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# ABUSIVE LAWMAKING IN GEORGIA



# **ABUSIVE LAWMAKING IN GEORGIA**

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## 1. INTRODUCTION

Following the 2024 parliamentary elections, the “Georgian Dream” Parliament convened for the first time on 25 November. According to the constitution, the first session of the newly elected Parliament is held no later than the 10<sup>th</sup> day following the official publication of the results, the date of which is set by the President.<sup>1</sup> President Zurabishvili did not convene the first session, as a result of which the Parliament convened itself.<sup>2</sup> The functioning of the Parliament elected in violation of the principle of the secrecy of the ballot is perceived as illegitimate.<sup>3</sup> The opposition refused to participate in the parliamentary work and announced a boycott of the legislative body.<sup>4</sup> The Parliament, existing in such a form, adopted repressive legislation in response to the actions of the demonstrators against the backdrop of the ongoing protests.<sup>5</sup> 86% of the laws adopted in the recent period have been adopted in an accelerated manner.<sup>6</sup> Beside this, the acts adopted in the usual manner were directed at the non-governmental organizations. An

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<sup>1</sup> Constitution of Georgia, Article 38.

<sup>2</sup> The first session of the XI convocation of the Parliament will be held on 25 November - it will be opened by the most senior member of the Parliament, Lado Kakhadze, who will lead the session until the election of the Speaker of the Parliament, available at: <https://www.interpressnews.ge/ka/article/821202-25-noembers-xi-mocvevis-parlamentis-pirveli-sxdomagaimearteba-mas-parlamentis-uxucesi-cevri-lado-kaxaze-gaxsnis-romelic-sxdomas-parlamentis-tavmjdomaris-archevamde-gauzgveba/>, renewed on: 22.04.25.

<sup>3</sup> See in detail concerning this: GYLA is requesting the annulment of the results from all polling stations (2,263 stations) where technology was used, due to violations of voting secrecy, available at: <https://gyla.ge/post/GYLA-gancxadeba-30octomberi>, renewed on: 22.04.25. The Tetrtskaro Court confirmed the violation of the secrecy of the ballot and Judge Vladimir Khuchua satisfied GYLA's lawsuit, available at: <https://gyla.ge/post/tetrtskaro-gadatskveteleba-4noemberi>, renewed on: 22.04.25. The President has addressed the Constitutional Court to annul the election results, available at: <https://www.radiotavisupleba.ge/a/33207809.html>. The opposition once again says it does not intend to enter this Parliament and is demanding the termination of their mandates, available at: <https://www.radiotavisupleba.ge/a/33215235.html>, renewed on: 22.04.25.

<sup>4</sup> The opposition is not entering the Parliament - what happens next? available at: <https://www.radiotavisupleba.ge/a/%E1%83%9D%E1%83%9E%E1%83%9D%E1%83%96%E1%83%98%E1%83%AA%E1%83%98%E1%83%90-%E1%83%9E%E1%83%90%E1%83%A0%E1%83%9A%E1%83%90%E1%83%9B%E1%83%94%E1%83%9C%E1%83%A2%E1%83%A8%E1%83%98-%E1%83%90%E1%83%A0-%E1%83%A8%E1%83%94%E1%83%93%E1%83%98%E1%83%A1--%E1%83%A0%E1%83%90-%E1%83%AE%E1%83%93%E1%83%94%E1%83%91%E1%83%90-%E1%83%A8%E1%83%94%E1%83%9B%E1%83%93%E1%83%94%E1%83%92-/30926324.html>, renewed on: 22.04.25.

<sup>5</sup> See below for more details concerning this.

