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THE POLITICAL INSTRUMENTALIZATION OF LAWMAKING IN GEORGIA AS A TOOL FOR AUTHORITARIAN CONSOLIDATION

ABSTRACT

In Georgia, constitutional reform and ongoing legislative amendments have persistently constituted the principal sources of political contention between ruling and opposition parties. Nonetheless, contestation concerning both the regulatory scope and substantive content of legislation exceeded the conventional parameters of partisan polarization in 2022, upon the initiation of the “Foreign Agents Registration Act.” The ensuing opposition was no longer confined to political actors; civil society organizations and ordinary citizens also became active participants in the resistance.

This article examines the use of legislation as a mechanism for the entrenchment of authoritarian governance in Georgia and assesses the prospects of such an undertaking. In particular, it considers the extent to which authoritarian consolidation may be implemented through legislative measures that are formally democratic in appearance, as well as the implications of such measures for the protection of human rights within the country. For this purpose, the article undertakes an analysis of the normative justifications advanced for the adoption of new statutes and amendments to existing legislation by the Parliament of Georgia in recent years. Furthermore, the article evaluates the role of the judiciary in facilitating its own instrumentalization as an element that, through the operation of these legislative acts, constitutes an important factor in the potential consolidation of authoritarian rule.

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INTRODUCTION

Democracy operates on a legal order grounded in the rule of law, an order established by a legitimately elected legislative body. The preservation of the democratic order is predicated upon the recognition, respect, and protection of human rights. A government elected through democratic elections possesses popular legitimacy, which endows it with the authority to enact legislation and determine its substance. However, for safeguarding a democratic order, legislative acts adopted by parliament should aim to protect human rights and not be employed as instruments of political retaliation.

The use of legislation for purposes of political repression constitutes a somewhat transformed or adapted form of authoritarianism, one that is established not through overtly aggressive means but ostensibly under the auspices of democracy, relying, at least formally, on democratic procedures. Nevertheless, such use of legislative power pursues a purpose characteristic of authoritarian regimes: the continuous restriction of the freedom of expression.

Democracy, in and of itself, cannot be regarded as a self-sufficient guarantee of human rights protection, for in the context of rising authoritarian tendencies, democracy itself requires protection and institutional safeguards. Democracy may be conceptualized as one participant in a broader “market” of political regimes, one that must demonstrate its superiority over its alternatives.¹ Under conditions of democratic backsliding and increasing authoritarianism, democratic institutions are compelled to engage in a persistent struggle to uphold human rights.

When the political system enables a single party to monopolize the decision-making process, democratic institutions are, by design, left with fewer tools to resist authoritarian encroachment. This challenge is aggravated when the entire vertical of political power becomes subordinate to one political party, such that the branches of government act not in accordance with the principle of checks and balances, but rather in alignment with partisan interests.

It is precisely partisan politics that has influenced both the volume and the substantive content of the repressive legislation adopted by the Parliament of Georgia over the past two years. The quality of democracy in Georgia, as well as the standards of human rights protection, have been in continuous decline, a trend clearly reflected in the legislative amendments enacted during this period. Even the law-making process itself has been transformed into a mechanism for exercising political control and implementing repressive measures.

More broadly, contemporary liberal democracy is jeopardized under conditions of rising authoritarianism. Such tendencies are particularly characteristic of hybrid political regimes, in which democratic institutions possess only a limited degree of independence, owing to their still-fragmented and incomplete state of development. In the modern world, liberal constitutionalism is subjected

¹ Ghia Nodia (2019). *Democracy: Iliani Guide*. Iliia State University Press, p. 7.

to continual assault by charismatic leaders who reject established and clearly defined rules of the democratic game.²

However, it is important to inquire why hybrid regimes tend to gravitate predominantly toward authoritarian models rather than toward the consolidation of a democratic order. One possible explanation is the persistent romanticization of authoritarian governance within certain states. This inclination may also stem from historical experience, the weakness of state institutions, the limited societal interest in exercising democratic oversight, and other related factors. The decline in the number of democratic states—and the corresponding shift toward authoritarianism—may be regarded as a natural development, given that some of these states had never been genuinely democratic.³

For a number of post-Soviet and Eastern European states, the struggle against the consolidation of authoritarianism remains a pressing challenge. Governments in such contexts typically seek to reinforce their political influence over society through the imposition of control and the cultivation of fear. Yet within these regimes, it is often the populace that endeavours to safeguard democratic institutions by employing various forms of free expression, thereby constraining governmental attempts to seize power. Such resistance serves as an obstacle to the entrenchment of authoritarianism.

