligation to the plaintiff: the constitutional claim shall include the evidence, which affirms the validity of the constitutional claim following the plaintiff.[14] If the legislation fails to comply with these requirements of the legislation, the Constitutional Court will refuse to accept the constitutional claim for consideration.[15]

The formation of the request for reasoning in a separate article is due to its great importance and burden in deciding on the issue of accepting the constitutional claim for consideration. It does not belong to the formal requirement of eligibility. This is evidenced by the fact that the substantiation of

---

9 Organic Law of Georgia on Amendments to the Organic Law of Georgia on the Constitutional Court of Georgia, Website, 10/08/2018, <https://matsne.gov.ge/ka/document/view/4273078?publication=0> [14.02.2024].

10 In particular, Articles 31^1 and 31^3 of the Organic Law of Georgia on the Constitutional Court of Georgia, Parliamentary Gazette, 001, 27/02/1996 (in Georgian).

11 Articles 16 and 18 of the Law of Georgia on Constitutional Proceedings, Parliamentary Gazette, 5-6, 24/04/1996, invalid – 21.7.2018, No 3265 (in Georgian).

12 Explanatory card on the draft organic law of Georgia on the Constitutional Court of Georgia, <https://info.parliament.ge/file/1/BillReviewContent/186269> [14.02.2024].

13 Paragraph 2 of Article 31 of the Organic Law of Georgia on the Constitutional Court of Georgia, Parliamentary Gazette, 001, 27/02/1996 (in Georgian).

14 Paragraph 1(e) of Article 31^1 of the Organic Law of Georgia on the Constitutional Court of Georgia, Gazette of the Parliament, 001, 27/02/1996 (in Georgian).

15 Paragraph 1(a) of Article 31^3(1) of the Organic Law of Georgia on the Constitutional Court of Georgia, Gazette of the Parliament, 001, 27/02/1996 (in Georgian).

the claim is checked by the Collegium/Plenum of the Constitutional Court, determined by which of them will consider the claim.

In summary, the requirement for the admissibility of a constitutional claim/submission is of a general nature and the legislator is limited to a similar prevalent reference. In addition, the legislative regulation applies to all types of powers of the Constitutional Court of Georgia. Accordingly, the Constitutional Court within its discretion, shall define the guiding standard at the stage of deciding the admission for consideration of the constitutional claim within each competence while implementing constitutional justice.

3. Definition of a Request for Reasoning under the Practice of the Constitutional Court

Only the analysis of the legislative framework is not enough to establish the standard for requesting the justification of a constitutional claim. Certain issues of eligibility determined by the legislation, including the requirement for reasoning, are acquired in the practice of the court with their real essence interpreted in the legal acts of the Constitutional Court. In this case, the interim acts adopted by the Constitutional Court – records and rulings are applied to assess the standard of requesting substantiation[16] of the claim.

A constitutional claim shall be accepted for consideration if it meets the requirements established by the legislation of Georgia. The Constitutional Court has repeatedly stated[17] that one of the most important conditions imposed by the legislation against the constitutional claim is the requirement for reasoning.

As a result of almost 30 years of operating, beyond the legislative requirements, the Constitutional Court has established in practice the prerequisites that must essentially be met by the constitutional claim: a) the justification of the claim shall refer to the appealed norm in content[18]; b) substantiate the content relation between the appealed norm and the provision of the Constitution concerning which the unconstitutional recognition of the norm is requested[19].

Accordingly, based on the practice of the Constitutional Court, it is of great importance to determine a content relation between the disputed norm and the norm of the Constitution. Also, it is necessary to find out whether the author of the constitutional claim correctly understands the content

---

16 The research provided in the article will mainly be aimed at the powers of the Constitutional Court, within which the Constitutional Court will review the constitutionality of a normative act for fundamental human rights recognized by Chapter 2 of the Constitution of Georgia according to paragraph 4(a) of Article 60 of the Constitution of Georgia.

17 Ruling No 2/6/475 of 19 October 2009 of the Constitutional Court of Georgia on the case "Citizen of Georgia Aleksandre Dzimistarishvili v. the Parliament of Georgia", II-1 (in Georgian).

18 Ruling No 2/3/412 of 5 April 2007 of the Constitutional Court of Georgia on the case "Citizens of Georgia – Shalva Natelashvili and Giorgi Gugava v. the Parliament of Georgia", II-9; (in Georgian) Ruling N2/4/420 of 5 October 2007 of the Constitutional Court of Georgia on the case "Citizens of Georgia Tsisana Kotaeva and others v. the Parliament of Georgia", II-7; (in Georgian) Information on constitutional legality in Georgia, Constitutional Court of Georgia 2019, 7 (in Georgian).

19 Ruling No 1/3/469 of 10 November 2009 of the Constitutional Court of Georgia on the case "Citizen of Georgia Kakhaber Koberidze v. the Parliament of Georgia and the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia", II-1 (in Georgian).

of the disputed norm and whether its argumentation is based on a false perception of the disputed norm.[20]

3.1. The Justification Given in the Claim Relates to the Disputed Norm

In general, the basis for initiating constitutional proceedings is to apply to the Constitutional Court with a constitutional claim/submission.[21] Individual constitutional claim is one of the forms of appeal to the Constitutional Court, which is envisaged by the legislation of many countries of the world (e.g., Czech Republic, Spain, Austria, Germany (the mechanism of German constitutional control is sometimes regarded as universal in the scientific literature)[22]).[23] The purpose of the introduction of the Institute for Direct Appeal by Individuals and Legal Entities to the Constitutional Courts was to cover the so-called "gray zones" in the area of protection of basic human rights.[24]

To formulate a constitutional claim, the main thing is the subject of a dispute, the proper formation of which depends on the correct selection of the disputed norm, which in turn is a complex issue. Whereas, the Constitutional Court of Georgia (as well as the courts of Hungary, Luxembourg, Montenegro[25], Poland[26], Switzerland) has no right to discuss the compliance of the law or other normative acts with the Constitution if the plaintiff or the author of the submission demands the law or any norm of the normative act to be declared unconstitutional.[27] The Constitutional Court of Georgia is bound by the claim request.

According to the legislation regulating the activities of the Constitutional Court and judicial practice, the author of the constitutional claim is obliged to identify the norm that restricts the fundamental rights guaranteed by the Constitution. To demonstrate the relevant relation to the specific provisions of the appealed norm to the Constitutional Court, the author of the constitutional claim is required to perceive the appealed regulation and its content correctly.

The problem concerning the justification of the constitutional claim[28] arises when the justification and the actual content of the disputed norm differ from each other. This means that the

---

20 Ruling No 2/1/481 of 22 March 2010 of the Constitutional Court of Georgia on the case "Citizen of Georgia Nino Burjanadze v. the Parliament of Georgia", II-1 (in Georgian)..

21 Paragraph 1 of Article 31 of the Organic Law of Georgia on the Constitutional Court of Georgia, Parliamentary Gazette, 001, 27/02/1996.

22 *Singer M.,* The Constitutional Court of the German Federal Republic: Jurisdiction Over Individual Complaints, 1982, 332.

23 *Samkharadze S., Effectiveness* of Filing Individual Constitutional Claim in Common Courts When Considering Affairs, "Journal of Constitutional Law", Issue 1, 2019, 109 (in Georgian).

24 *Gentili G.,* A Comparative Perspective on Direct Access to Constitutional and Supreme Courts in Africa, Asia, Europe and Latin America: Assessing Advantages for the Italian Constitutional Court, Penn State International Law Review, University of Sussex, 2011, 708.

25 Article 54, The Law on the Constitutional Court of Montenegro (Official Gazette of Montenegro 11/15).

26 Article 67, The Act of 30 November 2016 on the Organisation of the Constitutional Tribunal and the Mode of Proceedings Before the Constitutional Tribunal (Published in the Journal of Laws of the Republic of Poland on 19 December 2016, item 2072).

27 Paragraph 1 of Article 26 of the Organic Law of Georgia on the Constitutional Court of Georgia, Parliamentary Gazette, 001, 27/02/1996 (in Georgian).

28 Ruling No 2/1/481 of 22 March 2010 of the Constitutional Court of Georgia on the case "Citizen of Georgia Nino Burjanadze v. the Parliament of Georgia", II-2 (in Georgian).

position of the plaintiff is based on a false representation of the disputed norm. The Constitutional Court shall be authorized to discuss and evaluate only the actual content of normative acts. If the claimant misunderstands the content of the disputed provision[29], the Constitutional Court considers the claim unsubstantiated and confirms it by a ruling.