<sup>6</sup> Facebook page of GYLA, available at: <https://www.facebook.com/photo.php?fbid=1052645706907451&set=pb.100064860933385-2207520000&type=3>, renewed on: 22.04.25.

example of this is the Foreign Agents Registration Act, the so called FARA. According to the law, any person or organization that the head of the Anti-Corruption Bureau considers to be a representative of the interests of a foreign subject is obliged to register as a foreign agent. Otherwise, sanctions are provided. The Anti-Corruption Bureau is the main executive body of the law. It is precisely the latter that is assigned with the main function of identifying and determining those subjects that should be registered as agents of a foreign principal. The Bureau receives registration applications, evaluates their content and, if necessary, takes measures - both in the form of imposing fines and applying to the court to ensure the compulsory fulfillment of the obligations.

In the wake of the events discussed above, the issue of the nature of the legislative authority of the Parliament is relevant. This document briefly reviews the scope of the legislative authority and the mechanisms by which it is limited. Then, several important examples from the recent legislative life of Georgia are cited, which indicate the abuse of its legislative power by the 11<sup>th</sup> convocation of the “Georgian Dream” Parliament. Finally, an assessment is presented regarding each case.

## 2. ABUSIVE LAWMAKING IN GEORGIA

### 2.1. Principles determining the scope of the legislative authority

In various states, the ruling elites are trying to achieve the anti-democratic goals through the constitutional<sup>7</sup> or legislative<sup>8</sup> mechanisms. This is an abuse of the parliamentary legislative power.<sup>9</sup> The scope of this authority is primarily determined by the constitution, and the legislature, as an established power, is obliged to act within the framework limited by the basic law.<sup>10</sup> Such limitations include the principles such as the separation of powers, the rule of law, democracy, the binding of authorities by fundamental rights, proportionality, etc.<sup>11</sup> When the legislative body exceeds the scope of its established powers, its actions become *ultra vires*, which is the basis for the unconstitutionality of the decisions it makes.

In the process of lawmaking, it is necessary to adhere to certain principles. These are informedness, deliberation, and an efficient, effective process, which ensures the adoption of the so-called good laws.<sup>12</sup> Important legislative decisions should be made by obtaining sufficient and relevant information, interchanging all the arguments and views, and, most importantly, by allocating sufficient time resources.<sup>13</sup>

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<sup>7</sup> For example, the current regime in North Korea, see: Landau, D., Dixon, R., *Abusive Constitutional Borrowing: Legal Globalization and the Subversion of Liberal Democracy*, Oxford University Press, 2021, 45-49.

<sup>8</sup> For example, the PiS party in Poland, see: Bugarič, B., *The Rise of Nationalist- Authoritarian Populism and the Crisis of Liberal Democracy in Central and Eastern Europe*, *Constitutionalism under Stress*, edited by Uladzislau Belavusau and Aleksandra Gliszczyńska-Grabias, Oxford University Press, 2020, 27-29. For example the Chavez regime in Venezuela, see: Landau, D., Dixon, R., *Abusive Judicial Review: Courts Against Democracy*, *University of California, Davis Law Review*, Vol. 53, 2020, 1339-1340.

<sup>9</sup> See more on these types: Landau, D., Dixon, R., *Abusive Constitutional Borrowing: Legal Globalization and the Subversion of Liberal Democracy*, Oxford University Press, 2021, 45-55.

<sup>10</sup> Albert, R., Roznai, Y., Williams, R., C., *Introduction: A Return to Constitutional Basics: Amendment, Constitution, and Writtenness*, in: *Amending America's Unwritten Constitution*, edited by: Richard Albert, Ryan C., Williams and Yaniv Roznai, Cambridge University Press, 2022, 1. Kay, R., *Constituent Authority*, *The American Journal of Comparative Law*, Vol. 59, 2011, 719.

<sup>11</sup> This argument is based on the theory of limited constituent power, according to which the principles of constitutionalism limit constituent power and, by the same logic, these limitations also apply to the constitution-making power. For more on this issue, see: Roznai, Y., *The Boundaries of Constituent Authority*, *Connecticut Law Review*, Vol. 52, N. 5, 2021, 1399-1404.

<sup>12</sup> Ranchordás, S., *Constitutional Sunsets and Experimental Legislation: A Comparative Perspective*, Edward Elgar Publishing, 2014, 3.