Georgia is navigating simultaneously the attempt to consolidate authoritarian rule and the countervailing efforts to contain this process. On the one hand, repressive legislative regulations continuously endanger human rights and fundamental freedoms, particularly the freedom of expression, while, on the other hand, society and various political actors seek, through different means, to restrain the advance of authoritarian tendencies. The power of the majority must be limited, for in the moral realm, humanism, justice, and reason stand above the will of the majority, whereas in the political realm, this limiting force is embodied in the fundamental human rights.⁴ It is precisely these rights that face threats when the government endeavours to employ contemporary forms of authoritarianism to adopt legislation that is repressive in nature and restrictive of human rights.

Governments are constrained by human rights, which function as directly applicable law. According to Article 4 of the Constitution of Georgia, both the people and the state are bound, in the exercise of authority, by these rights and freedoms as directly effective legal norms.⁵ Under this principle, the majority is deprived of the capacity to adopt decisions that endanger human rights and fundamental freedoms. Even where the people constitute the primary source of political power, they are not empowered to do everything. Every existing democracy imposes limits on the rule of the majority, and these limitations frequently take the form of minority rights, the rights guaranteed even to those citizens who may fundamentally reject the majority.

2 Scheppele, Kim L. (2018) *Autocratic Legalism*, University of Chicago Law Review: Vol. 85: Iss. 2, Article 2. P. 546.

3 *Ibid*, p.547

4 András Sajó, *Self-Restraint of Power: An Introduction to Constitutionalism*, Airis Georgia, 2003, p. 10.

5 The Constitution of Georgia, Art.2.2.

Therefore, standard rules have been developed to regulate the procedures within which the government must operate.⁶ However, it is evident that these principles apply to democratic systems, but not to those hybrid regimes which are characterized by growing authoritarianism, where a democratic order may exist only formally, and the government persistently engages in the political instrumentalization of legislation to the detriment of human rights and in the persistence of authoritarian consolidation.

METHODOLOGY

This article deployed a desk-research methodology. In order to identify the political instrumentalization of legislation, the study reviews academic publications, policy documents, legislative acts and corresponding amendments, political statements by different stakeholders, as well as reports and assessments produced by civil society organizations and international institutions.

The purpose of the article is to clearly delineate the methods and objectives associated with the use of legislation as a political instrument — an approach that enables the consolidation of authoritarianism not through traditional repressive means, but through the adoption of legislation under the guise of democratic governance. Such practices stand in direct contradiction to the fundamental principles of democracy.

THE POLITICAL INSTRUMENTALIZATION OF LEGISLATION IN GEORGIA: POLITICAL CONTEXT

The 2024 parliamentary elections once again catalysed a political crisis. Most of the opposition political parties participating in the elections refused to recognize the results and declined to take part in parliamentary life.⁷ The parties opted for a parliamentary boycott, effectively renouncing their popular mandate. In their assessment, the elections had been falsified, and this allegation constituted the principal rationale for their decision to forgo engagement in parliamentary activity.⁸

6 Thomas M. Magstadt, *Understanding Politics: Ideas, Institutions, and Issues*, Ilia State University Press, 2010, p. 68.

7 Radio Free Europe/Radio Liberty, "Coalition for Change Declines Parliamentary Mandates," 27 October 2024.

8 Radio Free Europe/Radio Liberty, "'Strong Georgia' Rejects Election Results, Calling Them 'Political Trafficking,'" 27 October 2024.

In parallel with the refusal of opposition political parties to engage in parliamentary activity, the President of Georgia declined to convene the first session of the newly elected Parliament. Pursuant to Article 38 of the Constitution of Georgia, the first session of Parliament is convened by the President.⁹ Notwithstanding this, Parliament assembled regardless and commenced its functioning.

