

THE ROLE AND IMPORTANCE OF THE CONSTITUTIONAL COURT OF GEORGIA IN THE GOVERNMENT BRANCHES

Sophio ORMOTSADZE

Invited lecturer, Akaki Tsereteli State University;
Ph.D. Candidate, Faculty of Law, Caucasus International University;
e-mail: ormocadzesofia@gmail.com

Abstract

The separation of powers and balancing the relationship between the branches of government are the most important factors in state law. The constitution of the country and the activities of the body that defends the constitutional provisions - the Constitutional Court - are the main tools for creating guarantees of mutual balance. It is vital to pay attention to how the Constitutional Court maintains its independence and how government bodies implement the standards established by the Court. Georgia, as a former post-Soviet country that is in the process of becoming a democratic state, faces some challenges to enforcing balance between government branches and the supremacy of the Constitution.

The paper underlines topical issues related to the reflection of the constitutional standards established by the Constitutional Court of Georgia decisions in the process of implementing legislation by the Parliament, execution by the Government, and administering justice by Common Courts. The paper is focused on demonstrating the importance of well-timed implementation of constitutional standards and the challenges that arise in the practice. All the aforementioned, the paper defines the procedural productiveness of the implementation of constitutional standards established by the Constitutional Court of Georgia and, based on the analysis of practice, evaluates the efficacy of the results which is related to the activities of the government branches in the process of enforcing the supremacy of the Constitution.

Keywords: *Constitutional Court of Georgia; Separation of powers; Judicial Practice; Integration into Legislation; Execution of ruling.*

Introduction

The Constitution is the fundamental and supreme law of the state. It consolidates the principle of the rule of law, the separation of powers, the establishment of legal order, and the protection of human rights and freedoms. In order to maintain the stability and supremacy of constitutional provisions, the establishment of a specialized oversight mechanism and effective protective guarantees is essential (Kelsen H. , 1928). Various constitutional systems recognize different models for safeguarding the Constitution. Among them, the most significant institution is Constitutional Justice—that is, constitutional review carried out by a specialized judicial body. While the concept of a dedicated constitutional review institution has become widespread in modern legal systems, it is still absent in some countries. (Kverenchkhiladze, 2008).

In Georgia, constitutional control is exercised by a specialized body—the Constitutional Court of Georgia, which was established in 1996. Its formation, structure, and powers are defined by the Constitution of Georgia and the Organic Law of Georgia on the Constitutional Court of Georgia. Although the Constitutional Court operates within the broader context of the judiciary, it cannot be considered an ordinary part of the common court system. It functions independently of general jurisdiction courts and carries out constitutional review. Nevertheless, from a systemic perspective, the Constitutional Court is integrated into the structure of public authority. Its decisions have a significant impact on all three branches of government—legislative, executive, and judicial.

For this reason, all three branches of government participate in the process of forming the Constitutional Court. The appointment of judges reflects the principle of separation of powers, with each branch entitled to appoint a certain number of judges. The court consists of 9 judges:

- Parliament of Georgia appoints three judges. A candidate may be nominated by an individual Member of Parliament or a group of MPs. Appointment requires a qualified majority—three-fifths of the full composition of Parliament, which equates to 90 out of 150 Members of parliament.
- The President of Georgia also appoints three judges. While the President exercises this power independently, it is customary for the President to consult with academic and legal professionals prior to making appointments.
- The judiciary appoints the remaining three judges through the Plenum of the Supreme Court of Georgia, which is composed of all judges of the Supreme Court and the Chairpersons of the Courts of Appeal, which consists of 30 judges in total. This body collectively selects the judicial nominees for the Constitutional Court, reflecting the judiciary's institutional role in the formation process.