<sup>13</sup> Ranchordás, S., *Constitutional Sunsets and Experimental Legislation: A Comparative Perspective*, Edward Elgar Publishing, 2014, 3.

## 2.2. Laws adopted in an accelerated manner

Constitutionalism is not alien to the adoption of individual laws in an accelerated manner.<sup>14</sup> In general, it implies making amendments to the law within a tight timeframe, namely - within a week.<sup>15</sup> In the first half of the work of the previous convocation of the Parliament, the Parliament adopted 80% of the government initiatives and 74% of the amendments initiated by the Parliamentary subjects in an accelerated manner.<sup>16</sup> This also indicates the frequency of the adoption of laws by the Parliament in this form. Moreover, in the first 6 months of the work of the Parliament (from November 2020 to May 2021), 5 issues were initiated and adopted in an accelerated manner.<sup>17</sup> All of them were adopted in December 2020. The opposition had not entered the Parliament during this period. However, after it entered, 12 issues were adopted in the legislative body in an accelerated manner in the period from June to December 2021.<sup>18</sup> Although the number of laws adopted in an accelerated manner increased following the entry of the opposition, they were not the initiatives of the opposition, but of the majority and the government.

For comparison, the convened “Georgian Dream” Parliament following the 2024 elections has initiated and adopted 27 draft laws in an accelerated manner in a period of less than six months - from 28 November to 7 May. Some of them were presented in the form of packages, and some as sepa-

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<sup>14</sup> Kapanadze N., Alaverdashvili G., Adoption of laws in an accelerated manner, Georgian Young Lawyers' Association, 2022, 32-36.

<sup>15</sup> Rules of Procedure of the Parliament of Georgia, Article 117, paragraph 2.

<sup>16</sup> Kapanadze N., Alaverdashvili G., Adoption of laws in an accelerated manner, Georgian Young Lawyers' Association, 2022, 27.

<sup>17</sup> Amendments are available at: <https://info.parliament.ge/#law-drafting/21175>,  
<https://info.parliament.ge/#law-drafting/21170>,  
<https://info.parliament.ge/#law-drafting/21173>,  
<https://info.parliament.ge/#law-drafting/21176>,  
<https://info.parliament.ge/#law-drafting/21140>, renewed on: 02.05.25.

<sup>18</sup> These laws are available at: <https://info.parliament.ge/#law-drafting/22670>,  
<https://info.parliament.ge/#law-drafting/23032>,  
<https://info.parliament.ge/#law-drafting/23031>,  
<https://info.parliament.ge/#law-drafting/23073>,  
<https://info.parliament.ge/#law-drafting/23068>,  
<https://info.parliament.ge/#law-drafting/23148>,  
<https://info.parliament.ge/#law-drafting/23147>,  
<https://info.parliament.ge/#law-drafting/23142>,  
<https://info.parliament.ge/#law-drafting/23140>,  
<https://info.parliament.ge/#law-drafting/23229>,  
<https://info.parliament.ge/#law-drafting/23324>,  
<https://info.parliament.ge/#law-drafting/23306>, renewed on: 02.05.25.

rate amendments. The majority of the acts adopted in this form are aimed at restricting the fundamental rights. One of the legislative packages, which was first submitted to the bureau on 9 December 2024 and the adoption of which was requested in an accelerated manner, was finally adopted by the Parliament on 13 December.<sup>19</sup> It concerned a number of restrictions, such as a ban on covering the face with a mask or other means during assemblies and the use of lasers or other means with sharp radiation, as well as increased sanctions for violating the rules of assemblies and demonstrations, in addition, the list of grounds for the administrative arrest was expanded.<sup>20</sup> In the backdrop of this, the explanatory notes attached to the draft laws included in the package do not substantiate the inevitable necessity of their adoption in an accelerated manner.<sup>21</sup>

