

## THE ISSUE OF UNAMENDABLE NORM IN THE FIRST CONSTITUTION OF GEORGIA

### ABSTRACT

The 1918 Act of Independence of Georgia is the first act of constitutional significance, which defined the Democratic Republic as a form of the political structure in Georgia. The main factors that led to the change in Georgia's traditional form of monarchical government were the fear of restoring the monarchy itself and the need to shift to a form of state governance that would establish the principle of public representation in the governmental system and would ensure the realization of the idea that the people are the government's source of authority. It is noteworthy that this choice was solid and acknowledged by the political authorities, which is confirmed by the recognition and assurance of the Democratic Republic as an immutable form of the Georgian political structure in the 1921 Constitution of Georgia.

The purpose of this article is to discuss the form of the political structure of the state defined by the First Constitution of Georgia, to assess of the major normative features of the constitutional norm and to analyze of the determinants of the establishment of the Democratic Republic as a permanent and an immutable norm of the Constitution. The paper discusses the political and legal preconditions, goals, and the legal nature of the establishment of a democratic republic as an immutable norm. As regards to the immutable norms a parallel is drawn between modern states' constitutions and the corresponding conclusions are presented in article.

### I. INTRODUCTION

100 years have passed since the adoption of the First Constitution of the Democratic Republic of Georgia. Following the passage of time, the democratic values enshrined in the Constitution still astonish us. In this respect, the numerous important institutions established in the Constitution did not just correspond to the most modern ideas of constitutionalism, but they were also in line with the progressive vision of the 'founders' and the constitutional implementation of such vision of statehood is compatible with modern democratic values. Humanism, the depth of the conception of the state and an advanced legal culture are the main features by which the text of the Constitution is imbued.

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In a contemporary democratic society, one of the central issues is the protection of constitutional values. Along with the protection of the state governance system and fundamental human rights, it is crucial to determine the state's political structure and the tendencies towards the development of the society. In view of this, attention is drawn to the 1918 Act of Independence and the subsequent establishment of the form of the political structure in the Constitution of 21 February 1921. This was one of the issues on which the political spectrum of that period had a clear and solid common position, despite its ideological differences, however, this was not only a matter of choice, but also a result of certain 'fear and recognition'<sup>1</sup>.

The purpose of this paper is to discuss the form of the political structure of the state defined by the First Constitution of Georgia, to assess the major normative features of the constitutional norm, to analyze the factors of the establishment of the 'Democratic Republic' as a 'permanent and immutable' norm of the Constitution. Obviously, the content of the research topic requires the analysis of historical sources, it also calls for a systematic and comparative legal review of the norms of the Independence Act of Georgia. For this reason, the research will be conducted through historical, comparative, and teleological methods.

## II. THE ISSUE OF POLITICAL STRUCTURE IN GEORGIA'S FOUNDING ACTS

In Georgia, traditionally, a form of monarchical government was established, however, the legal and historical sources confirm that even in a period of feudalism, the king's power never reached such a degree that would place a form of Georgia's government in the category of absolute monarchy.<sup>2</sup> In such a case, the transition to a republican system can be considered as the logical continuation of state organization. The Democratic Republic as a form of political structure was determined by the Act of Independence of Georgia, which is considered as the first Constitutional Act in the history of Georgia's Independence.<sup>3</sup>

Despite the fact that the 1918 Act of Independence included norms of declaratory nature, it still contains more norms with normative significance,<sup>4</sup> for this reason, it was indeed an effective document.<sup>5</sup> It conveyed basic ideas, the implementation of

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<sup>1</sup> For the term 'fear and recognition', see *Sajó A.* [Ninidze T. ed.], *Self-Restraint of Government, Introduction to Constitutionalism*, 2003 (in Georgian).

<sup>2</sup> *Kantaria B.*, *The Issue of Immutability of the Form of Government in the First Constitution of Georgia*, in: 'At the Origins of Georgian Constitutionalism - 90th Anniversary of the Constitution of Georgia of 1921', 2011, p. 63 (in Georgian).

<sup>3</sup> *Shengelia R.* (ed.), *Basics of Georgian Law*, 2004, p. 70 (in Georgian).

<sup>4</sup> *Tsnobiladze P.*, *Constitutional Law of Georgia, Volume I*, 2005, p. 94 (in Georgian).