Although each appointing body independently selects candidates, the Constitution establishes clear criteria for eligibility. A judge of the Constitutional Court must: Be a citizen of Georgia; Hold a higher legal education; Have at least 10 years of professional legal experience; Possess a high level of professional reputation and competence; Uphold ethical standards and demonstrate judicial independence (Constitution of Georgia, 1995). However, these criteria alone are insufficient to guarantee judicial independence. A transparent and fair appointment process is also essential for ensuring the legitimacy and impartiality of the Constitutional Court and its members. Before the appointment of a candidate to the Constitutional Court, it is crucial to conduct a public discussion involving citizens, the media, and civil society organizations. This participatory process would help ensure transparency and strengthen the legitimacy of judicial appointments, aligning them with the broader public interest. However, under current Georgian legislation, government branches are not legally required to select and appoint judges following public hearings. At present, only the Parliament of Georgia is required to conduct hearings for judicial candidates. Prior to their appointment, candidates are heard by the Legal Issues Committee of the Parliament, whose members have the right to ask questions to the nominated individuals (Legal Affairs Committee, 2005).

The above-mentioned procedure for appointing judges does not ensure a high level of transparency. The participation of civil society and the awareness of the process are minimal. However, due to the jurisdiction of the Constitutional Court, there must be a high level of confidence in this institution and the belief that cases will be under the consideration of independent judges. Therefore, in order to protect the Constitutional Court from any pressure, the procedure for the appointment of judges to the Constitutional Court must be improved.

1. The Nature and Impact of Decisions by the Constitutional Court of Georgia

The Constitutional Court of Georgia holds considerable constitutional authority and exercises a powerful influence over the political and legal order of the country. Its decisions can bring about significant institutional changes and directly affect the balance of power within the state.

The Court's broad jurisdiction includes the authority to:

- Declare laws or specific legal provisions unconstitutional;
- Resolve disputes between different branches of government regarding competence and authority;
- Assess whether the actions of public officials comply with the Constitution, which may result in impeachment or other legal consequences;
- Rule on the constitutionality of elections and referenda;
- Oversee the legality of the activities of political parties;
- Decide on the termination of a Member of Parliament's powers before the end of their term (Parliament of Georgia, 1996).

Through these functions, the Constitutional Court acts as a guardian of constitutional order and serves as a critical check on state power. Its decisions carry significant legal and political weight and are consistently the subject of public and institutional attention.

The Constitutional Court of Georgia exercises its powers primarily through repressive control—that is, it reviews laws and acts after they have been adopted. The Court’s rulings are final and binding, meaning they must be executed without further appeal. The decisions of the Constitutional Court are normative in character, which means they are directly applicable, universally binding, and possess general legal force. In discussing the nature and impact of such decisions, it is essential to consider the multiple interrelated elements that shape their legal and practical significance—namely, legal, ideological, social, and political factors. Hans Kelsen, a leading representative of legal normativism, argued that judicial reasoning should be strictly legal and free from ideological or social influences (Kelsen, 1967). However, in practice, this ideal is difficult to achieve—especially in the realm of constitutional adjudication, where such influences are often inherently present. Therefore, it is practically impossible to analyze Constitutional Court decisions without acknowledging their broader context. From a legal perspective, the Constitutional Court of Georgia bases its decisions on the Constitution, legal doctrines, established legal theory, universally recognized principles of law, and relevant national and international jurisprudence. The legal reasoning must be clear, well-substantiated, and grounded in authoritative case law, particularly from both constitutional and common courts (Gegenava, 2012). Special attention is given to norm interpretation, which must be conducted using accepted legal methods to ensure that the decision is viewed as objective and impartial (Barak, 2005).

The ideological and social nature of constitutional decisions stems from the Constitution itself, which is shaped by the nation’s social and cultural context. Therefore, constitutional interpretation inevitably reflects foundational values and ideals embedded in the Constitution. These include: Supremacy of the Constitution and the law; Separation of powers, along with mutual checks and balances; Protection and restoration of fundamental human rights and freedoms; Public security and judicial independence; The principles of a democratic, legal, and social state.

In addition to these legal and ideological components, political elements also play a significant role in constitutional adjudication. This is primarily due to the inherently political nature of many constitutional disputes, which often involve institutional conflicts among political bodies or high-ranking officials. For example, the Constitutional Court may be called upon to decide matters involving impeachment or constitutional responsibility of the highest state officials. The political significance of a Constitutional Court ruling is further reinforced by its binding nature on all persons and institutions, including government authorities. This underscores the Court’s role as a guarantor of democratic governance, capable of influencing the political landscape and reinforcing constitutional stability in times of political uncertainty (Sekhniashvili, 2010). In its jurisprudence, the Constitutional Court of Georgia has issued decisions that have had a substantial impact on political and institutional reforms (Avtandil Chachua v. Parliament of Georgia, 1998) within the country. Notable examples include rulings that influenced judicial reform and the establishment of the State Inspector’s Office (Londa Toloraia & The Public Defender of Georgia v. The Parliament of Georgia, 2022). These cases demonstrate the Court’s significant role in shaping the legal and constitutional order of the state.