It is also interesting to discuss the case when the author in a constitutional claim requires the recognition of the appealed norm unconstitutional for any provision of the Constitution, and his argumentation concerns another provision of the Constitution or there is no such argument at all.[30] In this case, the constitutional claim cannot overcome the premise of the request for reasoning and it shall be deemed unsubstantiated. The claimant is obliged to prove that the restriction specified within the framework of the constitutional claim stems from the disputed norm, which determines the assessment of the appealed norm concerning the relevant provisions of the Constitution.[31]

Based on the above, it is essential for the author of the constitutional claim to correctly perceive the content of the disputed norm, the scope of its action, the entities the mentioned legislative regulation concerns, and the result of the validity of the norm. In this regard, the Constitutional Court has a firmly established practice.[32] Following the practice of foreign countries, the form of a constitutional claim plays an important role in clearly establishing the plaintiff's position and determining the justification of the claim.[33]

3.1.1. Standard Established by the Constitutional Court for Determining the Contents of the Appealed Norm

For the constitutional claim to satisfy the prerequisites for the admissibility of the claim established by the legislation, the Collegium/Plenum of the Constitutional Court must address the problem to which the Claimant is appealing in the norm.

According to the established practice, the norm to be interpreted in the content specified by the plaintiff, must either derive from the norm itself or be confirmed by the authoritative definition of the law enforcer.[34] The mentioned criterion is applied by the Constitutional Court to determine the content

---

29 Ruling N1/10/1708 of 22 February 2023 of the Constitutional Court of Georgia on the case "Zviad Devdariani v. the Parliament of Georgia", II-7 (in Georgian).

30 Ruling No 2/3/412 of 5 April 2007 of the Constitutional Court of Georgia on the case "Citizens of Georgia – Shalva Natelashvili and Giorgi Gugava v. the Parliament of Georgia", II-8 (in Georgian).

31 Ruling N1/10/1708 of 22 February 2023 of the Constitutional Court of Georgia on the case "Zviad Devdariani v. the Parliament of Georgia", II-12 (in Georgian).

32 For example, Ruling No 2/20/1417 of 17 December 2019 of the Constitutional Court of Georgia on the case "Grigol Abuladze v. the Parliament of Georgia"; (in Georgian) Ruling No 2/14/1393 of 24 October 2019 of the Constitutional Court of Georgia on the case "Davit Toradze and "Toradze and Partners LLC" v. the Parliament of Georgia" (in Georgian).

33 *Javakhishvili P.,* Constitutional Control of Common Courts Decisions – Experience of Overseas Countries and Prospects for its Establishment in Georgia, Tbilisi, 2021, 136 (in Georgian).

34 Ruling No 3/4/858 of 19 October 2018 of the Constitutional Court of Georgia on the case "Citizens of Georgia – Lasha Chaladze and Givi Kapanadze and Marika Todua v. the Parliament of Georgia and the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia", II-4 (in Georgian).

of the disputed norm indicated by the claimant.[35] In practice, there are frequent cases of refusal to accept a claim for consideration on similar grounds.

Based on the practice, the Constitutional Court determining the content of the appealed norm takes into account the practice of its application. "Statutory rules of conduct become viable in the practice of the court. The judicial authority in the architecture of the bodies established by the Constitution of Georgia is the branch of the government that has the final say in the interpretation and application of legislation."[36]

The common courts are the branches of government that make a final decision referring to the normative content of the law (its application). This suggests that the definition made by the Constitutional Court is of great importance and it plays a pivotal role in determining the actual content of the law. "The Constitutional Court typically adopts and considers the legislative norm with the normative content that was applied by the common court."[37]

For this reason, in the authoritative interpretation of the legislator, the definition of a normative act is mainly taken into account by the common courts and applied in individual circumstances, and in some cases, they acquire content contrary to the Constitution. If there is no common practice relating to a particular norm, the authoritative definition may include the definition of the body that is tasked with applying and enforcing the norm in practice. Especially in cases where the appeal of a particular act is not made in the judicial system and the last instance is held by the executive branch, the Prosecutor's Office D. A. S.

The Constitutional Court usually adopts and considers the legislative norm precisely with the normative content that was used by the common court. However, there may be several exceptions to this general rule, including when the Constitutional Court makes sure that the definitions made by the court of the same instance are contradictory. At such times, it cannot be considered that the content of the norm appealed by the common court was ultimately determined. In addition, in exceptional cases, the Constitutional Court is entitled not to accept the definition proposed by the General Court if it is unreasonable.[38]

3.1.2. The Normative Content of the Norm

In the last decade of its activities, the Constitutional Court laid the foundation for different practices of constitutional control and began to determine the constitutionality of the content of normative acts. The decision on the constitutionality of the normative content of the appealed act was

---

35 Ruling No 1/11/1452 of the Constitutional Court of Georgia of 15 March 2023 on the case "JSC Bank of Georgia" v. the Parliament of Georgia, II-5 (in Georgian).

36 Decision No 1/4/693,857 of 7 June 2019 of the Constitutional Court of Georgia on the case "N(N)LE Media Development Foundation and N(N)LE Institute for Development of Freedom of Information v. the Parliament of Georgia, II-49 (in Georgian).

37 Decision No 1/2/552 of 4 March 2015 of the Constitutional Court of Georgia on the case "JSC Liberty Bank" v. the Parliament of Georgia, II-16 (in Georgian).

38 Decision No 1/2/552 of 4 March 2015 of the Constitutional Court of Georgia on the case "JSC Liberty Bank" v. the Parliament of Georgia, II-16 (in Georgian).

first made in 2011.[39] The decision was preceded by the opinions expressed by the Georgian Legal Reality[40] and the European Court of Human Rights[41] on the shortcomings of the Georgian model of constitutional control in terms of protecting fundamental rights.[42] In this form, the Constitutional Court separated the appealed norm from its normative content[43] and determined the new direction of constitutional control in Georgia.[44]

Accordingly, the appealed provision simultaneously establishes multiple rules of conduct. If it is not problematic for the author but only one rule (normative content) determined by the appealed norm, the Constitutional Court recognizes the specific normative content of the norm[45] unconstitutional.

Thus, while identifying the contents of the appealed norm in a constitutional claim, the plaintiff must outline the problematic procedure established by the norm and request only the recognition of specific normative content as unconstitutional. If the claim is satisfied by the Constitutional Court, the norm will not be declared completely invalid, but reduced its application by specific normative content declared unconstitutional.[46]

Respectively, it is important to take into account the standard established by the Constitutional Court when determining the content of the appealed norm for the constitutional claim to satisfy the prerequisite for the admissibility of the claim established by the legislation – the request for reasoning, which implies the logical and contentious convergence of the justification given in the claim with the content of the appealed norm.

In practice, there was a case when, as a result of questioning the representative of the competent agency at the substantive review session, the court received information that the norm was not applied to the plaintiff in a restrictive nature of his basic right, and the record was only declarative in nature[47]. Also, at the substantive hearing, it was difficult for the plaintiff to present the evidence that would prove the similar application of the disputed norm in practice. Consequently, in each case, determining

---

39 Decision N1/1/477 of 22 December 2011 of the Constitutional Court of Georgia on the case "The Public Defender of Georgia v. the Parliament of Georgia" (in Georgian).

40 *Erkvania T.,* Normative Constitutional Claim as an Imperfect Form of Specific Constitutional Control in Georgia, 2014, <https://socialjustice.org.ge/ka/products/normatiuli-sakonstitutsio-sarcheli-rogorts-konkretuli-sakonstitutsio-kontrolis-arasrulqofili-forma-sakartveloshi> [24.01.2024].

41 "Apostolic vs. Georgia", N40765/02, Strasbourg, 2006.

42 *Erkvania T.,* Shortcomings of Specific Constitutional Control in Georgia – On the Integration of the so-called "real" constitutional claim into the constitutional justice system, in the Collection, TSU, *eds. K. Corkelia,* 2018, 47 (in Georgian).

43 *Gegenava D.,* Constitutional Court of Georgia as a Positive Legislator, in the book: "Sergo Jorbenadze 90", Tbilisi, 2017 (in Georgian).

44 *Javakhishvili P.*, Constitutional Court of Georgia and Actual Real Control, Journal of Law, No. 1, T., 2017, 342; (in Georgian) *Gegenava D., Javakhishvili P.,* Constitutional Court of Georgia: Attempts and Challenges of Positive Legislation, "Lado Chanturia 55", *ed. D. Gegenava,* Tbilisi, 2018, 124 (in Georgian).

45 *Baramashvili T., Macharashvili L.,* Standards for Admissibility of Constitutional Claim, Practical Manual, *ed. Lomtatidze E.,* 2021, 32-33 (in Georgian).

46 For example, Decision N3/2/646 of 15 September 2015 of the Constitutional Court of Georgia on the case "Citizen of Georgia Giorgi Ugulava v. the Parliament of Georgia", III-2 (in Georgian).

47 Decision No 3/3/1635 of 14 December 2023 of the Constitutional Court of Georgia on the case "The Public Defender of Georgia v. the Parliament of Georgia" (in Georgian).

the normative content of the norm, the claimant party shall act with great care and rely on the evidence confirming the existence of a specific normative content of the norm.