The parliamentary elections were assessed by both domestic and international observation missions. According to their evaluations, significant irregularities were identified in the procedures on election day, irregularities that had an impact on the fairness and democratic character of the electoral process.¹⁰

A major problem observed in polling-day procedures across Georgia, specifically at precincts operating with electronic technologies, concerned the protection of the principle of ballot secrecy. The Georgian Young Lawyers' Association requested the annulment of the results from 2,263 polling stations because the principle of secret voting had been violated.¹¹

Alongside the politically motivated use of legislation, regimes inclined toward authoritarianism naturally seek to bring the justice system under political influence. Even though demands for the annulment of the election results had entered the public agenda, within the judiciary, there was only a single judge who, to some extent, resisted the political instrumentalization of the courts. Specifically, the Tetrtskaro District Court confirmed violations of the secrecy of the ballot and annulled the results of several polling stations within its territorial jurisdiction.¹² However, this decision was subsequently overturned by the Tbilisi Court of Appeals, which reinstated the original results recorded at the contested polling stations.¹³

Notwithstanding the election results, the political instrumentalization of legislation in Georgia began after 28 November 2024, when the Prime Minister announced that Georgia would suspend negotiations on accession to the European Union until 2028.¹⁴ This statement triggered large-scale, pro-Western protests that spread across almost the entire country. Assemblies and demonstrations were actively held in various cities of Georgia, with protesters employing diverse and innovative forms of expression. In an effort to diminish the momentum of the protests, the Parliament of Georgia initiated amendments to the existing legislation that negatively affected the effective exercise of freedom of expression.

To better understand the political context, it is important to note that the government's political instrumentalization of legislation extended to individuals and groups actively participating in the protests. Through the introduction of new repressive laws, amendments were enacted not only

9 The Constitution of Georgia, Art.38

10 Democracy Research Center, Assessment of the Environment of the 26 October 2024 Parliamentary Elections – Final Report, pp. 4–7.

11 Radio Free Europe/Radio Liberty, "The Whole Village Would Know Within 10 Minutes – Public Dispute Over Violation of Ballot Secrecy," 1 November 2024.

12 Radio Free Europe/Radio Liberty, "Tetrtskaro Court Confirms Violation of Ballot Secrecy," 4 November 2024.

13 <https://formulanews.ge/News/119758> Accessed: 28.11.2025

14 Radio Free Europe/Radio Liberty, "'Georgian Dream' Does Not Wish to Open EU Accession Negotiations Until the End of 2028," 28 November 2024.

within administrative legislation but also to the Law of Georgia “On Grants,” the Law of Georgia “On Assemblies and Demonstrations,” and more than twenty-five other legislative acts.

These repressive legislative amendments have had a significant impact on the quality of democracy in Georgia. The legislative initiatives and their adoption by Parliament have rendered the independent and autonomous functioning of civil society organizations practically impossible and have endangered the effective exercise of media oversight over the government. It should also be noted that repressive measures against civil society organizations had already begun in March 2023 with the introduction of the Law “On Transparency of Foreign Influence” (the so-called “Russian Law”).

The restriction of freedom of expression and its subordination to a newly established regulatory framework find formal legitimacy under the guise of democratic governance. Any amendment adopted by the authorities for the purpose of implementing repressive policies is justified in the name of democracy and in defence of the democratic order. Yet it is evident that this transformed version of contemporary authoritarianism exploits the appearance of formal democratic procedures to enable the misuse of political mechanisms and is directed toward the restriction of human rights and fundamental freedoms. The preservation of power and the strengthening of authoritarian rule constitute the primary objectives of governments inclined toward such practices. They aim to retain control over mechanisms capable of intimidating political opponents or providing a formal legislative basis for their arrest.¹⁵

THE POLITICAL INSTRUMENTALIZATION OF LEGISLATION IN GEORGIA: A LEGAL ANALYSIS

The power of the legislative branch entails the primacy of Parliament vis-à-vis the executive branch, in light of its oversight functions and mechanisms, for it is Parliament that possesses the authority to impose limits on the executive.¹⁶

The history of Georgian parliamentarism is virtually devoid of fully functioning and effective parliamentary oversight, despite the existence, both at the constitutional level and within ordinary legislation, of mechanisms for supervising the executive branch. The presence of a single-party majority formed as a result of parliamentary elections has severely constrained even the limited and imperfect oversight that Parliament might otherwise have exercised over the executive.

In recent years, many of the legislative amendments adopted by the Parliament of Georgia have, in fact, originated from the executive branch. When the parliamentary majority and the exec-

¹⁵ Thomas M. Magstadt, *Understanding Politics: Ideas, Institutions, and Issues*, Ilia State University Press, 2010, p. 102.