However, despite this active role, it is essential that the Constitutional Court respects the boundaries of its mandate and refrains from becoming involved in active political processes (Kochlamazashvili, 2009). The Court must ensure that its decisions do not result in the functional substitution of the legislative branch, which would risk undermining the principle of separation of powers. Therefore, it is crucial to clearly distinguish that, by its legal nature, a decision rendered by the Constitutional Court is the outcome of constitutional adjudication, not a product of legislative or law-making authority. The Court’s role is to interpret and enforce constitutional norms, not to create new legal rules or policies, which remain the exclusive domain of the legislature.

1.1. Landmark Decisions of the Constitutional Court of Georgia

The independence of the Constitutional Court is crucial for ensuring the effective enforcement of the supremacy of the Constitution and maintaining a stable balance between the branches of government - a principle often referred to as checks and balances. Such independence is particularly significant in cases involving the constitutionality of election results, the termination of a Member of Parliament’s mandate, or the scope of rights granted to the President by the Constitution.

Legal scholarship suggests that the Constitutional Court operates both as an instrument of constitutional justice and, to some extent, as a political institution influencing the political process. It encompasses significant elements characteristic of both and operates what is known as „hybrid“—

political justice. Due to its distinctive political-legal character, the Court is often regarded as a high-ranking body of state authority, separate from the general judiciary (Kverenchkhiladze, G., & Gegenava, D., 2012). The opposite position is also present in the science of Georgian law, which has quite solid arguments and foundations. The Constitutional Court makes decisions if it is addressed; it does not have the right to initiate proceedings on its own initiative and assess the compliance of the norm of law or action with the Constitution. Political bodies resolve issues on their own initiative and expediency (Khubua, G., & Trauti, I., 2001). Due to their content, the cases considered by the Constitutional Court may have significant political importance, just as some cases of criminal, civil, or administrative law, which are to be considered in common courts, but in both cases, the court decides only on legal issues and not political matters (Khetsuriani, 2018). Hence, the Court must maintain its neutrality and ensure impartiality in administering constitutional justice. Simultaneously, it should not be overly restrained in interpreting constitutional provisions nor avoid examining cases that require a determination of constitutional conformity.

Several landmark decisions of the Constitutional Court of Georgia have generated intense public debate and demonstrated the Court's crucial role in shaping inter-branch relations. One such case involved the scope of the President's constitutional authority to represent the state in foreign affairs, and the government's power to approve the President's foreign visits. The specific incident concerned the President's visit to Germany conducted without the government's consent. The Constitutional Court's ruling in this case formed the legal basis for initiating impeachment proceedings against the President (Irakli Kobakhidze, Shalva Papuashvili, Mamuka Mdinaradze & others v. President of Georgia., 2023). The decision holds precedential value as it marked the first time the Court reviewed the potential impeachment of a high-ranking political official. In the Georgian impeachment model, the Constitutional Court assesses whether a constitutional violation has occurred. If so, the final decision on impeachment lies with the Parliament. Thus, impeachment in Georgia operates as both a legal and political mechanism. In the case at hand, six of the nine Constitutional Court judges found that the President had violated the Constitution, thereby restricting the President's power in foreign relations. However, three judges dissented, arguing that the majority had excessively curtailed the President's constitutional mandate and weakened the importance of the constitutional control exercised by the court (Dissent Opinion of the Judges - Irine Imerlishvili, Giorgi Kverenchkhiladze & Teimuraz Tughushi, 2023). This ruling has been the subject of substantial criticism, both within society and among Georgian legal scholars (Kopaleishvili, 2023).