3.2. Content Relation between the Disputed norm and the Relevant Provision of the Constitution

Another important prerequisite for admission of the constitutional claim is to substantiate the clear content relation between the appealed norm and the relevant constitutional right by the plaintiff. The basic rights guaranteed by the Constitution significantly differ from each other by the protected space, the interference with the right, and other characteristics. This mainly involves the correct identification of the right which, concerning the position of the plaintiff, violates the norm appealed by him.

Thus, following the cases often applied in practice, the author of a constitutional claim correctly identifies the disputed norm however, the relevant provision of the Constitution referring to the disputed norm is incorrectly indicated. This leads to the refusal to accept the constitutional claim for consideration. The Constitutional Court shall discuss the constitutionality of the disputed norm. For this, the plaintiff must present the argument in the constitutional claim that will manifest to the court the content relation between the disputed norm and the provisions of the Constitution indicated in the constitutional claim.[48]

"Accepting a constitutional claim for consideration, the court believes that there is a content relation, on the one hand, between the norms appealed by the claimant and the evidence presented on the constitutionality of these norms, and on the other hand, between the norms concerning the issue of constitutionality. This appeal enables the Constitutional Court to have an objective opportunity to discuss the constitutionality of the disputed norms during the consideration of the claim".[49]

The Constitutional Court of Georgia strictly protects the scope of the fundamental rights dealt with in Chapter II of the Constitution, negatively evaluates the issue of artificially expanding the scope, and considers that "deleting the line passed by the Constitution between the rights will neither serve to protect the right nor ensure the order established by the Constitution."[50]

One of the necessary prerequisites for deeming the claim reasonable and receiving it for consideration is to correctly determine which constitutional right is restricted by the disputed norm. In each specific case, addressing the disputed norm depends on the content of the norm, the scope of regulation, its result, and the protected area of the constitutional right.

However, based on practice, the determination of the scope of the basic right protected by Chapter 2 of the Constitution is a rather irresistible problem for the authors of constitutional claims. This is due to the lack of practice regarding certain basic rights. Throughout the functioning of the

---

48 Recording note No 2/11/663 of 7 July 2017 of the Constitutional Court of Georgia on the case "Citizen of Georgia Tamar Tandashvili v. the Government of Georgia", II-7 (in Georgian).

49 Decision No. 2/2/389 of 26 October 2007 of the Constitutional Court of Georgia on the case" Citizen of Georgia Maia Natadze and others v. the Parliament of Georgia and the President of Georgia", II-2 (in Georgian).

50 Recording note No 1/7/561,568 of 20 December 2013 of the Constitutional Court of Georgia on the case "Citizen of Georgia Yuri Vazagashvili v. the Parliament of Georgia", II-11 (in Georgian).

Constitutional Court of Georgia, some provisions in the second chapter of the Constitution of Georgia have never been evaluated or interpreted. Also, as a result of the fundamental amendments to the Constitution of Georgia in 2017-2018, new provisions (some of them were specified) have emerged in the second chapter, which should also be clarified followed by practice. For example, recognition of the right to fair administrative proceedings[51], academic freedom, physical inviolability, and access to the Internet.[52] For more evidence, the Constitutional Court has recently received a court record[53], where the opinions of judges regarding the right to access the Internet were divided since the appeal of the provision was interpreted by most members of the court following paragraph 2 of Article 17 of the Constitution of Georgia, the right of every person is protected to freely receive and disseminate information. Extensive discussion was devoted to the issue attached to the court record[54], which emphasized the fact that such new provisions before making judicial practices and interpretations in Chapter 2 of the Constitution of Georgia would be an invincible problem for the authors of the constitutional claim.

3.2.1. Separation of Restriction of Right and its Side Effect

According to the practice of the Constitutional Court, the relation of the disputed norm to the fundamental right is verified by determining the direct and side effects of the restriction of the right.

Fundamental rights and freedoms are closely related to each other, and the restriction of one of them means affecting other rights. However, this does not imply that the disputed norm restricts different rights at the same time. To accept the claim for consideration, the plaintiff must indicate the violation of the basic right on which the disputed provision has a direct (and not lateral) effect.

According to the practice of the Constitutional Court of Georgia, "It is important to distinguish between the restriction of rights and the effects generated by the restriction of rights. The restriction of any rights protected by Chapter 2 of the Constitution of Georgia often has a certain effect on other constitutional rights, but this does not mean interference with the right and its restriction. The constitutional court should evaluate the disputed norm concerning the constitutional right to be restricted, and not the right, the restriction of which will appear to be a side effect".[55]

The court has repeatedly stated that "the exercise of a certain right may be related to the restriction of the full application of another right. In each similar case, to identify the restriction of any

---

51 *Turava P.,* Fair Administrative Proceedings as a Basic Constitutional Right and Its Institutional Guarantee, in the Proceedings of "Modern Challenges of Human Rights Protection", *ed. K. Corkelia,* T., 2018, 246 (in Georgian).

52 *Kublashvili K.,* Shortcomings and Challenges of the New Constitution of Georgia, Jurn. "Review of Constitutional Law", XIV Edition, 2020, 85 (in Georgian).

53 Recording note No 3/7/1483 of 4 November 2022 of the Constitutional Court of Georgia on the case "Information Network Center Ltd. v. the Parliament of Georgia" (in Georgian).

54 The dissenting opinion of the judges of the Constitutional Court of Georgia – Irine Imerlishvili, Giorgi Kverenchkhiladze and Teimuraz Tughushi regarding the recording note No 3/7/1483 of 4 November 2022 of the Constitutional Court of Georgia (in Georgian).

55 Ruling No 2/21/872 of 28 December 2017 of the Constitutional Court of Georgia on the case "Citizens of Georgia – Sophiko Verdzuli, Guram Imnadze and Giorgi Gvimradze v. the Parliament of Georgia", II-5 (in Georgian).

provision of the Constitution it is important to determine which right the disputed norm applies to."[56] Accordingly, first of all, the content and purpose of the disputed norm should be clarified.

For example, in one of the lawsuits,[57] the plaintiff appealed a provision that restricted the right of a parent to take the child abroad. Following the constitutional claim, based on the disputed norm, the child, a Canadian citizen was restricted from the right to travel to his own country. This was a violation of the right to the free development of a person and the right to human privacy protected by the Constitution.

According to the Constitutional Court, the constitutionality of this restriction should have been assessed for the right to free movement guaranteed by the Constitution of Georgia. The primary purpose of the disputed norm was to restrict the removal of a person only outside Georgia, and it did not regulate the right of this or that person to receive any benefits provided by the legislation of Georgia or another country, including the right to education.[58] The fact that a person was unable to exercise any right due to the prohibition established by the disputed norm was a side effect of restricting the freedom of movement provided by the disputed norm.

In summary, the practice of the Constitutional Court referring to the issue is consistent and accepted, because in the case of the failure of making this decision, the line between rights would be removed and the court would have to evaluate the disputed norm not specifically with one of the fundamental rights, but with several of them, which would not be under the Constitution and contribute to overburdening the court.

4. Obligation to Prove the Unconstitutionality of Restriction on the Right

The constitutional claim is a material prerequisite for constitutional control, which is diverse all over the world. However, for all forms of the claim, a mandatory requirement for mutual relation between the plaintiff and the disputed act has not been established. However, one of the main conditions in exercising specific constitutional control is the appeal of violation of the constitutional right of the plaintiff, which distinguishes it from an abstract constitutional claim.[59] Moreover, when exercising constitutional control, the appealed act must emphasize not only the violation of the basic rights of its author[60] but also present direct and instant damage.[61]

---

56 Ruling No 2/5/1249 of 22 February 2018 of the Constitutional Court of Georgia on the case "Citizens of the Republic of Iraq – Shehab Ahmed Hamud and Ahmed Shehab Ahmed Ahmed v. the Parliament of Georgia", II-3 (in Georgian).

57 Constitutional Claim No. 1212.

58 Recording Record No 2/16/1212 of 28 December 2017 of the Constitutional Court of Georgia on the case "Citizen of Georgia Giorgi Spartak Nikoladze v. the Parliament of Georgia", II-4; (in Georgian) For comparison, see Ruling No 1/6/1608 of 20 May 2022 of the Constitutional Court of Georgia on the case "Matsatso Tepnadze v. the Government of Georgia", (in Georgian) Ruling No 2/21/872 of 28 December 2017 of the Constitutional Court of Georgia on the case "Citizens of Georgia – Sophiko Verdzeduli, Guram Imnadze and Giorgi Gvimradze v. the Parliament of Georgia" (in Georgian).

59 *Javakhishvili P.,* Constitutional Control of Common Courts Decisions – Experience of Foreign Countries and Prospects for its Establishment in Georgia, Tbilisi, 2021, 150 (in Georgian).

60 *Khubua G., Traut I.,* Constitutional Justice in Germany, Tbilisi, 2001, 25 (in Georgian).

61 *Barnet R. J.,* The Protection of Constitutional Rights in Germany, Virginia Law Review, Vol. 45, 1158.