¹⁶ Felix Wiebrecht, „Corruption, Elite Contestation, and Parliaments: Why Do Legislatures Become Stronger in Authoritarian Regimes?“, *Political Research Quarterly* Volume 77, Issue 1, Mar 2024, Theoretical Framework.

utive are controlled by the same political party, the opportunities for entrenching authoritarianism in the name of democracy expand, while the mechanisms capable of constraining such tendencies diminish.

Accordingly, the legislative changes examined and analysed in this article reflect the spirit of single-party decision-making aimed at weakening or removing from the public sphere political opponents, the independent media, civil society organizations, and active citizens; suppressing public protest; and rendering the exercise of freedom of expression practically impossible. The entire series of legislative amendments serves this objective precisely.

When legislation restricting freedom of expression is adopted, it must satisfy three principal criteria:

1. The interference with the right must be prescribed by law;
2. The interference must pursue one of the following legitimate aims: the protection of national security, territorial integrity, or public safety; the prevention of disorder or crime; the protection of health or morals; the protection of the reputation or rights of others; the prevention of the disclosure of confidential information; or the maintenance of the authority and impartiality of the judiciary; and
3. The interference must be necessary in a democratic society.¹⁷

Furthermore, freedom of assembly constitutes one of the essential forms of freedom of expression. The Constitution of Georgia protects the rights to freedom of assembly and expression, while simultaneously establishing a constitutional standard for permissible interference. The state may restrict an assembly only in cases where it has acquired an unlawful character.¹⁸ It is evident that, under this constitutional principle of limitation, the state enjoys broad discretion to assess, in accordance with its own judgment, whether a particular form of assembly or expression is incompatible with the law. Nevertheless, even in such cases, the state must adhere to the constitutionally defined grounds for restricting these rights. However, where the issue concerns an attempt to entrench authoritarianism, it is natural that state action will, in most instances, fail to comply with the aforementioned criteria. In such circumstances, restrictions are imposed not based on legally prescribed grounds, but pursuant to decisions taken on grounds of political expediency, which, in turn, may further strengthen the drift toward authoritarianism.

The Parliament of Georgia responded to the exercise of freedom of expression and various forms of protest by introducing new legislative amendments and regulatory measures. The principal changes are examined below.

The Parliament of Georgia tightened the sanctions for offences defined under Article 125 of the Code of Administrative Offences. Specifically, *the organized blocking of roads in a city or other*

¹⁷ Freedom of Expression: Implementation of Article 10 of the European Convention on Human Rights – A Guide, Council of Europe Information Office in Georgia, 2005, pp. 96–97.

¹⁸ The Constitution of Georgia, Art.21.3.

populated area by means of vehicles, or participation in group movements in which the roadway is entirely obstructed, now results in a fine of 1,000 GEL and the suspension of the right to drive for a period of one year.¹⁹ This amendment was prompted by the frequent use of road blockades by demonstrators as a form of protest.

Within Article 174¹ of the Code of Administrative Offences, which regulates violations of the rules governing the organization of assemblies and demonstrations, five amendments have been enacted over the past eleven months. From a human rights perspective, the most severe is the amendment of 16 October 2025, which provides that, *inter alia*, in cases of covering one's face with a mask or any other means, or partially or fully blocking the road (where, given the number of participants, the assembly could reasonably be held otherwise), a judge is obliged to impose up to 15 days of administrative detention on a participant and up to 20 days on an organizer. In addition, under the amendments to the Code of Administrative Offences, an assembly participant may be sentenced to up to 60 days of administrative detention for possessing a prohibited item at the demonstration.²⁰ These prohibitions were preceded by the daily blocking of a section of Rustaveli Avenue's roadway in front of the Parliament of Georgia by participants in the protests. At the same time, demonstrators sought to conceal their faces by various means in order to avoid the 5,000 GEL fine prescribed for the artificial obstruction of traffic.

