

## FOREWORD



The idea of modern constitutionalism implies the existence of an active and open discussion mechanism on legal issues, which ensures, on the one hand, the search for conclusions based on critical, rational reasoning, and, on the other hand, raising of legal awareness in professional circles and general public. All this will strengthen public trust in the field of law and add vitality to the existing constitutional order.

“Journal of Constitutional Law” is an internationally-referenced, authoritative academic platform that gives Georgian scientists, practitioners of the legal profession, and young researchers the opportunity to present their work to the general public and gain a place in the field of research. In addition, the publication is a valuable source for students and legal professionals to obtain information and deepen their knowledge of current, relevant legal issues.

The present edition of “Journal of Constitutional Law” combines six academic pieces of Georgian authors. In particular, the journal collects the works of Georgian researchers on the following interesting legal issues: peculiarities of teaching the discipline of constitutional proceedings (authored by Professor Dimitri Gegenava and Associate Professor Paata Javakhishvili), socio-legal understanding of the right to property (authored by Professor Ana Pirtskhalashvili), the importance of procedural guarantees of the accused in the coverage of criminal cases by the media (authored by Associate Professor Giorgi Tumanishvili), the perspective of reforming the rules governing prostitution (authored by Associate Professor Tamar Gegelia), legal analysis of the constitutional agreement concluded between the State of Georgia and the Georgian Orthodox Church (authored by Associate Professor Archil Metreveli) and problems of regulation of the title of a household in Georgia (authored by Irakli Leonidze and Giorgi Chikviladze).

In addition, this publication provides an overview of three landmark judgments of the Constitutional Court of Georgia in 2021 and 2022. In particular, the journal gives the overview of Judgment №3/2/1478 of December 28, 2021 (“Constitutional Submission of the Tetrtskaro District Court on the constitutionality of the second sentence of Article 3(20), the third sentence of Article 25(2), Article 48(1) and (2), the first sentence of Article 48(5) and the first sentence of Article 48(7) of the Criminal Procedure Code of Georgia), Judgment №3/5/1341, 1660 of June 24, 2022 (“Constitutional Submission of the Tetrtskaro District Court on the constitutionality

of the first sentence of Article 200(6) of the Criminal Procedure Code of Georgia”) and Judgment №3/6/813 of December 22, 2022 (“Aleksandre Melkadze v. the Parliament of Georgia”) of the Constitutional Court of Georgia.

In the first case, the Constitutional Court assessed the constitutionality of two different issues established by the Criminal Procedure Law. In particular, part of the disputed norms established the obligation of the accused to speak only the truth if he/she decides to testify in court, and on the other hand, the disputed rule was the one that excluded the possibility of asking a question by the judge hearing the criminal case, without the agreement of the parties. In Judgment №3/5/1341,1660 the Constitutional Court ruled on the constitutionality of the rule of applying bail to the detained accused. In particular, according to the contested norm of the Criminal Procedure Code, the provision of bail as a preventive measure against the detained person before applying the bail, in all cases, resulted in the accused being in custody. In Judgment №3/6/813 of December 22, 2022, the Constitutional Court evaluated the constitutionality of the norm established by the Election Code of Georgia, which determined the rules for forming the unified list of voters and established that the data of the voter will be included in the unified list of voters according to the place of his/her registration.

I hope that this edition of the “Journal of Constitutional Law” will make a valuable contribution to the process of raising legal awareness and leading a research-based discussion. Last year, as a result of the changes, several outstanding Georgian and foreign scientists and researchers from Europe and the United States of America joined the editorial board of the “ Journal of Constitutional Law”. The renewed and more representative editorial board creates an interesting opportunity for the development of the publication, the implementation of which will bring unequivocally positive results for both researchers in the field of law and the process of teaching the legal profession in Georgia.

Professor **Merab Turava**

President of the Constitutional Court of Georgia