Applying to the Constitutional Court of Georgia with a constitutional claim by a physical or a legal person, he/she must clearly and unambiguously demonstrate that he/she is likely to be an entity of legal relations determined by the disputed norm, which may lead to a violation of his/her constitutional rights. A person is not authorized to apply to the court for the protection of others' rights. Therefore, the plaintiff is required to justify that he is disputing the violation of his/her right (or possible violation of his right in the future). In the absence of the recently mentioned, the Constitutional Court of Georgia will not accept a constitutional claim for consideration.[62]

Otherwise, there will be a form of constitutional lawsuit Actio popularis, which, following the opinions expressed in the legal literature, Kelsen considered an effective mechanism for assessing unconstitutional norms[63] but due to the excessive possibility of appeal, it is seldom found in European constitutional justice.

In practice, the countries enabled to be the initiators of the constitutional claim, require the satisfaction of several mandatory conditions to protect the constitutional courts of their countries from overburdening (e.g., Liechtenstein, Malta[64] and Peru). The Venice Commission has always advised states to clarify that only a victim of a violation has the right to appeal to a court with a constitutional complaint.[65]

As an example, we refer to the case of Hungary[66] where in 2011 the National Assembly passed the Constitutional Court Act and a new basic law of the country, which resulted in the repeal of the current model of constitutional control, Actio Popularis was canceled in Hungary.[67] According to the Venice Commission, it caused the Constitutional Court to be overburdened.[68] The distinction between the Actio popularis and the constitutional claim can be theoretically clear, but in practice, it can be one of the problematic issues.[69]

---

62 Ruling No 1/2-527 of 24 October 2012 of the Constitutional Court of Georgia on the case "Citizens of Georgia – Giorgi Tsakadze, Ilia Tsulukidze and Vakhtang Loria v. the Parliament of Georgia", II-7 (in Georgian).

63 *Javakhishvili P.,* Constitutional Control of Common Courts Decisions – Experience of Foreign Countries and Prospects for its Establishment in Georgia, Tbilisi, 2021, 26 (in Georgian).

64 *Venice Commission,* Report on "The Individual's Access to Constitutional Jurisdiction in the European Area", report for the CoCoSem seminar in Zakopane, CDL-JU(2001)22, Poland, October 2001, 35.

65 *Venice Commission*, Opinion on the Seven Amendments to the Constitution of "The former Yugoslav Republic of Macedonia" concerning, in particular, the Judicial Council, the Competence of the Constitutional Court and Special Financial Zones, CDL-AD(2014)026, Opinion No. 779/2014, Strasbourg, 13 October 2014, 10.

66 *Somody, B.* (2023). Constitutional complaints by state organs? changes in the standing requirements before the Hungarian constitutional court. ELTE Law Journal, 2023(1), 115.

67 *Somody, B., & Vissy, B.* (2012). Citizen's Role in Constitutional Adjudication in Hungary: From the Actio Popularis to the Constitutional Complaint. Annales Universitatis Scientiarum Budapestinensis de Rolando Eotvos Nominatae: Sectio Iuridica, 53, 107.

68 *Venice Commission,* Opinion on Three Legal Questions Arising in The Process of Drafting the New Constitution of Hungary, CDL-AD (2011)001, Opinion No. 614/2011, CDL-AD (2011)001, Strasbourg, 28 March 2011,11.

69 *Kargaudienė A.,* Individual Constitutional Complaint In Lithuania: Conception And The Legal Issues, Baltic Journal of Law & Politics 4:1 (2011): 154-168, 164.

In the following chapter, we will highlight the standard of proof of the unconstitutionality of restricting the rights established by the Constitutional Court. However, in addition to presenting direct and instant damages to the court, in the wake of the development of the practice and the increase in the submitted claims, the Constitutional Court attempts to tighten the quality of the request for the justification of the constitutional claim at the stage of receipt for consideration.

According to the practice of the court, it is not enough to consider the constitutional claim substantiated not only to indicate the restriction of the basic right, the plaintiff must present an argument that indicates the unconstitutionality of the disputed norm.[70] When the disputed regulation is not self-evident, the plaintiff, beyond reference to the fact of restriction of the basic right, must cite an argument why he/she regards the disputed solution as a disproportionate and unconstitutional means of achieving the goal.[71]

For example, in one of the lawsuits,[72] the plaintiff appealed a provision[73] prohibiting the gathering of more than 3 individuals in public space. The Constitutional Court did not accept the mentioned constitutional claim for consideration and made an important explanation: "The legitimate aims of the introduction of the disputed regulation are obvious, as well as the impending threats to the life and health of the population by the spread of the coronavirus (COVID-19). In such circumstances, it is not enough to substantiate a constitutional claim and to indicate only the fact of restriction of rights. As already mentioned, the restriction of the provisions of the Constitution is unconstitutional. The claimant is obliged to cite the argument why he believes that the established restriction is a disproportionate means of achieving the goal and therefore unconstitutional regulation."[74]

In addition, the court clarified that "when a participant in constitutional proceedings provides factual circumstances to prove the unconstitutionality of the rule of normative conduct, the evidence

---

70 See Ruling No 1/4/1416 of 30 April 2020 of the Constitutional Court of Georgia on the case "Sveti Development" Ltd, "Columni Group" Ltd, "Sveti Nutsubidze" Ltd, Givi Jibladze, Tornike Janelidze and Giorgi Kamladze v. the Government of Georgia and the Parliament of Georgia; (in Georgian) Ruling No 2/8/1496 of 29 April 2020 of the Constitutional Court of Georgia on the case "Tekla Davituliani v. the Government of Georgia", (in Georgian) Ruling No 1/3/1555 of 12 February 2021 of the Constitutional Court of Georgia on the case "Givi Luashvili v. the Government of Georgia"; (in Georgian) Recording note No 1/9/1800 of 14 December 2023 of the Constitutional Court of Georgia On the case of "Vasil Zhizhiashvili and Marine Kapanadze v. the Chairperson of the Parliament of Georgia" (in Georgian).

71 Ruling No 1/3/1555 of 12 February 2021 of the Constitutional Court of Georgia on the case "Givi Luashvili v. the Government of Georgia", II-7.

72 Constitutional Claim No. 1496.

73 Ordinance No 181 of 23 March 2020 of the Government of Georgia on the Approval of Measures to be Implemented in connection with the Prevention of the Spread of the Novel Coronavirus (COVID-19) in Georgia, Article 5(2), Website, 23/03/2020.

74 Ruling No 2/8/1496 of 29 April 2020 of the Constitutional Court of Georgia on the case "Tekla Davituliani v. the Government of Georgia", II-3; (in Georgian) For comparison, see Ruling No 1/26/1449 of 29 December 2020 of the Constitutional Court of Georgia on the case "Ahtsham Ulfat, Adil Usman and Hamza Ulfat v. the Parliament of Georgia"; (in Georgian) Ruling No 1/19/1779 of 1 June 2023 of the Constitutional Court of Georgia on the case "Giorgi Tsaadze v. the Parliament of Georgia" (in Georgian).

must meet a high degree of persuasion. In particular, such arguments must be supported by relevant documentary evidence."[75]

The fact that the standard of reasoning in the court is not firmly established and there is no consensus around this issue confirms the contrasting opinions of the members of the Constitutional Court attached to the ruling made by the court.[76] The main cause why a judge does not agree with considering the claim inadmissible and unsubstantiated is a different understanding of the standard of reasoning. Moreover, the authors of the dissenting opinion refer to some cases from the practice of the Constitutional Court, when the court inadmissibly accepted another constitutional claim for consideration within the argumentation of a similar justification of the familiar constitutional claim.[77]

The requirement for substantiation at the stage of admissibility of a constitutional claim is precisely the common characteristic that has specialized bodies exercising constitutional control over various powers under the European model. For example, under German law,[78] taking into account the wide area of responsibility and a huge burden, the German Constitutional Court has the opportunity to reject the claims with specially accelerated procedures, if the claim is inadmissible or baseless,[79] to restrain hopeless and unpromising proceedings.[80] The constitutional courts of Hungary,[81] the Czech Republic[82], Estonia[83] and Belgium are familiar with such prerequisites[84], as well as the European Court of Human Rights. The European Court of Human Rights is also familiar with a similar premise. Article 35 of the European Convention on Human Rights refers to the eligibility criteria for appeals. According to paragraph 3(a) of the same article, the court shall inadmissibly recognize any individual appeal inadmissible if it considers that the statement is unsubstantiated.[85] At the stage of admissibility of the complaint, the court requires the applicant to provide a justification that will convince the court of the violation of one or another article of the Convention.

---

75 Decision No 2/5/700 of the Constitutional Court of Georgia of July 26, 2018 on the case "Coca-Cola Bottlers Georgia" Ltd, "Castel Georgia" Ltd and "JSC Healthy Water (Tskali Margebeli)" v. the Parliament of Georgia and the Minister of Finance of Georgia", II-86 (in Georgian).