<sup>5</sup> *Gegenava D.* (ed.), *Introduction to the Constitutional Law of Georgia*, 2019, p. 36 (in Georgian).

which was planned for the future by the Georgian society. By the adoption of the Act of Independence, the National Council in fact ‘focused on the future of the Democratic Republic of Georgia’.<sup>6</sup> Among the key issues addressed by the 1918 Act, special attention was given to the form of governance, and the proclamation of the Democratic Republic as a form of political structure.<sup>7</sup>

On February 21, 1921, the Constituent Assembly of Georgia unanimously adopted the Constitution of Georgia.<sup>8</sup> For modern civilization its adoption relates to quite a critical and challenging period<sup>9</sup> and intended not only a creation of a basic law for the Democratic Republic of Georgia but also ‘a democratic choice for the European and the civilized world made by Georgia’.<sup>10</sup> Besides, during the drafting process of the 1921 Constitution of Georgia ‘the historically shaped psyche, existence, morals and customs, national composition of the Georgian people’ should have been taken into account.<sup>11</sup>

Due to the existing geopolitical situation created by the Constituent Assembly of Georgia did not manage to complete the detailed discussion of all structural elements of the Constitution<sup>12</sup> and the Constitution was adopted expeditiously,<sup>13</sup> however, this process was preceded by its three-year-long detailed review of two Commissions. The effectiveness of this process is evidenced by the institutions given in the Constitution, which were the most progressive ideas in the state life of the modern world at that time. Precious are the achievements of those who were personally involved in the drafting process of the Constitution. For instance, it is well-known that *Pavle Sakvarelidze* was constantly publishing commentaries on its provisions, and informing the public about their content, while working on the Constitution’s draft project.<sup>14</sup> However, in

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<sup>6</sup> *Kverenchkhiladze G.*, Executive Power and the 1921 Constitution of Georgia, in: ‘At the Origins of Georgian Constitutionalism - 90th Anniversary of the Constitution of Georgia of 1921’, 2011, p. 166 (in Georgian).

<sup>7</sup> Article 2 of the Act of Independence of Georgia declared on May 26, 1918, Article 2, available at: <<https://matsne.gov.ge/ka/document/view/4801451?publication=0>> (15.6.2021).

<sup>8</sup> *Matsaberidze M.*, Elaboration and adoption of the Constitution of Georgia of 1921, in: ‘At the Origins of Georgian Constitutionalism - 90th Anniversary of the Constitution of Georgia of 1921’, 2011, p. 36 (in Georgian).

<sup>9</sup> *Matsaberidze M.*, Elaboration and adoption of the Constitution of Georgia of 1921, in: ‘At the Origins of Georgian Constitutionalism - 90th Anniversary of the Constitution of Georgia of 1921’, 2011, p. 22 (in Georgian).

<sup>10</sup> *Demetrashvili A.*, The Constitution of Georgia of February 21, 1921, From the 2011 revision, in: ‘At the Origins of Georgian Constitutionalism - 90th Anniversary of the Constitution of Georgia of 1921’, 2011, p. 10 (in Georgian).

<sup>11</sup> *Gurgenidze E.* (ed.), Collection of Legal Acts of the Democratic Republic of Georgia (1918-1921), 1990 (in Georgian).

<sup>12</sup> *Demetrashvili A., Kobakhidze I.*, Constitutional Law, 2010, p. 51 (in Georgian).

<sup>13</sup> *Gegenava D., Papashvili T.*, Georgian Model of Revision of the Constitution - Gaps in Normative Regulation and Perspective, 2015, p. 14 (in Georgian).

<sup>14</sup> *Matsaberidze M.*, Elaboration and Adoption of the Constitution of Georgia of 1921, in: ‘At the Origins of Georgian Constitutionalism - 90th Anniversary of the Constitution of Georgia of 1921’, 2011, p. 36 (in Georgian).

the scientific literature, the realization and the constitutionalization of a human as a basic social value is rightfully considered to be one of the main accomplishments of the founders of the 1921 Constitution.<sup>15</sup> In this regard, it is ‘an Act of significantly higher value than simply the historical legacy of the recent past.’<sup>16</sup>

According to the first article of the 1921 Constitution of Georgia, the Democratic Republic of Georgia was defined as a form of political structure. However, compared to Article 2 of the 1918 Act of independence of Georgia, the wording of the norm was much clearer and more unequivocal – the Democratic Republic was established as a form of ‘immutable and permanent’ political structure, which is the only matter of the 1921 Georgia’s Constitution that is not subject to revision. Moreover, the 1921 Constitution did not just consider the Democratic Republic to be an immutable form of political structure, but it also prevented the possibility of initiating a constitutional law regarding the abolition of the Democratic Republic form of government.<sup>17</sup> This again emphasizes the intentions of ‘founders’ of the Constitution and the special importance of this issue for them.