Another significant decision by the Constitutional Court of Georgia involved the premature termination of the powers of a Member of Parliament. In this case, a court of first instance convicted a member of the opposition party, and, without giving the opportunity to appeal, Parliament proceeded to terminate the member's powers. The Constitutional Court drew a parallel between this situation and the impeachment senior officials, including the President, who is elected by the people in a general election.

The Court held that the purpose of prematurely terminating the powers of a member of Parliament—whether through impeachment or for criminal acts—is the same. This pertains to the removal of high-ranking public officials from power, viewed through the lens of safeguarding the integrity of the government and preserving the trust of the public in its institutions. The protection of the rights and interests of the elected Member of Parliament was deemed secondary to this objective. The Court further emphasized that the support received during elections is not a sufficient indicator of continued legitimacy to remain in power, and public trust cannot be presumed to remain unbroken over time (Nikanor Melia v. the Parliament of Georgia, 2020).

In the case, the Public Defender submitted an *amicus curiae* opinion, arguing that it was crucial for the Member of Parliament to be allowed to exercise their right to appeal. The Public Defender suggested that a final decision from the Supreme Court on the case should form the legal basis for terminating the member's powers. Four judges issued a dissenting opinion, arguing that the Constitutional Court's decision was fundamentally flawed and resulted from a misunderstanding of the Constitution's system. They pointed out that the presumption of innocence and the need for all appeal mechanisms to be exhausted before deciding on a person's guilt were insufficiently considered (Dissent Opinion of the Judges - Teimuraz Tughushi, Irine Imerlishvili, Giorgi Kverenchkhiladze & Tamaz Tsabutashvili, 2023).

Thus, in this case, the Court ruled on the termination of a Member of Parliament's powers without fully considering the constitutional status of the Member, the importance of their powers, or the source of their legitimacy. This decision highlighted the essential role of the Constitutional Court's independence and the significant impact its decisions can have on the work of the Parliament, which derives its legitimacy directly from the people.

The influence of the Constitutional Court of Georgia on the legislature is further demonstrated by another important case related to the constitutionality of electoral conduct and the results of legislative elections. The competence of the Constitutional Court extends to reviewing the norms regulating referendums or elections and determining the constitutionality of elections or disputes over election results. Based on the Constitution of Georgia, Article 60, p. 4, sub. "T" the President of Georgia and 30 members of Parliament filed a lawsuit with the Constitutional Court demanding the unconstitutional recognition of the election results. The petitioners argued that procedural infringements had occurred, violating the secrecy of the vote. Specifically, the ballot box revealed candidates marked with a marker, and in many instances, special electronic vote-counting machines failed to receive ballots. As a result, members of the Election Commission manually adjusted ballots to fit them into the machines. This, according to the petitioners, clearly violated the secrecy of voting and undermined the sense of control over the process, particularly for public service employees, socially vulnerable individuals, and ethnic minorities (President of Georgia, Tamar Kordzaia, Levan Bejashvili, Giorgi Botkoveli & others v. Parliament of Georgia, 2024).

The Constitutional Court avoided hearing the case, dismissing the claim on the grounds that it could only recognize election results as unconstitutional if it also reviewed the norm regulating the elections. Since the petitioners did not challenge the norm itself, the Court declined to take action. This decision sparked considerable criticism, with concerns raised about the partiality of the Court, further highlighted by the differing opinions published in the case. The authors of the dissenting opinion criticized the Constitutional Court for avoiding a discussion of the critical criteria for holding elections, such as secrecy and universality, which are essential to any democratic state and are guaranteed by the Constitution (Dissent Opinion of the Judge - Giorgi Kverenchkhiladze, 2024). This case vividly demonstrates the significant influence that constitutional judiciary can have on the branches of government, particularly on the legislature, and underscores the importance of the Court maintaining its independence. If the Court refuses to resolve sensitive and significant cases due to perceived bias, the very effectiveness and existence of the institution may be called into question. What is the purpose of the Constitutional Court if it refuses to exercise constitutional control?! (Dissent Opinion of the Judge - Teimuraz Tughushi, 2024).