76 The dissenting opinion of the Judge of the Constitutional Court of Georgia Teimuraz Tughushi regarding the ruling No 2/17/1629 of 25 July 2023 of the Constitutional Court of Georgia; The dissenting opinion of the judges of the Constitutional Court of Georgia – Irine Imerlishvili and Teimuraz Tughushi regarding the ruling N2/15/1453 of the Constitutional Court of Georgia on July 25, 2023 (in Georgian).

77 Dissenting opinion of the judges of the Constitutional Court of Georgia – Irine Imerlishvili and Teimuraz Tughushi regarding the ruling N2/15/1453 of the Constitutional Court of Georgia of July 25, 2023, II-13 (in Georgian).

78 Federal Constitutional Court Act in the version published on 11 August 1993 (Federal Law Gazette I p. 1473), which was last amended by Article 4 of the Act of 20 November 2019 (Federal Law Gazette I p. 1724), § 24.

79 *Schmidt-Bleibtreu/Klein/Bethge/Hömig,* 62nd EL January 2022, BVerfGG § 24.

80 *Lechner/Zuck,* Federal Constitutional BVerfGG Court Act, 6th ed., 2011, § 24 marginal no. 1.

81 Section 55, Act CLI of 2011 on the Constitutional Court of Hungary.

82 § 43, Act of 16 June 1993, No. 182/1993 Sb. on the Constitutional Court of Czech Republic.

83 §20[1], Constitutional Review Procedure Act of Estonia, March 13, 2002, RT I 2002, 29, 174. (as Amended to December 8, 2005).

84 Art. 70-71, Special act of 6 January 1989 on the Constitutional Court of Belgium.

85 European Court of Human Rights, Practical Guide on Admissibility Criteria, Updated on 28 February 2023, <https://www.echr.coe.int/documents/d/echr/COURtalks_Inad_Talk_ENG> [24.01.2024].

In Slovenia, the violation of basic rights must be directly related to the interest of the plaintiff and afflict his/her legal condition,[86] as well as the damage has to be sufficiently significant. "A constitutional complaint is not allowed unless the violation of human rights or fundamental freedoms has serious consequences for the complainant."[87]

In summary, by establishing a high standard of evidence, the Constitutional Court can avoid unpromising and unsubstantiated claims and apply the referred cases as a guide for further proceedings.

5. Direct Justification in the Claim

The Constitutional Court has considered the cases when the plaintiff indicated in the unsubstantiated constitutional claim about presenting the proper argumentation orally at the session. The Constitutional Court does not accept such claims for consideration (the legislation does not also provide such a procedural opportunity).

According to the general rule, the issue of receiving the case for consideration is considered without an oral hearing. Apart from exceptional cases, the Constitutional Court of Georgia rarely considers it necessary to hold the admissibility stage at an oral hearing to determine additional circumstances, which at first glance have a positive impact on the resources of the Constitutional Court. Holding an oral hearing unconditionally leads to an increase in the burden of the court.[88] However, the Constitutional Court should act discreetly when deciding on holding a preliminary hearing without an oral hearing. At this time the Constitutional Court introduces the participants of the proceedings and their interests.[89] This is a very important tool, but not indispensable.[90]

When the constitutional claim does not contain sufficient justification, the Organic Law of Georgia on the Constitutional Court of Georgia enables the Collegium/Plenum of the case to invite the parties to the admissibility stage and hold a preliminary. This is permissible if the circumstances related to the admission for consideration of the case cannot be determined."[91] However, there is a second alternative: the Constitutional Court neither holds an oral hearing nor accepts a constitutional claim for consideration due to a lack of proper justification.

Relating to one of these claims, the court explained that "the constitutional claim does not present a proper argumentation that emphasizes a content relation between the disputed norm and the right recognized by the specific provision of Chapter II of the Constitution. The claimant does not identify which right guaranteed by Chapter 2 of the Constitution is restricted by the disputed norm. In

---

86 *Venice Commission*, Study on Individual Access to Constitutional Justice, European Commission For Democracy through Law, CDL-AD(2010)039rev., Study No. 538/2009 Strasburg, Strasbourg, 27 January 2011, 34.

87 Article 55a, The Constitutional Court Act of Slovenia (Official Gazette of the Republic of Slovenia, No. 64/07 – official consolidated text, 109/12, 23/20, and 92/21).

88 *Schmidt-Bleibtreu/Klein/Bethge/von Coelln*, 62nd EL January 2022, BVerfGG § 25 para. 4.

89 *Prütting, in: Prütting / Gehrlein*, ZPO, 4th ed. 2010, § 128 marginal no. 2.

90 *Schmidt-Bleibtreu/Klein/Bethge/von Coelln,* 62nd EL January 2022, BVerfGG § 25 para. 1.

91 Paragraph 2 of Article 271 of the Organic Law of Georgia on the Constitutional Court of Georgia, Gazette of the Parliament, 001, 27/02/1996.

addition, the acceptance of a constitutional claim for consideration cannot be determined by the plaintiff's instruction to present a detailed justification at the hearing as the constitutional claim must be substantiated with an appropriate argumentation directly in the claim, and not at the session of oral substantive consideration."[92]

Accordingly, the plaintiff should not hope that to extend his argumentation, he will be given the opportunity and invited to the preliminary session. It would be incorrect to interpret the legislative record because considering the circumstances of the case it enables the court to examine the basic argument, which should have been presented in the constitutional claim.

The practice of the Constitutional Court has provided some oral preliminary hearings to clarify the requirement and determine the scope. However, the acceptance of the claim as a part of the deficient justification with the expectation of presenting additional arguments at the session for emphasizing the unconstitutionality of the norm would be unequivocally incompatible with constitutional justice.

The legislation (which is confirmed by the practice) does not prohibit the plaintiff from making additional arguments confirming the unconstitutionality of the norm at the substantive hearing. The additional arguments cannot be provided in the constitutional norm but they are often addressed by the plaintiffs or their representatives following the procedural rules.

6. The Fragile Line between the Stages of Preliminary and Substantial Consideration

Constitutional proceedings in Georgia are divided into several stages of interconnection. Each legal proceedings stage is a combination of certain actions of the Constitutional Court and the participants of the proceedings.[93] Accordingly, each stage of constitutional proceedings serves to resolve a specific legal situation in a certain period and ultimately leads to the stages of legal proceedings before the Constitutional Court makes a final decision on a particular case.[94] The Constitutional Court emphasizes the purpose of the stages of litigation, noting that the division of constitutional proceedings into stages is not self-purposeful and has real content and firmly established goals.[95]

The Organic Law of Georgia on the Constitutional Court of Georgia establishes the line between the substantive and preliminary stages only in a few articles.[96] However, it does not provide a clear idea about the stages of the proceedings.

---

92 Ruling No 1/12/1310 of 6 December 2018 of the Constitutional Court of Georgia on the case "Navtlughi" v. the Parliament of Georgia, II-3 (in Georgian).

93 *Gonashvili V., Tevdorashvili G., Kakhiani G., Kakhidze I., Kverenchkhiladze G., Chigladze N.,* Constitutional Law of Georgia, Tbilisi, 2020, 354 (in Georgian).

94 *Kakhiani G.,* Constitutional Control in Georgia, Theory and Analysis of Legislation, Tbilisi, 2011, 347-348 (in Georgian).

95 Ruling No 2/17/1629 of 25 July 2023 of the Constitutional Court of Georgia on the case "Public Defender of Georgia v. the Parliament of Georgia", II-14 (in Georgian).

96 For example, according to paragraph 2 of Article 315 of the mentioned Law, the constitutional claim is regarded as accepted by the Constitutional Court for consideration when the Collegium/Plenum of the Constitutional Court makes a decision at the preliminary session. According to Article 31^2, Paragraph 10 of

In this regard, following the practice of the Constitutional Court, the decision No 2/2-389 of 26 October 2007 is of precedent[97] when the Constitutional Court explained the reason for the acceptance of the constitutional claim for consideration and interpreted the task of the court in the substantial consideration of the claim. Performing this action the Court defined the scope of the preliminary session.

"Accepting a constitutional claim for consideration, the Court believes that there is a contentious appeal on the one hand, between the norms appealed by the plaintiff and the evidence presented on the constitutionality of these norms, and on the other hand, between the norms of the Constitution concerning which the issue of constitutionality is raised. This delegates the Constitutional Court to discuss the constitutionality of the disputed norms during the substantial consideration."[98]

Accordingly, the Court emphasized the fact that the determination of the content was the issue to be examined at the preliminary session, and interference with the basic right was the task of the substantive review session.