### III. THE ISSUE OF POLITICAL STRUCTURE IN THE AGENDA OF POLITICAL PARTIES

Contrary to the radical discussion on various issues typical to Georgian society, the immutability issue of the form of the political structure in the 1921 Constitution is the result of a common political consensus.<sup>18</sup> The proclamation of the Democratic Republic in Georgia was supported by the most powerful political entities in the political landscape of that time: Social Democrats and National Democrats.<sup>19</sup> This was due to various factors, including the fear of restoration of the monarchy. In the work and memoirs of the public figures of that period a positive attitude towards the republican government and the democratic republic in general is clearly demonstrated. On the reverse, the monarchy is equated with a form of government that absolutely restricts the freedom of the people and peoples’ participation in ‘state affairs’. Thus, the decision to choose

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<sup>15</sup> *Demetrashvili A., Kobakhidze I.*, Constitutional Law, 2010, p. 52 (in Georgian).

<sup>16</sup> *Davituri G.*, Mechanism of Revision of the Constitution of Georgia of 1921 - Perspectives of Constitutional Reform, in: ‘Democratic Republic of Georgia and the Constitution of 1921’, 2013, p. 147 (in Georgian).

<sup>17</sup> 1921 Constitution of Georgia, Article 148, available at: <<https://matsne.gov.ge/document/view/4801430?publication=0>> (accessed 15.7.2021).

<sup>18</sup> *Matsaberidze M.*, Elaboration and Adoption of the 1921 Constitution of Georgia, in: ‘At the Origins of Georgian Constitutionalism - 90th Anniversary of the Constitution of Georgia of 1921’, 2011, pp. 37-38 (in Georgian).

<sup>19</sup> *Matsaberidze M.*, Elaboration and Adoption of the 1921 Constitution of Georgia, in: ‘At the Origins of Georgian Constitutionalism - 90th Anniversary of the Constitution of Georgia of 1921’, 2011, pp. 37-38 (in Georgian).

a democratic republic form was not a coincidence. The founders of the Constitution confronted the idea of monarchy ‘not just with the concept of ‘republic’, but with that of a democratic republic’ - a form of the political structure where the government belongs to the majority elected by the people.’<sup>20</sup>

Even though the vision of the Constituent Assembly members intended to integrate democratic values into the society, there was an option established in legal literature, that the excessive valuation of republican ideas, that were in fact imbued with the fear of restoring the monarchist form of government, led to the sacrifice of a number of constitutional principles, the absence of which could jeopardize the stable functioning of the state,<sup>21</sup> for example, the absence of the institution of the head of state.

If we consider this in more detail, it is obvious that for the Social Democrats the issue of the restoration of the monarchy was completely unacceptable.<sup>22</sup> Furthermore, the assurance of the permanent republican government at the highest legal level was exceptionally important for them.<sup>23</sup> In general, the position of the Social Democrats was of particular significance, as precisely this political power held the qualified majority of the mandates of the Constituent Assembly. It should be noted that the Social Democrats, who were originally formed as an indivisible part of the corresponding political party in Russia, completely changed their political course after the Declaration of Independence and started to perform an active role in the presentation and implementation of national ideas.<sup>24</sup> Due to fearing the monarchy restoration, the social democrats were the ones that raised the issue in the Constitutional Commission to have an independent article in the Constitution regarding Georgia’s political structure and the establishment of Georgia as a Democratic Republic.<sup>25</sup>

In legal literature, the settlement of the issue of the political structure in the 1921 Constitution is linked with two major factors: The national roots of the Democratic Republic and the fear of having the monarchical government restored. However, it is necessary to clarify the intention of the ‘founders’ from the beginning, who desired for

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<sup>20</sup> *Kantaria B.*, The Issue of Immutability of the Form of Government in the First Constitution of Georgia, in: ‘At the Origins of Georgian Constitutionalism - 90th Anniversary of the Constitution of Georgia of 1921’, 2011, p. 64 (in Georgian).

<sup>21</sup> *Davituri G.*, Mechanism of Revision of the Constitution of Georgia of 1921 - Perspectives of Constitutional Reform, in: ‘Democratic Republic of Georgia and the Constitution of 1921’, 2013, p. 157 (in Georgian).