"What is the purpose of a path if it does not lead to the temple? What benefit does the Constitutional Court offer if it avoids answering essential questions and resolving pressing issues?" (Odlišné stanovisko soudců Vojtěcha Šimíčka, Jaromíra Jirsy, Pavla Šámala, Davida Uhlíře a Jiřího Zemánka, 2022). This quote reflects public frustration over the Court's reluctance to address certain constitutional issues. In its jurisprudence, the Constitutional Court of Georgia has issued several important decisions concerning the judiciary—particularly the freedom of expression of judges, the legality of disciplinary measures, and the reassignment of judges to other courts without their consent (Eka Areshidze, Ketevan Meskhishvili, Madona Maisuradze, Mamuka Tsiklauri, Tamar Khazhomia and the Public Defender of Georgia v. the Parliament of Georgia, 2025). These issues lie at the core of judicial independence. The Court has partially regulated these matters, ruling that a judge has the right to appeal disciplinary actions and that such appeals must be heard orally and based on factual circumstances. However, the Court declined to hear claims concerning key issues such as the reassignment of judges to other courts without consent, particularly when no objective criteria for such selection are provided (Ana Natsvrishvili, Ana Buchukuri, Mikheil Daushvili & others (42 Member) v. the Parliament of Georgia, 2025). Moreover, the Court failed to evaluate the practice of transferring judges to lower courts, which undermines judicial stability, professional development, and public trust in the judiciary. Another unresolved matter is the reassignment of a judge for up to three years without their consent. This practice violates the principle of temporariness, risks becoming an institutional norm, unjustifiably restricts individual rights, and threatens the independence of the judiciary.

These precedents show the Constitutional Court's potential to influence all branches of government. Yet to fulfill its mandate effectively, the Court must consistently deliver constitutional justice, avoid unjustified inaction, and maintain impartiality in its function.

2. Execution and Consideration of Constitutional Court Decisions by the Branches of Government

The implementation and consideration of the decisions of the Constitutional Court by the branches of government is a multifaceted and complex process that requires the active and effective engagement of each branch. Such involvement is particularly crucial for ensuring the practical realization of the constitutional standards established by the Court. This process includes a combination of actions carried out by the other branches of government for the purpose of enforcing the decisions adopted by the Constitutional Court. Specifically, it raises important questions such as whether, and to what extent, Parliament incorporates the Court's standards into legislation, and how common courts apply these standards in the course of judicial proceedings. The significance of this implementation process lies in its function as a measure of the effectiveness of the Constitutional Court's activities (Benidze, 1997). The impact of constitutional standards becomes truly tangible only through their actual enforcement, which constitutes the final stage of constitutional justice.

2.1. Implementation of the Constitutional Court rulings into legislation

The Constitution of Georgia explicitly obliges all branches of government to ensure that their actions comply with constitutional requirements and standards. Statistical data from the Constitutional Court indicates that in the majority of its cases, the Parliament of Georgia appears as the defendant. This trend highlights the critical importance of integrating constitutional standards into the law-making process.

However, practice reveals concerning instances where the Parliament has failed to timely reflect the standards established by the Court. A prominent example is the Court's decision concerning the purchase and possession of marijuana. In this case, the Court declared it unconstitutional to impose imprisonment for the purchase or storage of up to 70 grams of marijuana intended for personal use (Beka Tsikarishvili v. the Parliament of Georgia, 2015). Despite this, Parliament failed to promptly amend the legislation in accordance with the Court's ruling. No legislative changes were made within the three years following the adoption of the decision. This led to an increase in the number of appeals to the court, and dozens of claims and submissions were brought before the Constitutional Court once again concerning the imposition of years of imprisonment for the purchase or possession of cannabis.