The second law was also adopted in an accelerated manner between 9-12 December 2024.<sup>22</sup> The explanatory note states that the accelerated consideration is conditioned by the implementation of the government programme.<sup>23</sup> The amendments touched upon a number of issues provided for in the Law on Public Service.<sup>24</sup> According to the assessments of GYLA, with the amendments, the state is creating another repressive weapon, this time against the public servants and is trying to create a legislative basis for the process of erasing the line between the party and the public service.<sup>25</sup> As a result of these amendments, individuals have been dismissed from various public institutions due to their pro-European statements.<sup>26</sup> And this proves

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<sup>19</sup> Legislative package, available at: <https://info.parliament.ge/#law-drafting/29793>, renewed on: 03.04.25.

<sup>20</sup> What amendments will be made to the Administrative Offences Code to further restrict the freedom of assembly? available at: <https://gyla.ge/post/ra-tsvilebebi-shedis-administraciul-samartaldargevata-kodeqssh>, renewed on: 03.04.25.

<sup>21</sup> Explanatory notes are available at: <https://info.parliament.ge/file/1/BillReviewContent/373185?>, <https://info.parliament.ge/file/1/BillReviewContent/373179?>, renewed on: 03.04.25.

<sup>22</sup> Regarding the draft law, see: <https://info.parliament.ge/#law-drafting/29794>, renewed on: 03.04.25.

<sup>23</sup> Explanatory note, available at: <https://info.parliament.ge/file/1/BillReviewContent/373193?>, renewed on: 03.04.25.

<sup>24</sup> The amendments made in an expedited manner to the Law “On Public Service” are designed to increase pressure on public servants and further politicize the public service, available at: <https://gyla.ge/post/sajaro-samsaxuris-shesaxeitkanoni-cvilebebi>, renewed on: 03.04.25.

<sup>25</sup> The amendments made in an expedited manner to the Law “On Public Service” are designed to increase pressure on public servants and further politicize the public service, available at: <https://gyla.ge/post/sajaro-samsaxuris-shesaxeitkanoni-cvilebebi>, renewed on: 03.04.25.

<sup>26</sup> 3 more public servants speak out about being dismissed on political grounds, available at: <https://netgazeti.ge/news/758366/>; 3 more employees have been fired from the Tbilisi City Hall, available at: <https://netgazeti.ge/news/767652/>; Obedient public sector? - dismissal in



that the Parliament has abused its authority to persecute the individuals who were politically unacceptable to the parliamentary majority.

During this very period (9-12 December), amendments to the Election Code were adopted in an accelerated manner, which regulated the ratio of the members elected to the Sakrebulo (City Councils) differently for the 2025 local self-government elections between the persons elected under the majoritarian and proportional systems.<sup>27</sup> The explanatory note justifies the need for an accelerated adoption by stating that the law must be adopted in time for the end of the 2024 autumn session.<sup>28</sup> However, the explanatory note does not answer the question of why the amendments must be adopted within the stipulated time frame. As a result, the Parliament considered and adopted it in practically 4 days. According to GYLA's assessment, the adoption of these norms is a step back, although in reality we are dealing with a substantial deterioration. The legislative framework resulting from the amendments cannot ensure the proportional reflection of the will of the voters in the mandates and will significantly increase the number of lost votes of the voters. The subject with the most support will gain an unjustified advantage and its candidate will be given the opportunity to occupy the position of a majoritarian deputy of the Sakrebulo despite the negative attitude of the majority of the voters.<sup>29</sup> The report of the Congress of Local and Regional Authorities of the Council of Europe notes that more than 20 amendments have been made to the electoral legislation at the municipal level since the last elections without broad consultation and consensus, which is not in line with the principle of stability of the election law.<sup>30</sup>

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a single sentence, available at: <https://www.radiotavisupleba.ge/a/%E1%83%A1%E1%83%90%E1%83%AF%E1%83%90%E1%83%A0%E1%83%9D%E1%83%A1%E1%83%94%E1%83%A5%E1%83%A2%E1%83%9D%E1%83%A0%E1%83%98%E1%83%93%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%97%E1%83%90%E1%83%95%E1%83%98%E1%83%A1%E1%83%A3%E1%83%A4%E1%83%9A%E1%83%94%E1%83%91%E1%83%A3%E1%83%9A%E1%83%94%E1%83%91%E1%83%98/33269956.html>, renewed on: 23.04.25.

