

FOREWORD



It is essential for the development of constitutional law to have an academic discussion on topical legal matters. The work of scientists, practitioners of the legal profession or young scholars make a valuable contribution to raising the knowledge and awareness of constitutional law. An active academic platform contributes to a new understanding of the essence of constitutionalism and the

standards of its application in practice, and it also ensures broad public participation in the legal discussion.

This edition of the “Constitutional Law Journal” is dedicated to the discussion of a number of issues of constitutional and legal importance, which are relevant both in Georgia and abroad. The publication combines six academic articles of Georgian authors and also a book review of a foreign author. In particular, the journal contains the works of Georgian scholars on important legal matters, such as: the consultative jurisdiction of the European Court of Human Rights (authored by Professor Eva Gotsiridze, Justice of the Constitutional Court), the constitutional assessment of the territorial arrangement of Georgia (authored by Assoc. Professor Tinatin Erkvania), the presidential power of pardon (authored by Assoc. Professor Tamar Avaliani), evidentiary standards in cases of domestic violence and family crimes (authored by Professor Marine Kvatchadze, Natia Jugheli and Elene Ghvinjilia), the prohibition of retroactive force of the law in substantive criminal law (authored by Assoc. Professor, Judge Lavrenti Maghlakelidze), *ex post* constitutional control of international agreements (authored by Giorgi Nakashidze) and a book review of Yaniv Roznai on the topic of unconstitutional constitutional amendments (authored by Professor Malkhaz Nakashidze).

In addition, this publication provides case notes of two judgments decided by the Constitutional Court of Georgia in 2021. In particular, the judgments of the Constitutional Court of Georgia of 15 July 2021 №2/1/1289 («Giorgi Beruashvili vs. Parliament of Georgia») and 25 December 2020 №2/2/1276 («Giorgi Keburia vs. Parliament of Georgia»). In the former case, the Constitutional Court assessed the constitutionality of imposing criminal liability for persuading a minor to commit an anti-social act, and in the latter judgement, the constitutionality of the norms of the Criminal Procedure Code regulating the purpose and basis of the search, as well as the evidentiary standard for issuing a guilty verdict were adjudicated.

I am glad that upon reshuffle, several distinguished Georgian and foreign legal scholars from Europe and the United States of America have been added to the editorial board of the “Constitutional Law Journal”. A representative editorial board will raise the authority of the publication and provide a better opportunity, on the one hand, for Georgian authors to present their works to the international community, and on the other hand, will ensure Georgian readers’ access to the works of many internationally recognised scholars and practitioners.

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President of the Constitutional Court of Georgia