As a result, the Court was faced with the necessity of individually examining numerous constitutional claims and submissions, declaring the disputed norms unconstitutional without substantial deliberation. This situation led to an overcrowding of the court and had a negative impact on the effectiveness of its decisions. In the practice of relations between the Constitutional Court and the Parliament of Georgia, instances have emerged where the Court declared a norm unconstitutional, yet a regulation containing similar substantive content remained in the legislation. Thus, the Parliament did not adopt a so-called "overcoming norm" but instead failed to take appropriate measures to eliminate the identified deficiencies (Constitutional Court of Georgia, 2020). Another significant decision of the Constitutional Court of Georgia explicitly established a time frame for the entry into force of a ruling declaring a legal norm unconstitutional. Nevertheless, despite the statutory deadline, the Parliament failed to incorporate the constitutional standards established by the Constitutional Court's decision into the legislation in a timely manner (Davit Dzotsenidze v. the Parliament of Georgia, 2018). This legislative inaction was deemed unjustified. In its subsequent two annual reports on constitutional legality, the Constitutional Court offered a critical assessment of this delay, emphasizing that such inaction by the legislature—which has the potential to infringe upon the right to a fair trial—should be regarded as a matter of particular concern. Despite this the Parliament delayed the legislative amendment by another year, during which time ordinary courts were forced to adjudicate cases based on unconstitutional standards (Legal Affairs Committee P. , 2021). This failure undermined human rights protections and delayed the enforcement of constitutional supremacy.

The analysis of legislative practice indicates a troubling pattern: Parliament often delays or neglects the implementation of standards set by the Constitutional Court. Such inaction compromises

both the effectiveness of the Court's decisions and the broader goal of upholding constitutional supremacy in Georgia.

2.2. Consideration of Constitutional Court Decisions in the Process of Administering Justice

In the process of administering justice, common courts in Georgia are required to consider and apply the constitutional standards established by the Constitutional Court. The application of these decisions plays a critical role in ensuring the supremacy of the Constitution and the protection of human rights and freedoms. The Constitutional Court of Georgia has repeatedly emphasized that common courts are not only authorized but also obliged to consider its decisions. This includes applying constitutional standards within their competence to ensure that final decisions reflect the substance of the law, particularly in terms of practical application and enforcement. The role of common courts in determining the real content of constitutional norms is indispensable. They are crucial in ensuring that constitutional provisions are consistently implemented in judicial decision-making (JSC "Liberty Bank" v. the Parliament of Georgia, 2015).

An analysis of judicial practice reveals that, in many instances, judges of the common courts fail to fully incorporate the normative content of constitutional provisions into their decisions. However, it is evident that the justification of judicial decisions frequently relies on constitutional standards set forth by the Constitutional Court of Georgia. For instance, in a case concerning the use of a water tank situated on a plot of land owned by a third party, the Supreme Court reinforced its stance by referencing the Constitutional Court of Georgia's ruling, which underscored the necessity of maintaining a reasonable balance of interests and emphasized the social significance of property rights, as defined by constitutional standards (J., S., , v. O., S., 2017). In light of the aforementioned, the Supreme Court rendered its decision and determined the scope of the right to property. The possibility of restricting this right was linked to the social nature and particular characteristics of the property in question. This trend is also reflected in the Administrative and Criminal Chambers of the Supreme Court, where decisions and rulings consistently incorporate the constitutional principles laid down by the Constitutional Court (F., L., v. Municipality City Hall of Gardabani, 2019). Thus, it is clear that common courts are increasingly aligning their decision-making processes with the constitutional standards and legal definitions established by the Constitutional Court of Georgia. This alignment is vital for the effective implementation of justice and the continued protection of constitutional rights.

Conclusion

The Constitutional Court of Georgia, as a constitutional body responsible for administering justice, plays a central role in safeguarding the constitutional order. The foundations and powers of its activities are firmly established and reinforced by the Constitution of Georgia. The influence and efficacy of the Court's decisions are shaped by the various forms of constitutional control and the key elements inherent in its mandate. All branches of government participate in the appointment process of Constitutional Court judges, however, the overall appointment process lacks sufficient transparency and fails to guarantee adequate public awareness and involvement. Public confidence in the Constitutional Court depends heavily on the perceived independence, impartiality, and professional qualifications of its judges. Therefore, it is vital for citizens to have access to information about potential candidates prior to their appointment. A more transparent and participatory process would not only legitimize the court in the eyes of the public but also contribute to the overall strengthening of democratic governance. Accordingly, there is a need to reconsider the existing appointment procedure for Constitutional Court judges. This process should be restructured to promote transparency, diversity, and active public engagement, ensuring that the court reflects the democratic values enshrined in the Constitution.