<sup>27</sup> Regarding these amendments, see:

<https://info.parliament.ge/#law-drafting/29784>, renewed on: 23.04.25.

<sup>28</sup> Explanatory note on the draft amendments to the Organic Law of Georgia "Election Code of Georgia", available at: <https://info.parliament.ge/file/1/BillReviewContent/373190?>, renewed on: 23.04.25.

<sup>29</sup> The "Georgian Dream" is trying to make undemocratic and repressive amendments to the legislation, available at: [https://gyla.ge/post/represiuili-sakanonmdeblo-cvilebebi-gyla?fbclid=IwY2xjawJ0boBleHRuA2FibQIxMABicmlkETfxeUZFwGIQZWZ0bloOWVlAR4vS6IX3ernWtpihD-FUu5hqmHLpzrR5vBzfQjeeQjKBO31xiOGt9AXVYzFfQ\\_aem\\_F5\\_nT82J6X6wTJqP0zMIxA](https://gyla.ge/post/represiuili-sakanonmdeblo-cvilebebi-gyla?fbclid=IwY2xjawJ0boBleHRuA2FibQIxMABicmlkETfxeUZFwGIQZWZ0bloOWVlAR4vS6IX3ernWtpihD-FUu5hqmHLpzrR5vBzfQjeeQjKBO31xiOGt9AXVYzFfQ_aem_F5_nT82J6X6wTJqP0zMIxA), renewed on: 23.04.25.

<sup>30</sup> The situation of local and regional democracy in Georgia, Congress of Local and Regional Authorities, 48th Session, Report CG(2025)48-17prov, 6 March 2025, para. 7.d.

The next package, which was adopted by the Parliament, was adopted in the period of 3-6 February 2025.<sup>31</sup> It is quite voluminous and concerns the following issues: increasing the period of administrative detention, increasing sanctions in the area of the freedom of expression, reversing the burden of proof and imposing it on the offender, worsening the rules of personal examination, expanding the concept of an organizer, which is problematic.<sup>32</sup> The explanatory notes of the projects initiated on these issues are of a general nature and do not justify the need for their accelerated adoption.<sup>33</sup>

On 12 February 2025, the Georgian government initiated a package of amendments that aimed at modifying the public service.<sup>34</sup> The package was considered in an accelerated manner at the request of the initiator and was adopted between 17-20 February. The justification for using the accelerated method indicated that the government programme envisaged the reform.<sup>35</sup> However, the government programme does not contain any deadlines, there is only a general note on the improvement of the public service.<sup>36</sup> Furthermore, the explanatory note states that the reform should enter into force from 1 April 2025, and therefore, it was necessary to adopt it in an accelerated manner.<sup>37</sup> It is not mentioned in the explanatory note why this deadline was necessary or why it was set. Accordingly, the presented arguments are not weighty, because the executive branch had known that it was planning certain reforms and could have taken appropriate precautions and the discussion of the package, which included amendments to 13 laws,<sup>38</sup> would have taken place in an ordinary manner, instead of an accelerated one.

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<sup>31</sup> Legislative package is available at: <https://info.parliament.ge/#law-drafting/30044>, renewed on: 03.04.25.

<sup>32</sup> The “Georgian Dream” Declares Many Aspects of the Right to Protest as Offences - the Amendments Made in an Expedited Manner to the Administrative Offences Code of Georgia, available at: <https://gyla.ge/post/qartuli-ocneba-protestis-uflebis-bevr-aspeqts-zgudavs>, renewed on: 03.04.25.

<sup>33</sup> Explanatory note is available at: <https://info.parliament.ge/#law-drafting/30044>, renewed on: 03.04.25.