As a result of the enacted amendments, administrative proceedings were initiated against approximately 150 participants in the protests. In most cases, the proceedings were based on paragraph 10 of Article 174¹ of the Code of Administrative Offences, specifically for the artificial obstruction of traffic and the covering of one's face during a protest. In more than 100 cases, administrative detention was imposed, including approximately 50 cases involving female offenders. In one instance, criminal prosecution was initiated.²¹

On 16 October 2025, amendments to Article 347 of the Criminal Code entered into force. Under these amendments, the repeated commission of an offence defined in paragraphs 9 and 10 of Article 174¹ of the Code of Administrative Offences results in criminal liability punishable by up to one year of imprisonment, while the same act committed on more than one occasion is punishable by up to two years of imprisonment.²² Through this amendment, the Parliament of Georgia has, in effect, endorsed the criminalization of certain forms of expression that are protected under the right to freedom of expression.

Another issue concerns the use of pyrotechnics during the protests. As demonstrators actively employed pyrotechnic devices to counter the threats posed by special police units, the executive branch responded by closing pyrotechnics retail outlets, while in parallel, the Parliament of Georgia adopted amendments to the Code of Administrative Offences, subjecting the import, export,

¹⁹ The Code of Administrative Offences of Georgia, Art.125.6¹

²⁰ Democracy Research Institute, "The Repressive Legislative Amendments of 16 October and Their Practical Enforcement," 12 November 2025.

²¹ *Ibid*

²² The Criminal Code of Georgia, Art.347.1. and 347.2.

production, and/or sale of pyrotechnics to state licensing. The authorities assessed this form of self-defence and resistance by participants in assemblies and demonstrations as a threat, and accordingly tightened the rules on the sale, purchase, possession, and use of pyrotechnic products under Articles 77¹, 156², and 156³ of the Code of Administrative Offences.

Participants in the protests employed various forms of expression to convey their protest. One such form consisted of leaving so-called “stencils” on sidewalks, roadways, and buildings, messages differing in content but united by a common purpose. When such labels began appearing in large numbers across various cities in Georgia, the authorities decided to tighten the administrative liability applicable to this form of expression. Specifically, under the legislative amendments, the unauthorized labels, drawings, or symbols on the facades of administrative buildings or in adjacent areas, including pedestrian zones and roadways, result in a fine of 2,000 GEL.²³ At the same time, if the authorities consider that, in light of the circumstances of the case and the offender’s personal characteristics, a fine constitutes an insufficiently strict measure, the offender may be subjected to administrative detention for up to 15 days.²⁴ Similar to the other legislative amendments discussed above, this amendment represents an expression of the government’s repressive policy, through which it seeks to restrict forms of expression. Following each new form of expressive conduct employed by protesters, the state responds with increasingly severe regulations designed either to confine such expression within narrow limits or to prohibit it altogether.

In February 2025, Article 173¹⁶ was added to the Code of Administrative Offences, establishing administrative liability for insulting public officials, state servants, and public employees. The article prescribes high sanctions: a fine ranging from 1,500 to 4,000 GEL or up to 45 days of administrative detention; and, in cases where a person previously sanctioned under this provision commits the same offence again, a fine ranging from 2,500 to 6,000 GEL or administrative detention for a period of 5 to 60 days (the maximum duration of administrative detention). Additionally, a person found to have committed an administrative offence under this article will have their right to carry a firearm revoked for up to three years.²⁵

According to the interpretation of the European Court of Human Rights, freedom of expression guaranteed under Article 10 of the European Convention on Human Rights extends to expression that shocks, offends, or disturbs the State or any sector of the population. Naturally, this does not mean that freedom of expression is an absolute right. One of the legitimate aims for which it may be restricted is the protection of the rights of others, including the right to respect for private life (Article 8 of the Convention). However, even in such cases, for Article 8 of the Convention to be engaged, the attack on a person’s reputation must reach a certain level of seriousness.²⁶

23 The Code of Administrative Offences of Georgia, Art.150.5.

24 The Code of Administrative Offences of Georgia, Art.150.4.

25 *Laws Against Speech: Analysis of Legislative Amendments Restricting Freedom of Expression and Media Activity in Georgia, February–July 2025*, Georgian Young Lawyers’ Association, Tbilisi, 2025, p. 21.