The Constitutional Court of Georgia holds broad competence, which enables it to exert significant influence over all branches of government. An analysis of its practice reveals that the Court's decisions have the potential to bring about substantial changes in the state, both in political and legal dimensions. Although, some decisions of the Constitutional Court of Georgia carry significant political implications and thereby influence the political life of the country, it is fundamentally incorrect to regard the Court as a political institution. Doing so would undermine the core essence of constitutional adjudication. It is, therefore, crucial that the independence of the Constitutional Court be not only

formally guaranteed but also genuinely upheld in practice, and that its decisions be characterized by a high degree of legal reasoning and justification. The Constitutional Court of Georgia has delivered numerous decisions that directly concern and affect the powers and functions of the executive (the President), the legislature (the Parliament), and the judiciary. Unfortunately, in politically sensitive and precedent-setting cases, the Court does not always demonstrate sufficient independence. Its decisions often face criticism—not only from the public and academia but also from within the institution itself, including dissenting opinions from Constitutional Court judges. In relation to precedential cases, a tendency of the Constitutional Court is evident, whereby it unjustifiably refrains from reviewing certain cases, this pattern of avoidance endangers the effective implementation of constitutional justice and risks undermining the institutional legitimacy of the Court itself. Therefore, it is necessary to introduce stronger legal safeguards that ensure the independence of the judiciary and enable the impartial execution of constitutional adjudication.

In addition to the above, the implementation of the constitutional standards established by the Constitutional Court of Georgia within the legislative framework and the judicial process constitutes a key criterion for evaluating the influence and effectiveness of constitutional justice in the country. Effective response to constitutional standards contributes to the establishment of sustainable guarantees for the supremacy of the Constitution and constitutional legality. The standards determined by the decisions of the Constitutional Court are binding and must be implemented by all branches of government. However, an analysis of the practice reveals that the Parliament does not or fails to timely consider the established constitutional standards, which, in most cases, has led to a significant increase in appeals to the common courts and has also become a basis for the overcrowding of the Constitutional Court. Therefore, the Constitutional Court has often faced the challenge of reminding the Parliament of its obligation to align the law with constitutional standards, through reports and recommendations, emphasizing the necessity of ensuring legislative compliance with the Constitution. It is noteworthy that in the process of administering justice and justifying decisions, common courts frequently rely on constitutional standards. However, there are instances where the inaction of the legislator and the failure to properly regulate the issue have hindered the implementation of constitutional standards in the judicial process by the common courts. It is evident that the Constitutional Court holds significant influence among the branches of government, yet it lacks sufficient guarantees to ensure the full impartiality of constitutional justice and the timely implementation of the standards it sets within the legislative framework. Consequently, there arises a need for legislative amendments to develop uniform guarantees for the development, independence, and effective exercise of constitutional control by the Constitutional Court. Furthermore, it is necessary for the Constitutional Court itself to be granted effective powers regarding this matter.

Bibliography

- Ana Natsvishvili, Ana Buchukuri, Mikheil Daushvili & others (42 Member) v. the Parliament of Georgia, 3/5/1750 (The Constitutional Court of Georgia 03 27, 2025).
- Avtandil Chachua v. Parliament of Georgia, N2/80-9 (The Constitutional Court of Georgia 11 3, 1998).
- Barak, A., (2005). *Purposive Interpretation in Law*. Princeton, New Jersey: Princeton University Press.
- Beka Tsikarishvili v. the Parliament of Georgia, 1/4/592 (The Constitutional Court of Georgia 10 24, 2015).
- Benidze, O., (1997). *Enforcement of the Decisions of the Constitutional Court of Georgia*. Journal Human and Constitution, 16.
- Constitution of Georgia. (1995). Article 60.
- Constitutional Court of Georgia. (2020, 25 12). *Annual Report*. Retrieved from www.constcourt.ge/files/4/Report%202020%20-%20ENG.pdf
- Davit Dzotsenidze v. the Parliament of Georgia, 2/8/765 (Constitutional Court of Georgia 12 7, 2018).
- Dissent Opinion of the Judge - Giorgi Kverenchkhiladze, 3/7/1848,1849 (The Constitutional Court of Georgia 12 9, 2024).
- Dissent Opinion of the Judge - Teimuraz Tughushi, 3/7/1848,1849 (The Constitutional Court of Georgia 12 9, 2024).
- Dissent Opinion of the Judges - Irine Imerlishvili, Giorgi Kverenchkhiladze & Teimuraz Tughushi, 3/1/1797 (The Constitutional Court of Georgia 10 17, 2023).