<sup>34</sup> This package is available at: <https://info.parliament.ge/#law-drafting/30249>, renewed on: 24.04.25.

<sup>35</sup> Explanatory note on the draft law of Georgia “On Amendments to the Law of Georgia ‘On Public Service’”, available at: <https://info.parliament.ge/file/1/BillReviewContent/380120?>, renewed on: 24.04.25.

<sup>36</sup> Government Programme 2025-2028, 7-8, available at: [https://www.gov.ge/files/90372\\_90372\\_536784\\_372256.pdf](https://www.gov.ge/files/90372_90372_536784_372256.pdf), renewed on: 24.04.25.

<sup>37</sup> Explanatory note on the draft law of Georgia “On Amendments to the Law of Georgia ‘On Public Service’”, available at: <https://info.parliament.ge/file/1/BillReviewContent/380120?>, renewed on: 24.04.25.

<sup>38</sup> This package is available at: <https://info.parliament.ge/#law-drafting/30249>, renewed on: 24.04.25.

Between 7 and 16 April, the Parliament adopted the so-called “Grants Package” in an accelerated manner.<sup>39</sup> With the amendments, the non-governmental organizations will be able to receive grants allocated by a donor after the consent of the Government of Georgia or an authorized person/body designated by it.<sup>40</sup> Grants received without consent are monitored by the Anti-Corruption Bureau, which can fine the grant recipient double the amount of the grant.<sup>41</sup> This amendment practically paralyzes the existence of the non-governmental organizations.

Each of the cases discussed above restricts human rights and worsens the legal situation in the country. Other amendments also concerned the right to participate in elections and hold public office, as well as the freedom of expression. In this section, the forms of responsibility are also tightened in a number of cases. The adoption of a norm restricting a fundamental right is not a problem in itself, since constitutions provide for the limits of interference in the rights. What makes these cases examples of the violent lawmaking, in addition to their repressive nature, is their adoption in a short period of time, without deliberations. Moreover, the report of the Congress of Local and Regional Authorities of the Council of Europe notes that the brutal repression of the peaceful protesters and opponents by the law enforcement officers in a number of cities, including Tbilisi, constitutes a violation of both the freedom of expression and the freedom of assembly.<sup>42</sup> Within the framework of a three-track democracy, the Parliament, in its daily functioning, acts at the so-called legislative track.<sup>43</sup> And this implies the resolution of current legislative and political issues.<sup>44</sup> In the context of a three-track democracy, this is the lowest level, within which the parliamentary power is the most limited. Therefore, the law-making process should proceed in the background of deliberation, openness, the involvement of all important actors and their expression of opinions. Sufficient time should be allocated to it so that the addressees of the norm have the opportunity to express their motivated position on it.

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<sup>39</sup> Concerning the package, see: <https://info.parliament.ge/#law-drafting/30563>, renewed on: 28.04.25.

<sup>40</sup> Law of Georgia “On Grants”, Article 5<sup>1</sup>, paragraph 1.

<sup>41</sup> Law of Georgia “On Grants”, Articles 6<sup>1</sup>-6<sup>4</sup>.

<sup>42</sup> The situation of local and regional democracy in Georgia, Congress of Local and Regional Authorities, 48th Session, Report CG(2025)48-17prov, 6 March 2025, para. 7.d.

<sup>43</sup> Roznai, Y., *Unconstitutional Constitutional Amendments: the Limits of Amendment Powers*, Oxford University Press, 2017, 127.

<sup>44</sup> Roznai, Y., *Unconstitutional Constitutional Amendments: the Limits of Amendment Powers*, Oxford University Press, 2017, 127.