<sup>22</sup> *Khetsuriani J.*, Forms of State Governance and Prospects for the Restoration of Monarchy in Georgia, in: ‘Research in Georgian Jurisprudence’, 2011, p. 35 (in Georgian).

<sup>23</sup> *Gegenava D.* (ed.), Introduction to the Constitutional Law of Georgia, 2019, p. 37 (in Georgian).

<sup>24</sup> *Kemamzade F.* [*Kantaria K. tran., Mamulia G.* ed.], Battle for the Transcaucasia 1917-1921, 2016, p. 230 (in Georgian).

<sup>25</sup> *Kantaria B.*, The Issue of Immutability of the Form of Government in the First Constitution of Georgia, in: ‘At the Origins of Georgian Constitutionalism - 90th Anniversary of the Constitution of Georgia of 1921’, 2011, p. 66 (in Georgian).

Georgia to have a basic law that would enshrine the values typical for a modern civilized world. In this regard, their aspiration to incorporate the progressive norms from the basic law of European countries is important. With reference to the immutability of the form of political structure, the founders of the Constitution were invoking the most essential documents of that time as an argument – the Constitution of France of 1875 and the Basic Law of Portugal of 1917.<sup>26</sup> Nevertheless, the Georgian Constitution and the attitude of its founders was significantly by the constitutional amendments of 1875 French Constitution, executed in 1984 which led to the establishment of the republican form of government as an immutable form of government in France.<sup>27</sup>

It should be emphasized that the attitude towards political structure was so evident that the important institutions that were typical for modern life would be excluded from the form of classical republican government. For instance, in view of *Rajden Arsenidze*, a form of republican government should have been established in Georgia without having an institution of a president.<sup>28</sup> He believed that ‘the executive power in the republican system is at the disposal of the president, and this provides him with the same rights that the king is given in monarchy.’<sup>29</sup> From his perspective, the republican form of government belonged to such political regimes where the king’s power was abolished, and the entire administration was transferred in the hands of the persons elected by the people.<sup>30</sup> A supporter of the republican government form was the National Democrat *Giorgi Gvazava*, who considered democracy to be in accordance with the contemporary ‘cultural level’ and as a key feature of the progressive states.<sup>31</sup> It’s noteworthy to mention the opinion of the invited member of the Constitutional Commission – a famous lawyer, *Konstantine Mikeladze*, who believed that ‘the republic is the only form of state governance that provides a broad ground for the realization and the enhancement of the natural rights of the people.’<sup>32</sup>

The discussed opinions certainly demonstrate not just the position of particular members of the society towards the form of republic government, but they also formed the base

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<sup>26</sup> Constitution of the Democratic Republic of Georgia of 1921, Constitutional Court of Georgia, 2013, 2nd edition, p. 16 (in Georgian),

<sup>27</sup> *Kantaria B.*, The Issue of Immutability of the Form of Government in the First Constitution of Georgia, in: ‘At the Origins of Georgian Constitutionalism - 90th Anniversary of the Constitution of Georgia of 1921’, 2011, p. 67 (in Georgian).

<sup>28</sup> *Arsenidze R.*, Democratic Republic, Classics of Georgian Law, 2nd edition, 2014, p. 16 (in Georgian).

<sup>29</sup> *Arsenidze R.*, Democratic Republic, Classics of Georgian Law, 2nd edition, 2014, p. 17 (in Georgian).

<sup>30</sup> *Arsenidze R.*, Democratic Republic, Classics of Georgian Law, 2nd edition, 2014, p. 17 (in Georgian).

<sup>31</sup> *Gvazava G.*, Basic Principles of Constitutional Law, Classics of Georgian Law, 2014, p. 27 (in Georgian); *Gvazava G.*, Speech at the Constituent Assembly, in: ‘Chronicles of Georgian Constitutionalism’, 2016, p. 130 (in Georgian).

<sup>32</sup> *Mikeladze K.*, The Constitution of a Democratic State and a Parliamentary Republic (Some Considerations in the Draft Process of the Constitution of Georgia), in: ‘Chronicles of Georgian Constitutionalism’, 2016, p. 70 (in Georgian).

for the consensus of the Georgian political parties of that time on issues of the formation of the political structure. During the drafting process of the future constitution, the only remaining issue that needed to be resolved was concerning the determination of ‘permanency’ and ‘immutability’ of the political structure in the basic law of the country.<sup>33</sup>

However, a question arising related to this matter, was the actual ‘danger’ of the possible restoration of monarchical government. The discussion of this question in a political context can only be based on theoretical assumptions and does not represent the purpose of the present study. Legally speaking, it is more important to refer to immutability of the government form at the constitutional level and to determine whether the form of a political structure ensured the legal possibility to change it. In this regard, the existing practices on the permanency of constitutional norms are important.