"The record of the Constitutional Court on the acceptance of the constitutional claim for consideration implies that the Constitutional Court is starting the process of checking the constitutionality of the disputed norms, and not that it has already completed the determination of interference with the fundamental rights of the disputed norms. The interference is obvious and the defendant must prove its constitutionality. Determining interference with the right is an integral part of the substantive consideration and the resolution of the constitutional claim, which requires a thorough analysis of the disputed norm and cannot be carried out within the preliminary session."[99]

However, despite these explanations, the constitutionality of normative acts related to the issues of Chapter II of the Constitution of Georgia, the scope of the validity of the Constitutional Court remains vague, in particular, determining which stage of the legal proceedings considers the content concerning the basic right and manifests the interference with the area protected by the right. In the practice of the Constitutional Court can be found such precedents that point out the deleted margin between the stages of constitutional proceedings. Particularly, the precedents[100] prove that in the

---

the same law, the reporting judge, while examining the constitutional claims determine a reason defined by Article 31^3 of this law for refusing to accept the claim for consideration.

97 Decision No 2/2/389 of 26 October 2007 of the Constitutional Court of Georgia on the case "Citizen of Georgia Maia Natadze and others v. the Parliament of Georgia and the President of Georgia" (in Georgian).

98 Decision No 2/2/389 of 26 October 2007 of the Constitutional Court of Georgia on the case "Citizen of Georgia Maia Natadze and others v. the Parliament of Georgia and the President of Georgia", II-2 (in Georgian).

99 Ibit.

100 Decision N2/482,483,487,502 of 18 April 2011of the Constitutional Court of Georgia on the case "Political Union of Citizens "Movement for United Georgia", Political Union of Citizens "Conservative Party of Georgia", Georgian Citizens – Zviad Dzidziguri and Kakha Kukava, Georgian Young Lawyers' Association, Citizens Dachi Tsaguria, and Jaba Jishkariani, Public Defender of Georgia v. the Parliament of Georgia", II-14; (in Georgian) Decision No 1/1/1404 of 4 June 2020 of the Constitutional Court of Georgia on the case "Nana Sepashvili and Ia Rekhviashvili v. the Parliament of Georgia and the Minister of Justice of Georgia"; (in Georgian) Decision No 1/9/1673,1681 of 17 November 2022 of the Constitutional Court of Georgia on the case "Londa Toloraia and the Public Defender of Georgia v. the Parliament of Georgia", II – 75-80; (in Georgian) Decision No 3/2/853 of 14 December 2023 of the Constitutional Court of Georgia on

motivational part of the decision the Constitutional Court considered the absence of a relation of the contested norm to the relevant provision of the Constitution.

Accordingly, the court must follow the practice established by the Constitutional Court and the standard that the court developed in making the above decision. If the court determined not only the relations but also the interventions of a physical person, legal entity, or public defender with the basic rights protected by Chapter 2 of the Constitution while assessing the disputed norms, at the preliminary session, there would be nothing to examine within the scope of the substantive session. Especially with the category of absolute basic rights because interference with the absolute right is a violation of the right.

Exceptions include cases where the Constitutional Court considers the issue of the so-called "overcoming norm" when a disputed normative act or part contains norms of the same content that the Constitutional Court has already declared unconstitutional.[101] At such time, a substantive hearing cannot be held, and the court shall issue a ruling on the non-acceptance of the case for consideration and the disputed act or part is declared invalid.[102] Accordingly, at the preliminary hearing, the Court merges these two stages and, based on the principle of thorough examination and economics of the case hears the legitimate aims of the restriction and the requirements of the proportionality from the parties.

7. Conclusion

Based on the practice of many years, the Constitutional Court has clearly stated preconditions regarding the justification of the constitutional claim. However, several issues need to develop a unified approach as the change in standards (before it turns into the prevailing practice) creates some inconvenience for the authors of constitutional claims, because the practice established by the Constitutional Court is a manual to formulate a claim.

For every citizen who wants his constitutional claim to successfully overcome the stage of admissibility and meet the standard of requesting justification, it is quite difficult to analyze the almost 30 years of practice of the Constitutional Court, read the standards, and draw up a constitutional claim against the background of these standards.

There are two ways to solve this problem:

1) The current legislation is lacking in regulations. Fully analyzing the task of the regulation and substantial sessions is only possible through the practice of the Constitutional Court. It is recommended to determine the scope of each stage of proceedings by the Organic Law of Georgia on the Constitutional Court of Georgia.

---

the case "Political Union of Citizens "Alliance of Patriots of Georgia" v. the Parliament of Georgia." (in Georgian)

101 *Loladze B., Macharadze Z., Pirtskhalashvili A.,* Constitutional Justice, Tbilisi, 2021, 383 (in Georgian).

102 Paragraph 41 of Article 25 of the Organic Law of Georgia on the Constitutional Court of Georgia, Gazette of the Parliament, 001, 27/02/1996.

In particular, the legislative record is recommended to add the test consisting of two criteria developed by the Constitutional Court,[103] which is repeated and backed up by the court in each record and ruling. Also, the practice established and shared by the Constitutional Court for years is urged to be reflected directly in the legislative regulations of its activities.

2) It is recommended (independently of the legislative amendments, which is the prerogative of the legislature) for the Constitutional Court to take into account the practice initiated by it, according to which the court establishes a contentious appeal between the appealed norm and the relevant provision of the Constitution at the preliminary hearing. And the substantive session is proposed to find out the interference with the basic right. The Constitutional Court shouldn't allow exceptional cases in which the absence of relation to the fundamental human right is evident at the substantial session or the discussion on this issue is provided in the motivational part of the decision. Amendments must be made to the provisions of the Organic Law of Georgia on the Constitutional Court of Georgia, which establish the requirement for the justification of the constitutional claim and are of a reasonable nature.

After the Law of Georgia on Constitutional Proceedings had been declared invalid, the rules regulating the activities of the Constitutional Court were gathered in one act, which is more visible to the legislator from an organizational perspective. However, the requirements determined by the legislation on the admissibility of the constitutional claim shall apply to all types of powers of the Constitutional Court of Georgia and the legislator does not differentiate them taking into account the peculiarities of these powers. Just as the legislator does not make reservations while establishing a request for the justification of the constitutional claim and imposes the same standard for all cases to be considered, which unconditionally requires refinement.

For example, we can exemplify the constitutional claims of a physical person and the Public Defender regarding the fundamental rights protected by Chapter 2 of the Constitution. The Constitutional Court does not provide the answer to the question if the Public Defender should present the same justification as a physical person on the risk of violation of the right. Therefore, it is prudent to develop and improve the practice from this outlook and make legislative changes.

As a result of the reasoning developed in the chapters, it has been established that the request for the substantiation of the claim is verified by the Collegium/Plenum of the Constitutional Court and it is a material prerequisite for eligibility in content. In terms of the improvement of the legislative regulations, it is important to indicate the substantiation of the constitutional claim in the article that establishes the material (content) prerequisites for the admissibility of the constitutional claim. In addition, the equivalent requirement of paragraph 2 of Article 31 of the Organic Law of Georgia on the Constitutional Court of Georgia can be found in the list of formal criteria for the admissibility of a constitutional claim, which also requires amendments and perfection of legislative order.

Besides, the Constitutional Court must require a higher degree of justification from the authors of the constitutional claim, as the recently accepted records and rulings suggest. In particular, if the earlier restriction of the right and the constitutional provision of the disputed norm is presented for the

[103] a) the justification provided by it shall relate to the content of the disputed norm; b) the content relation between the appealed norm and the provision of the Constitution with respect to which the unconstitutional declaration of the norm is requested.

receipt of the claim for consideration, in the future, the court of the claimant must demonstrate the possible unconstitutionality of the disputed regulation. A similar approach would prevent the courts from unsubstantiated lawsuits.

It is recommended that the Constitutional Court maintain its practice and not be overburdened with conducting the preliminary hearings to expend (and not specify) the incomplete justification presented in the lawsuit. This will only encourage unscrupulous claimants and cannot be effective for the implementation of constitutional justice.

It is also important to save resources and implement functional constitutional justice, the Constitutional Court should focus on the standard of reasoning, especially in cases where the plaintiff determines the specific normative content of the disputed norm as the subject of dispute. In such a case, the Constitutional Court must require the claimant at the stage of admissibility (regardless of whether the session is held at an oral hearing or without it) to confirm the practice of applying the disputed norm by submitting the relevant documentation. Otherwise, we will get the following: the constitutional claim will be moved to the stage of substantive consideration, and if it is determined at this stage that there is no normative content of the appealed norm (cannot be confirmed by the documentation: by the practice of the court, the practice of the agencies), the Constitutional Court will no longer have the authority to consider the constitutional claim unsubstantiated and it will not return the case to the pre-trial stage.

To determine the scope of the basic right protected by Chapter 2 of the Constitution, the authors of the constitutional claim should apply the interpretations made by the Constitutional Court concerning the scope of the area protected by the basic right. Referring to constitutional records such as the right to fair administrative proceedings, the right to academic freedom, and the right to access the Internet, the interested person must wait for the practice to develop. Since 2018, the Constitutional Court has already made several important clarifications in this regard, or some cases are supposed to be made a decision.