- Dissent Opinion of the Judges - Teimuraz Tughushi, Irine Imerlishvili, Giorgi Kverenchkhiladze & Tamaz Tsabutashvili, 3/2/1473 (The Constitutional Court of Georgia 10 6, 2023).
- Eka Areshidze, Ketevan Meskhishvili, Madona Maisuradze, Mamuka Tsiklauri, Tamar Khazhomia and the Public Defender of Georgia v. the Parliament of Georgia, 3/4/1693,1700 (The Constitutional Court of Georgia 03 7, 2025).
- F., L., v. Municipality City Hall of Gardabani, BS-829(K-18) (The Supreme Court of Georgia 01 31, 2019).
- Gegenava, D., (2012). Constitutional Justice in Georgia: Main Systemic Problems of Proceedings. Tbilisi: Davit Batonishvili Institute.
- Irakli Kobakhidze, Shalva Papuashvili, Mamuka Mdinaradze & others v. President of Georgia., 3/1/1797 (The Constitutional Court of Georgia 10 16, 2023).
- J., S., , v. O., S., AS-871-838-2016 (The Supreme Court of Georgia 04 28, 2017).
- JSC "Liberty Bank" v. the Parliament of Georgia, 1/2/552 (Constitutional Court of Georgia 03 4, 2015).
- Kelsen, H., (1967). Pure Theory of Law. Berkeley: University of California Press.
- Kelsen, H., (1928). La garantie juridictionnelle de la Constitution. Revue du droit public et de la science politique en France, 198.
- Khetsuriani, J., (2018). Constitutional Reform in Georgia and the Constitutional Court. Constitutional Law Journal, 30-32.
- Khubua, G., & Trauti, I., (2001). Constitutional Justice in Germany. Tbilisi: GTZ.
- Kochlamazashvili, B., (2009). Legal Protection of the Constitution. Tbilisi: Bona Causa.
- Kopaleishvili, M., (2023). Impeachment of the President and the Practice of the Constitutional Court of Georgia. Journal of Law, 188-195.
- Kverenchkhiladze, G., (2008). Legal Protection of the Constitution and Models of Constitutional Justice. Tbilis: Caucasus University Publishing.
- Kverenchkhiladze, G., & Gegenava, D., (2012). Modern Constitutional Law. Journal of Law, 99.
- Legal Affairs Committee of the parliament of Georgia, (2021, 12 25). Annual Report 2021. Retrieved from <https://parliament.ge/>: <https://parliament.ge/parliament/committees/63945/documents>
- Legal Affairs Committee of the parliament of Georgia (2005). Regulation of the Legal Affairs Committee, Article 4.
- Londa Toloraia & The Public Defender of Georgia v. The Parliament of Georgia, N1/9/1673,1681 (The Constitutional Court of Georgia 11 17, 2022).
- Nikanor Melia v. the Parliament of Georgia, 3/2/1473 (The Constitutional Court of Georgia 09 25, 2020).
- Odlišné stanovisko soudců Vojtěcha Šimíčka, Jaromíra Jirsy, Pavla Šámala, Davida Uhlíře a Jiřího Zemánka, Pl. ÚS 32/21 (Ústavní soud České republiky 05 24, 2022).
- Parliament of Georgia. (1996, 01 31). Organic Law of Georgia "On the Constitutional Court of Georgia," Article 10. Retrieved from matsne.gov.ge: <https://matsne.gov.ge/en/document/view/32944?publication=37>
- President of Georgia, Tamar Kordzaia, Levan Bejashvili, Giorgi Botkoveli & others v. Parliament of Georgia, 3/7/1848,1849 (The Constitutional Court of Georgia 11 29, 2024).
- Sekhniashvili, E., (2010). Economic Consequences of the Constitutional Control and the Impact of the Constitutional Justice on the Transitional Economy in Georgia. National Council for Eurasian and East European Research, 34-37.