#### **IV. DO ‘PERMANENT’ CONSTITUTIONAL NORMS GUARANTEE ‘IMMUTABILITY’?**

A small number of modern states constitutionally enforce ‘immutable’ norms. For instance, according to the Italian<sup>34</sup> and French<sup>35</sup> Constitutions, a form of republic government cannot be subject of a constitutional revision. The German Basic Law defines federalism as a permanent and immutable form of territorial organization.<sup>36</sup> However, this is considered as old element of constitutionalism, while the modern constitutions support the establishment of a rigid mechanisms of constitutional revision for the purpose of upholding certain norms.<sup>37</sup> The practice of applying permanent norms is intended to protect the Constitution from unjustifiable amendments,<sup>38</sup> but rather than imposing legal restrictions on the legislature by the Constitution, it has merely a declarative purpose.<sup>39</sup> The various issues and their permanency that is ensured by the Constitution, are diverse and linked to the form of the government, territorial organization, the standard of protection of basic human rights and etc. The Venice

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<sup>33</sup> *Kantaria B.*, The Issue of Immutability of the Form of Government in the First Constitution of Georgia, in: ‘At the Origins of Georgian Constitutionalism - 90th Anniversary of the Constitution of Georgia of 1921’, 2011, p. 65 (in Georgian).

<sup>34</sup> Constitution of the Italian Republic, 1947, Article 139, available at: <[https://www.senato.it/documenti/repository/istituzione/costituzione\\_inglese.pdf](https://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf)> (accessed 15.7.2021).

<sup>35</sup> Constitution of France, 1958, Article 89, available at: <[https://www.conseil-constitutionnel.fr/sites/default/files/as/root/bank\\_mm/anglais/constiution\\_anglais\\_oct2009.pdf](https://www.conseil-constitutionnel.fr/sites/default/files/as/root/bank_mm/anglais/constiution_anglais_oct2009.pdf)> (accessed 15.7.2021).

<sup>36</sup> Basic Law for the Federal Republic of Germany, 1949, Article 79, para. 3, available at: <[https://www.gesetze-im-internet.de/englisch\\_gg/englisch\\_gg.pdf](https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.pdf)> (accessed 15.7.2021).

<sup>37</sup> Report on Constitutional Amendment, European Commission for Democracy Through Law (Venice Commission), CDL-AD (2010)001, 2009, para. 203, available at: <[https://www.venice.coe.int/webforms/documents/?pdf=cdl-ad\(2010\)001-e](https://www.venice.coe.int/webforms/documents/?pdf=cdl-ad(2010)001-e)> (accessed 15.7.2021).

<sup>38</sup> *Barak A.*, Unconstitutional Constitutional Amendments, *Israel Law Review* 44, 2011, p. 333.

<sup>39</sup> Report on Constitutional Amendment, European Commission for Democracy Through Law (Venice Commission), CDL-AD (2010)001, 2009, para. 203, available at: <[https://www.venice.coe.int/webforms/documents/?pdf=cdl-ad\(2010\)001-e](https://www.venice.coe.int/webforms/documents/?pdf=cdl-ad(2010)001-e)> (accessed 15.7.2021).

Commission distinguishes between ‘immutable’ norms and principles, when considering such ‘permanent’ norms. In the first case, it’s completely impossible to have amendments in the Constitution that provides any kind of change to ‘immutable’ provision, while the practice of ‘immutability’ of constitutional principles allows this only to an extent that ensures that basic the elements of a particular principle are preserved.<sup>40</sup> The concepts subject to such amendments are ‘republicanism’, ‘sovereignty’, ‘democracy’, ‘basic human rights’ and etc.

The issue of the form of the political structure defined by the 1921 Georgian Constitution constitutes such a constitutional principle that could have been subject to amendments, yet, only to a certain extent. The clause established in article 148 of Georgian Constitution, which determined that ‘abolition of the form of Government of the Democratic Republic of Georgia may not be the subject of proposal for a revision of the Constitution’, did not exclude the possibility to initiate a corresponding amendment regarding the form of government in the Constitution. The given norm of the Constitution only limited the possibility of initiating certain radical amendments that would change the notion of a Democratic Republic. In particular, this constitutional norm excluded the revisal of constitution in a way that would aim at the establishment of a form of monarchical government. However, there was still a possibility of certain constitutional amendments, that would not modify the content of the term ‘republican’.