Bibliography:

1. The Constitutional Court Act of Slovenia (Official Gazette of the Republic of Slovenia, No. 64/07 – official consolidated text, 109/12, 23/20, and 92/21).
2. The Law on the Constitutional Court of Montenegro (Official Gazette of Montenegro 11/15).
3. The Act of 30 November 2016 on the Organisation of the Constitutional Tribunal and the Mode of Proceedings Before the Constitutional Tribunal (Published in the Journal of Laws of the Republic of Poland on 19 December 2016, item 2072).
4. Act CLI of 2011 on the Constitutional Court of Hungary.
5. Act of 16 June 1993, No. 182/1993 Sb. on the Constitutional Court of Czech Republic.
6. Constitutional Review Procedure Act of Estonia, March 13, 2002, RT I 2002, 29, 174. (as Amended to December 8, 2005).
7. Special act of 6 January 1989 on the Constitutional Court of Belgium.
8. Federal Constitutional Court Act in the version published on 11 August 1993 (Federal Law Gazette I p. 1473), which was last amended by Article 4 of the Act of 20 November 2019 (Federal Law Gazette I p. 1724), § 24.

9. Constitution of Georgia, Departments of the Parliament of Georgia, 31-33, 24/08/1995.
10. The Organic Law of Georgia on the Constitutional Court of Georgia, Parliamentary Gazette, 001, 27/02/1996 (in Georgian).
11. The Law of Georgia on Constitutional Proceedings, Parliamentary Gazette, 5-6, 24/04/1996, invalid – 21.7.2018, No 3265 (in Georgian).
12. Ordinance No 181 of 23 March 2020 of the Government of Georgia on the Approval of Measures to be Implemented in connection with the Prevention of the Spread of the Novel Coronavirus (COVID-19) in Georgia, Website, 23/03/2020.
13. *Barnet R. J.,* The Protection of Constitutional Rights in Germany, Virginia Law Review, Vol. 45, 1158.
14. *Chakim Lutfi M.,* A Comparative Perspective on Constitutional Complaint: Discussing Models, Procedures, and Decisions, Constitutional Review, Vol. 5, 2019, 98.
15. *Dürr S. R.,* Comparative Review of European Systems of Constitutional Justice, "Law Journal", No. 2, issue, 2017, translator: Paata Javakhishvili, 347.
16. European Court of Human Rights, Practical Guide on Admissibility Criteria, Updated on 28 February 2023, <https://www.echr.coe.int/documents/d/echr/COURtalks_Inad_Talk_ENG> [24.01.2024].
17. *Gentili G.,* A Comparative Perspective on Direct Access to Constitutional and Supreme Courts in Africa, Asia, Europe and Latin America: Assessing Advantages for the Italian Constitutional Court, Penn State International Law Review, University of Sussex, 2011, 708.
18. *Kargaudienė A.,* Individual Constitutional Complaint In Lithuania: Conception And The Legal Issues, Baltic Journal of Law & Politics 4:1 (2011): 154-168, 164.
19. *Lechner/Zuck,* Federal Constitutional Court Act, 6th ed., 2011, § 24 marginal no. 1.
20. *Prütting, in: Prütting / Gehrlein*, ZPO, 4th ed. 2010, § 128 marginal no. 2.
21. *Venice Commission,* Report on "The Individual's Access to Constitutional Jurisdiction in the European Area", report for the CoCoSem seminar in Zakopane, CDL-JU(2001)22, Poland, October 2001.
22. *Venice Commission,* Opinion on Three Legal Questions Arising in The Process of Drafting the New Constitution of Hungary, CDL-AD (2011)001, Opinion No. 614/2011, CDL-AD (2011)001, Strasbourg, 28 March 2011.
23. *Venice Commission*, Study on Individual Access to Constitutional Justice, European Commission For Democracy through Law, CDL-AD(2010)039rev., Study No. 538/2009 Strasburg, Strasbourg, 27 January 2011.
24. *Venice Commission*, Opinion on the Seven Amendments to the Constitution of "The former Yugoslav Republic of Macedonia" concerning, in particular, the Judicial Council, the Competence of the Constitutional Court and Special Financial Zones, CDL-AD(2014)026, Opinion No. 779/2014, Strasbourg, 13 October 2014.
25. *Venice Commission,* Revised Report On Individual Access To Constitutional Justice, CDL-AD(2021)001, Opinion No. 1004/2020, Strasbourg, 22 February 2021.
26. *Schmidt-Bleibtreu/Klein/Bethge/Hömig,* 62nd EL January 2022, BVerfGG § 24.
27. *Schmidt-Bleibtreu/Klein/Bethge/von Coelln*, 62nd EL January 2022, BVerfGG § 25.
28. *Singer M.,* The Constitutional Court of the German Federal Republic: Jurisdiction Over Individual Complaints, 1982, 332.

29. *Somody, B., & Vissy, B.* (2012). Citizen's Role in Constitutional Adjudication in Hungary: From the Actio Popularis to the Constitutional Complaint. Annales Universitatis Scientiarum Budapestinensis de Rolando Eotvos Nominatae: Sectio Iuridica, 53, 107.
30. *Somody, B.* (2023). Constitutional complaints by state organs? changes in the standing requirements before the Hungarian constitutional court. ELTE Law Journal, 2023(1), 115.
31. *Baramashvili T., Macharashvili L.,* Standards for Admissibility of Constitutional Claim, Practical Manual, *ed. Lomtatidze E.,* 2021 (in Georgian).
32. *Demetrashvili A.,* Constitution of Georgia 1995 After 20 Years: Achievements, Challenges, Visions of the Future, in the book "Constitution of Georgia after 20 Years", *ed.: V. Natsvlishvili, D. Zedelashvili* , 2016 (in Georgian).
33. *Erkvania T.,* Normative Constitutional Claim as an Imperfect Form of Specific Constitutional Control in Georgia, 2014. <https://socialjustice.org.ge/ka/products/normatiuli-sakonstitutsio-sarcheli-rogorts-konkretuli-sakonstitutsio-kontrolis-arasrulqofili-forma-sakartveloshi> [24.01.2024].
34. *Erkvania T.,* Shortcomings of Specific Constitutional Control in Georgia – On the Integration of the so-called "real" constitutional claim into the constitutional justice system, in the Collection, TSU, *eds. K. Corkelia,* 2018 (in Georgian).
35. *Gegenava D.,* Constitutional Court of Georgia as a Positive Legislator, in the book: "Sergo Jorbenadze 90", Tbilisi, 2017 (in Georgian).
36. *Gegenava D., Javakhishvili P.,* Constitutional Court of Georgia: Attempts and Challenges of Positive Legislation, "Lado Chanturia 55", *ed. D. Gegenava,* Tbilisi, 2018 (in Georgian).
37. *Gonashvili V., Tevdorashvili G., Kakhiani G., Kakhidze I., Kverenchkhiladze G., Chigladze N.,* Constitutional Law of Georgia, Tbilisi, 2020 (in Georgian).
38. Information on constitutional legality in Georgia, Constitutional Court of Georgia 2019 (in Georgian).
39. *Loladze B., Macharadze Z., Pirtskhalashvili A.,* Constitutional Justice, Tbilisi, 2021 (in Georgian).
40. *Javakhishvili P.*, Constitutional Court of Georgia and Actual Real Control, Journal of Law, No. 1, T., 2017 (in Georgian).
41. *Javakhishvili P.,* Constitutional Control of Common Courts Decisions – Experience of Overseas Countries and Prospects for its Establishment in Georgia, Tbilisi, 2021 (in Georgian).
42. *Kakhiani G.,* Institute of Constitutional Control and the Problems of Its Functioning in Georgia: An Analysis of Legislation and Practices, Tbilisi, 2008 (in Georgian).
43. *Kakhiani G.,* Constitutional Control in Georgia, Theory and Analysis of Legislation, Tbilisi, 2011 (in Georgian).
44. *Khetsuriani J.,* Authority of the Constitutional Court of Georgia, Second Revised and Completed Edition, Tbilisi, 2020 (in Georgian).
45. *Kobakhidze I.,* Constitutional Law, Tbilisi, 2019 (in Georgian).
46. *Kublashvili K.,* Shortcomings and Challenges of the New Constitution of Georgia, Jurn. "Review of Constitutional Law", XIV Edition, 2020 (in Georgian).
47. *Khubua G., Traut I.,* Constitutional Justice in Germany, Tbilisi, 2001 (in Georgian).
48. *Samkharadze S., Effectiveness* of Filing Individual Constitutional Claim in Common Courts When Considering Affairs, "Journal of Constitutional Law", Issue 1, 2019 (in Georgian).
49. *Schwartz H.,* Establishment of Constitutional Justice in Post-Communist Europe, Publishing House Ltd. "Sesan", Tbilisi, 2003 (in Georgian).