26 *Ibid*, p.21

According to the European Court of Human Rights, in cases of wanton denigration. Where the sole purpose of the expression is to insult, the imposition of a proportionate sanction may not amount to a violation of Article 10 of the Convention. Nevertheless, it is essential to distinguish such conduct from offensive or provocative expression that nonetheless falls within the scope of freedom of expression. For this purpose, careful attention must be paid to the context in which the impugned statement was made.²⁷

In recent months, the enacted amendments have affected not only freedom of expression but also the right to physical liberty. Specifically, under one of the legislative changes adopted by the Parliament of Georgia, a person who has already been sanctioned under the Code of Administrative Offences is now automatically subject to detention as a form of liability. This amendment applies to the following articles: Article 166 (petty hooliganism), Article 173 (disobedience to a lawful order of a police officer), Article 173¹⁶ (insulting a public official), and Article 174¹ (violation of the rules governing assemblies and demonstrations). Prior to the amendment, in all such cases, a judge had the discretion to impose either a fine or detention. Alongside the abolition of the possibility of imposing a fine, the minimum threshold of detention was also substantially increased. For example, under the current legislation, repeated commission of petty hooliganism is punishable by a fine ranging from 3,000 to 5,000 GEL or by detention for a period of 5 to 60 days; however, in the event of non-payment of the fine, the individual faces a minimum of 30 days' detention.²⁸ Under the amended legal regulation, a judge is deprived of the ability to apply the form of liability that would be necessary for achieving the legitimate aim and, at the same time, would constitute a more proportionate means of restricting the right.

The automatic imposition of detention in cases of non-payment of a fine or repeated commission of an offence runs counter to the purpose of the administration of justice. Notably, on 1 December 2025, Vladimir Khuchua, a judge of the Tetrtskaro District Court, suspended several administrative cases pending before him and submitted a constitutional referral to the Constitutional Court of Georgia. In the judge's assessment, the legislative regulations that he was required to apply in rendering a decision endangered several rights protected by the Constitution of Georgia, namely: the inviolability of human dignity (Article 9), the right to equality and the prohibition of discrimination (Article 11), and the right to physical liberty (Article 13).²⁹

The procedural dimension of the enacted amendments likewise demonstrates their political objectives and the instrumentalization of legislation. Specifically, the legislative body, dominated by a single-party majority, approved the amendments to the Code of Administrative Offences through an expedited procedure and without prior legal consultation, in direct contradiction to the principles of a democratic and rule-of-law state. Under conditions in which state institutions, including the judiciary, are subordinated to the partisan agenda and are unable to perform their functions of

²⁷ *Ibid*, p.22

²⁸ Social Justice Center, "With the Repressive Amendments to the Code of Administrative Offences, 'Georgian Dream' Creates Even More Simplified Conditions for Punishing and Intimidating Citizens," 2 July 2025.

²⁹ Radio Free Europe/Radio Liberty, "Tetrtskaro Judge Suspends Proceedings in Four Cases and Appeals to the Constitutional Court – The Dispute May Affect Demonstrators," 1 December 2025.

checks and balances, repressive laws pose even more severe consequences for the citizens engaged in acts of dissent.³⁰

According to the Constitution of Georgia, the liberty of the individual is protected.³¹ When the right to liberty is restricted, a person is deprived of the ability to exercise other rights as well. This obliges the legislature to adhere to the strict constitutional standards governing interference when limiting the right to liberty.³² The Constitutional Court of Georgia has explained that the right to liberty is not absolute and may be restricted. The Court notes that there are various forms of interference with liberty, including arrest, detention, and deprivation of liberty. Although arrest constitutes a less severe interference with liberty than, for example, detention as a preventive measure under the Criminal Procedure Code of Georgia, the Court emphasizes that even in such cases a firm constitutional and legal barrier must exist — one that cannot be transgressed when interfering with a fundamental right.³³

According to the case law of the Constitutional Court, the standards governing restrictions on the right to liberty heighten the State's negative obligation to refrain from arbitrary interference with this right. Under one of the amendments adopted by the Parliament of Georgia to the Code of Administrative Offences, it is permissible, purportedly for the purpose of preventing the repeated commission of an administrative offence, to subject a person to administrative detention, to conduct a personal search, to search their belongings, and to seize their items and documents.³⁴ Assessing whether preventive detention for such purposes is compatible with the standards established by the Constitution of Georgia, including those articulated in the jurisprudence of the Court, is a complex task; however, in the context of growing authoritarianism and in light of the political circumstances surrounding the adoption of the law, it is evident that the purpose of this regulation is to facilitate the imposition of harsher punitive measures on members of the protest movement. This amendment further confirms that the authorities, under the guise of pursuing democratic objectives, have adopted a repressive law, one that has a detrimental effect on the individual's ability to exercise the right to physical liberty.