### 2.3. Laws adopted in an ordinary manner

The Foreign Agents Registration Act, or FARA, was introduced in the Parliament on 19 February and was finally adopted by the legislative body on 1 April. The legislative discussions can be characterized as non-inclusive and superficial. On the one hand, the opposition and the non-governmental sector did not participate in it, and on the other hand, the questions asked by the members of the majority were uncritical. This law is an analogue of the law in the United States. However, its application there is quite limited, although the text allows for a broad interpretation.<sup>45</sup> Its copying to Georgia is an inappropriate and violent constitutional borrowing. This involves the transfer of democratic mechanisms from one legal system to another in an unintended way, the purpose of which is not to strengthen democracy, but to undermine it.<sup>46</sup> The controversial law in the United States was historically created to combat the pro-Nazi, totalitarian propaganda.<sup>47</sup> However, it was copied by Russia and Hungary to persecute the civil society organizations.<sup>48</sup> In Georgia, the law is also targeting the critical media and the civil society.<sup>49</sup> Through an abusive anti-purposive constitutional borrowing a law created to achieve democratic goals is itself being used to undermine democracy. This also constitutes an abuse of the legislative power.

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<sup>45</sup> Robinson, N., "foreign Agents" in an Interconnected World: FARA and the Weaponization of Transparency, *Duke Law Journal*, Vol. 69, 2020, 1085-1086.

<sup>46</sup> Landau, D., Dixon, R., *Abusive Constitutional Borrowing: Legal Globalization and the Subversion of Liberal Democracy*, Oxford University Press, 2021, 51.

<sup>47</sup> Robinson, N., "foreign Agents" in an Interconnected World: FARA and the Weaponization of Transparency, *Duke Law Journal*, Vol. 69, 2020, 1095.

<sup>48</sup> Robinson, N., "foreign Agents" in an Interconnected World: FARA and the Weaponization of Transparency, *Duke Law Journal*, Vol. 69, 2020, 1086.

<sup>49</sup> Explanatory note on the draft law of Georgia "Foreign Agents Registration Act". available at: <https://info.parliament.ge/file/1/BillReviewContent/381088?>, renewed on: 08.04.25.

### 3. SUMMARY

The discussion developed above indicates that the powers of the Parliament in the legislative sphere are not limitless. They are conditioned by the constitution and the internationally recognized principles of constitutionalism. Frequently, authoritarian leaders try to prolong their rule by using seemingly democratic mechanisms. This process is referred to in the literature as a violent constitutional borrowing, the result of which is a Frankenstate, or a monster state.<sup>50</sup>

Recently, decisions taken by the legislative body in Georgia have been made, on the one hand, in an accelerated manner, and on the other hand, against the background of insufficient deliberations. The request for accelerated draft laws is not justified. In no case could the initiators confirm the urgent need for the accelerated adoption of a specific project. Furthermore, in individual cases, the initiator had had the information about the implementation of a specific reform and could have planned it in time, which would have excluded the need for its accelerated consideration. Laws adopted in the absence of the proper openness, relevant actors and time, especially those of a repressive nature, constitute an abuse of the legislative authority. Most of the examples discussed above concern fundamental rights. Therefore, the higher the degree of interference with a right, the more inclusive and detailed the adoption of a specific norm should be. It is essential to involve all the interested parties in order to determine, through close coordination with them, the necessity of such interference with the fundamental rights through the adoption of a new regulation. The so-called FARA is of a particular note. In Georgia, it is a classic example of an abusive anti-purposive constitutional borrowing. It is aimed at suppressing the non-governmental organizations, while in the United States it was adopted against the pro-Nazi propaganda. With this law, the Parliament has abused its legislative power, thereby laying the foundation for violent lawmaking. An analysis of the Georgian examples shows that the lawmaking is not aimed at the benefit of the supreme value – a human, but is used as a political weapon to persecute the people or organizations with different opinions. With this a number of constitutional principles are violated, including the separation of powers, the rule of law, pluralism, democracy, and the fundamental rights as norm-principles.

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<sup>50</sup> For more on this, see: Scheppele, K., L., *The Rule of Law and the Frankenstate: Why Governance Checklists Do Not Work*, in *Governance, An International Journal of Policy, Administration, and Institutions*, Vol. 26, Iss. 4, 2013, 559-562.