50. *Turava P.,* Fair Administrative Proceedings as a Basic Constitutional Right and Its Institutional Guarantee, in the Proceedings of "Modern Challenges of Human Rights Protection", *ed. K. Corkelia,* T., 2018 (in Georgian).
51. "Apostolic vs. Georgia", N40765/02, Strasbourg, 2006.
52. Decision No 3/3/1635 of 14 December 2023 of the Constitutional Court of Georgia on the case "The Public Defender of Georgia v. the Parliament of Georgia" (in Georgian).
53. Decision No 3/2/853 of 14 December 2023 of the Constitutional Court of Georgia on the case "Political Union of Citizens "Alliance of Patriots of Georgia" v. the Parliament of Georgia." (in Georgian)
54. Recording note No 1/9/1800 of 14 December 2023 of the Constitutional Court of Georgia On the case of "Vasil Zhizhiashvili and Marine Kapanadze v. the Chairperson of the Parliament of Georgia" (in Georgian).
55. The dissenting opinion of the judges of the Constitutional Court of Georgia – Irine Imerlishvili and Teimuraz Tughushi regarding the ruling N2/15/1453 of the Constitutional Court of Georgia on July 25, 2023 (in Georgian).
56. Ruling No 2/17/1629 of 25 July 2023 of the Constitutional Court of Georgia on the case "Public Defender of Georgia v. the Parliament of Georgia" (in Georgian).
57. The dissenting opinion of the Judge of the Constitutional Court of Georgia Teimuraz Tughushi regarding the ruling No 2/17/1629 of 25 July 2023 of the Constitutional Court of Georgia (in Georgian).
58. Ruling No 1/19/1779 of 1 June 2023 of the Constitutional Court of Georgia on the case "Giorgi Tsaadze v. the Parliament of Georgia" (in Georgian).
59. Ruling No 1/11/1452 of the Constitutional Court of Georgia of 15 March 2023 on the case "JSC Bank of Georgia" v. the Parliament of Georgia (in Georgian).
60. Ruling N1/10/1708 of 22 February 2023 of the Constitutional Court of Georgia on the case "Zviad Devdariani v. the Parliament of Georgia" (in Georgian).
61. Decision No 1/9/1673,1681 of 17 November 2022 of the Constitutional Court of Georgia on the case "Londa Toloraia and the Public Defender of Georgia v. the Parliament of Georgia" (in Georgian).
62. Recording note No 3/7/1483 of 4 November 2022 of the Constitutional Court of Georgia on the case "Information Network Center Ltd. v. the Parliament of Georgia" (in Georgian).
63. The dissenting opinion of the judges of the Constitutional Court of Georgia – Irine Imerlishvili, Giorgi Kverenchkhiladze and Teimuraz Tughushi regarding the recording note No 3/7/1483 of 4 November 2022 of the Constitutional Court of Georgia.
64. Ruling No 1/3/1555 of 12 February 2021 of the Constitutional Court of Georgia on the case "Givi Luashvili v. the Government of Georgia"; (in Georgian)
65. Decision No 1/1/1404 of 4 June 2020 of the Constitutional Court of Georgia on the case "Nana Sepashvili and Ia Rekhviashvili v. the Parliament of Georgia and the Minister of Justice of Georgia" (in Georgian).
66. Ruling No 1/6/1608 of 20 May 2022 of the Constitutional Court of Georgia on the case "Matsatso Tepnadze v. the Government of Georgia" (in Georgian).
67. Ruling No 1/4/1416 of 30 April 2020 of the Constitutional Court of Georgia on the case "Sveti Development" Ltd, "Columni Group" Ltd, "Sveti Nutsubidze" Ltd, Givi Jibladze, Tornike Janelidze and Giorgi Kamladze v. the Government of Georgia and the Parliament of Georgia. (in Georgian)

68. Ruling No 2/8/1496 of 29 April 2020 of the Constitutional Court of Georgia on the case "Tekla Davituliani v. the Government of Georgia" (in Georgian).
69. Ruling No 1/26/1449 of 29 December 2020 of the Constitutional Court of Georgia on the case "Ahtsham Ulfat, Adil Usman and Hamza Ulfat v. the Parliament of Georgia"; (in Georgian)
70. Ruling No 2/20/1417 of 17 December 2019 of the Constitutional Court of Georgia on the case "Grigol Abuladze v. the Parliament of Georgia" (in Georgian).
71. Ruling No 2/14/1393 of 24 October 2019 of the Constitutional Court of Georgia on the case "Davit Toradze and "Toradze and Partners LLC" v. the Parliament of Georgia" (in Georgian).
72. Decision No 1/4/693,857 of 7 June 2019 of the Constitutional Court of Georgia on the case "N(N)LE Media Development Foundation and N(N)LE Institute for Development of Freedom of Information v. the Parliament of Georgia (in Georgian).
73. Ruling No 1/12/1310 of 6 December 2018 of the Constitutional Court of Georgia on the case "Navtlughi" v. the Parliament of Georgia (in Georgian).
74. Ruling No 3/4/858 of 19 October 2018 of the Constitutional Court of Georgia on the case "Citizens of Georgia – Lasha Chaladze and Givi Kapanadze and Marika Todua v. the Parliament of Georgia and the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia", II-4 (in Georgian).
75. Decision No 2/5/700 of the Constitutional Court of Georgia of July 26, 2018 on the case "Coca-Cola Bottlers Georgia" Ltd, "Castel Georgia" Ltd and "JSC Healthy Water (Tskali Margebeli)" v. the Parliament of Georgia and the Minister of Finance of Georgia." (in Georgian)
76. Ruling No 2/5/1249 of 22 February 2018 of the Constitutional Court of Georgia on the case "Citizens of the Republic of Iraq – Shehab Ahmed Hamud and Ahmed Shehab Ahmed Ahmed v. the Parliament of Georgia" (in Georgian).
77. Recording Record No 2/16/1212 of 28 December 2017 of the Constitutional Court of Georgia on the case "Citizen of Georgia Giorgi Spartak Nikoladze v. the Parliament of Georgia" (in Georgian).
78. Ruling No 2/21/872 of 28 December 2017 of the Constitutional Court of Georgia on the case "Citizens of Georgia – Sophiko Verdzuli, Guram Imnadze and Giorgi Gvimradze v. the Parliament of Georgia" (in Georgian).
79. Recording note No 2/11/663 of 7 July 2017 of the Constitutional Court of Georgia on the case "Citizen of Georgia Tamar Tandashvili v. the Government of Georgia" (in Georgian).
80. Decision N3/2/646 of 15 September 2015 of the Constitutional Court of Georgia on the case "Citizen of Georgia Giorgi Ugulava v. the Parliament of Georgia" (in Georgian).
81. Decision No 1/2/552 of 4 March 2015 of the Constitutional Court of Georgia on the case "JSC Liberty Bank" v. the Parliament of Georgia (in Georgian).
82. Recording note No 1/7/561,568 of 20 December 2013 of the Constitutional Court of Georgia on the case "Citizen of Georgia Yuri Vazagashvili v. the Parliament of Georgia" (in Georgian).
83. Ruling No 1/2-527 of 24 October 2012 of the Constitutional Court of Georgia on the case "Citizens of Georgia – Giorgi Tsakadze, Ilia Tsulukidze and Vakhtang Loria v. the Parliament of Georgia" (in Georgian).
84. Decision N1/1/477 of 22 December 2011 of the Constitutional Court of Georgia on the case "The Public Defender of Georgia v. the Parliament of Georgia" (in Georgian).
85. Decision N2/482,483,487,502 of 18 April 2011of the Constitutional Court of Georgia on the case "Political Union of Citizens "Movement for United Georgia", Political Union of Citizens

"Conservative Party of Georgia", Georgian Citizens – Zviad Dzidziguri and Kakha Kukava, Georgian Young Lawyers' Association, Citizens Dachi Tsaguria, and Jaba Jishkariani, Public Defender of Georgia v. the Parliament of Georgia" (in Georgian).

86. Ruling No 2/1/481 of 22 March 2010 of the Constitutional Court of Georgia on the case "Citizen of Georgia Nino Burjanadze v. the Parliament of Georgia" (in Georgian)..
87. Ruling No 1/3/469 of 10 November 2009 of the Constitutional Court of Georgia on the case "Citizen of Georgia Kakhaber Koberidze v. the Parliament of Georgia and the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia" (in Georgian).
88. Ruling No 2/6/475 of 19 October 2009 of the Constitutional Court of Georgia on the case "Citizen of Georgia Aleksandre Dzimistarishvili v. the Parliament of Georgia" (in Georgian).
89. Decision No. 2/2/389 of 26 October 2007 of the Constitutional Court of Georgia on the case" Citizen of Georgia Maia Natadze and others v. the Parliament of Georgia and the President of Georgia" (in Georgian).
90. Ruling N2/4/420 of 5 October 2007 of the Constitutional Court of Georgia on the case "Citizens of Georgia Tsisana Kotaeva and others v. the Parliament of Georgia" (in Georgian).
91. Ruling No 2/3/412 of 5 April 2007 of the Constitutional Court of Georgia on the case "Citizens of Georgia – Shalva Natelashvili and Giorgi Gugava v. the Parliament of Georgia" (in Georgian).