Following the restrictions imposed on the rights to freedom of assembly and expression and on the right to physical liberty, one of the principal targets of growing authoritarianism becomes opposition political parties and the critical media that is, the groups which, within the limits of the existing institutional framework, attempt to restrain the consolidation of authoritarian rule and preserve at least certain elements of democratic order.

To neutralize actual or potential opponents, authoritarian leaders frequently resort to press censorship, the unlawful banning of opposition parties, and the imposition of strict control over the

30 Social Justice Center, "With the Repressive Amendments to the Code of Administrative Offences, 'Georgian Dream' Creates Even More Simplified Conditions for Punishing and Intimidating Citizens," 2 July 2025.

31 The Constitution of Georgia, Art.13.1.

32 Teimuraz Tugushi, Giorgi Burjanadze, Giorgi Mshvenieradze, Giorgi Gotsiridze, and Vakhtang Menabde; Scientific Editor: Maia Kopaleishvili, *Human Rights and the Jurisprudence of the Constitutional Court of Georgia: Judicial Practice from 1996–2012*, Tbilisi, 2013, p.106

33 *Ibid.*, pp.109-110

34 The Code of Administrative Offences of Georgia, Art.244.1.

judiciary, measures that are subsequently employed as instruments for the persecution of political adversaries. Monopolizing control over mass media and the judicial branch enables authoritarian rulers to prolong their tenure in power and to conceal or legally formalize instances of abuse of authority. Typically, such repressive policies and the actions of the institutions implementing them are justified by invoking the need to protect public order and maintain state stability.³⁵

A portion of the recent legislative amendments concerns precisely these issues. More specifically, the Parliament of Georgia introduced changes to the Organic Law on the Constitutional Court of Georgia and to the Organic Law on Political Unions of Citizens. Under these amendments, the Constitutional Court is vested with the authority, upon issuing an appropriate conclusion regarding the prohibition of a political party, to impose the following restrictions on members of the prohibited party and on individuals associated with it: a ban on establishing a political party in the future; the deprivation of passive electoral suffrage; removal from a party's electoral list; and a prohibition on holding state or political office.³⁶

In addition, the Constitutional Court of Georgia is empowered to prohibit, under an expedited procedure within two weeks, any political party whose declared objectives and/or the essence of its activities (including its personnel composition and/or the composition of the party list submitted to the relevant election commission) substantially replicate the declared objectives and/or the essence of the activities (including the personnel composition) of a party that has already been banned by the Court.³⁷

The government justifies the possibility of banning political parties by invoking the need for effective constitutional oversight. However, both the substance of these amendments and the timing and context of their initiation appear more indicative of a decision driven by the aim of severely restricting political opponents or removing them entirely from the political arena. This assessment is further reinforced by the fact that, several months before the initiation of the legislative amendments, the Parliament of Georgia established a temporary investigative commission whose initial mandate was to examine the activities of high-ranking officials who held office between 2003 and 2012. The commission's mandate was later expanded to include the period following 2012. It is the conclusion of this commission that formed the basis for a constitutional claim filed by 88 members of Parliament. The claim seeks the complete prohibition of several political entities.³⁸

The establishment of the aforementioned commission, the initiation of the corresponding legislative amendments, and the preparation of the constitutional claim together reveal yet another attempt to entrench authoritarianism in the name of democracy and to use legislation as a tool of political instrumentalization.

35 Thomas M. Magstadt, *Understanding Politics: Ideas, Institutions, and Issues*, Ilia State University Press, 2010, p. 102.

36 Organic Law of Georgia on the Constitutional Court of Georgia, Article 23³, subparagraphs (a), (b), (c), (d), and (e).

37 Organic Law of Georgia on Political Unions of Citizens, Art.36.

38 See the constitutional complaint submitted by members of the Parliament of Georgia (a total of 88 members) concerning the constitutionality and prohibition of the activities of the political parties "Unity – United National Movement," "Coalition for Change – Gvaramia, Melia, Girchi, Droa," and "Strong Georgia – Lelo, For the People, For Freedom!"