In the legal literature, the ‘immutable’ norms of the constitution are related to another important issue- the determination of a constitutionality of constitutional law. The existence of ‘permanent’ norms in the Constitution leads to a certain type of hierarchization of constitutional norms,<sup>41</sup> which provides an opportunity to assess the compatibility of constitutional amendments with the Constitution. For instance, in the German basic law, human dignity and democracy are values that are of special importance, therefore, it is possible to review the constitutionality of any Act that are incompatible with them, including that of a constitutional law,<sup>42</sup> while the Constitutional Court of Georgia has refused to exercise this power in several cases on the grounds that a constitutional law, once it is adopted, becomes an integral part of the Constitution and that constitutional control over it is beyond the powers of the Constitutional Court.<sup>43</sup> Considering that this power belongs to the sphere of constitutional control and that the

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<sup>40</sup> Report on Constitutional Amendment, European Commission for Democracy Through Law (Venice Commission), CDL-AD (2010)001, 2009, para. 204, available at: <[https://www.venice.coe.int/webforms/documents/?pdf=cdl-ad\(2010\)001-e](https://www.venice.coe.int/webforms/documents/?pdf=cdl-ad(2010)001-e)> (accessed 15.7.2021).

<sup>41</sup> *Eremadze K.*, Perspectives on the Constitutional Review of Constitutional Law, in: ‘Rule of Human Rights and Law’, 2013, p. 75 (in Georgian).

<sup>42</sup> *Gegenava D., Papashvili T.*, Georgian Model of Revision of the Constitution - Gaps in Normative Regulation and Perspective, 2015, p. 62 (in Georgian).

<sup>43</sup> *Khetsuriani J.*, The Authority of Georgian Constitutional Court, 2020, p. 99 (in Georgian).



First Constitution did not provide for the a body performing a constitutional review, there was also no mechanisms to protect the Constitution from such amendments.<sup>44</sup>

And finally, it needs to be determined, whether there was an unavoidable need of having a reference regarding the Democratic Republic as a form of ‘immutable’ and ‘permanent’ political structure in the 1921 Constitution? Firstly, it must be stressed out that the idea of republicanism given in the constitution is discussed simultaneously with the principle of democracy. In this regard, the 1921 Constitution not only established a republican form of governance, but it also introduced the principle of democracy as a political regime. Given the content and the general spirit of the 1921 Constitution, which was based entirely on these principles, it is obvious that the reference to a Democratic Republic, and especially its declaration of a ‘permanent and immutable’ form of political structure was more declarative than constitutional. Thus, a change of this principle would have constituted not only a change of the norm, but it would also have had a significant impact on the content of the Constitution as a whole and would have prevented the idea of having a sovereign and democratic state.<sup>45</sup>

## V. CONCLUSION

The 1918 Act of Independence of Georgia established the Democratic Republic as a form of the political structure in Georgia, and through the 1921 Constitution, it became an ‘immutable and permanent’ norm. The main factor influencing this choice was the fear of the restoration of the monarchy in Georgia, which indeed determined the permanency of the idea of republicanism in the First Constitution of Georgia. However, the analysis of the historic sources has revealed that the decision of the Georgian people did not result from this factor solely, and the choice was been intentionally made on a particular form of the political structure of the state in which people are the source of state power. It is noteworthy, that there was a complete consensus among the political spectrum on this issue, which was of crucial importance for the introduction of republicanism and the constitutional principles of democracy.

The establishment of the Democratic Republic as a form of the political structure had a significant impact on the content of the First Constitution of Georgia. The ideas and principles presented in it, were in full in compliance with the proclaimed form of political structure, hence, the recognition of the Democratic Republic as a permanent norm, in comparison with the legislative restriction, had a more declarative character and strengthened the path of development of the Georgian society. By virtue of these democratic values and the ideas of humanism, the First Georgian Constitution holds a special place in the history of the world’s constitutionalism.

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<sup>44</sup> *Javakhishvili P.*, Elements of Constitutional Control in the Constitution of Georgia of 21 February 1921, in: ‘Democratic Republic of Georgia and the Constitution of 1921’, 2013 (in Georgian).

<sup>45</sup> *Gegenava D., Papashvili T.*, Georgian Model of Revision of the Constitution - Gaps in Normative Regulation and Perspective, 2015, p. 71 (in Georgian).