It is noteworthy that prior to adopting the amendments concerning the activities of political parties, Parliament also enacted changes to the Laws of Georgia “On Transparency of Foreign Influence” and “On Grants.” The new legislative regulations targeted civil society organizations and media outlets receiving foreign funding. Under the amendments, donor organizations providing grants are required to obtain prior authorization from the Government of Georgia, and in the event a grant is issued without such authorization, the recipient is fined an amount equal to twice the value of the grant.³⁹ Following the entry into force of these amendments, the provision and receipt of grants from foreign donors has become practically impossible, significantly undermining the financial viability of civil society organizations.

With respect to the Law “On Transparency of Foreign Influence,” the Venice Commission made several important observations in its opinion. According to the Commission, designating certain organizations or individuals as actors “bearing the interests of a foreign power” entails serious consequences, as it undermines the financial stability and credibility of the targeted entities or persons, as well as their activities. The cumulative impact of burdensome registration and reporting requirements (including the disclosure of financial information), which restricts stigmatized associations’ access to various sources of funding, together with the possibility of severe administrative fines and continuous state oversight, will undoubtedly hinder and endanger the existence and effective functioning of the affected organizations. The permanent and stigmatizing obstacles concentrated in the hands of the state have a chilling effect.⁴⁰

The Venice Commission’s assessment further reinforces the view that subjecting civil society organizations and individuals to such legal regulation serves the consolidation of authoritarianism rather than the protection of democratic order. Another argument advanced by the Commission provides additional support for this conclusion. More specifically, the Commission notes that, under the guise of ensuring transparency, the law adopted by Parliament in fact exposes associations and media outlets that receive even a small portion of their funding from abroad to the risks of stigmatization, silencing, and ultimately liquidation. A serious risk arises that the law will disproportionately affect those associations and media organizations that criticize the government; consequently, their removal from the public sphere would have a negative impact on open and informed public debate, pluralism, and democracy.⁴¹

Also noteworthy are the legislative amendments concerning media coverage of ongoing proceedings. Media outlets, particularly online platforms, actively covered the court hearings of detained and/or fined activists, thereby enabling the public to assess the degree of judicial independence and the risks of its political instrumentalization. On 16 June 2025, the Parliament of Georgia, acting through a single-party decision, adopted amendments to the Organic Law on Common Courts. Under the new regulation, all photography, filming, video recording, broadcasting, and audio recording inside the court building, courtroom, and courtyard are strictly prohibited. Such activi-

³⁹ Law of Georgia on Grants, Art. 5¹ and 6⁴.

⁴⁰ European Commission for Democracy through Law (Venice Commission), Urgent Opinion on the Law on Transparency of Foreign Influence (Strasbourg, 21 May 2024), 31–32.

⁴¹ *Ibid.*, p.32

ties may be carried out only by the court or by a person authorized by the court.⁴² It should be noted that before the given amendment, the Public Broadcaster was authorized to conduct photography, filming, video recording, and audio recording of court proceedings without restriction, except in cases where the hearing was partially or fully closed by a court order. The Public Broadcaster was also under an obligation to provide such recordings to other media outlets upon request.⁴³

Publicity is one of the fundamental aspects of the right to a fair trial and may be restricted only in exceptional circumstances. This does not mean that the right to photograph, film, or make audio recordings in court is unrestricted; however, it is essential that any limitation not be imposed in a blanket manner, but rather be based on an assessment and balancing of the interests protected under Articles 6 (right to a fair trial), 8 (right to respect for private life), and 10 (freedom of expression) of the European Convention on Human Rights.⁴⁴ The amendments to the Organic Law on Common Courts are not aimed at balancing the interests protected by different rights, but rather at disproportionately restricting the work of the media and obstructing the coverage of cases that are of high public interest.⁴⁵

The transformation of the legislative framework restricting human rights is not limited to the amendments discussed above; it continues to expand. Specifically, amendments to the Election Code have been initiated in the Parliament of Georgia, which, if adopted, would deprive Georgian citizens residing abroad of the ability to exercise their active electoral rights based on their actual place of residence. Under the proposed changes, any such person would be required to appear in person at a polling station corresponding to their registered address within the territory of Georgia on election day. This amounts to a significant interference with the active electoral rights of emigrants. Predictably, the proposed amendment is presented similarly to previous legislative changes, as being necessitated by the needs of a democratic society, in this case, supposedly to preserve emigrants' connection with Georgia. In practical terms, however, it will result in the exclusion of a substantial portion of the electorate from participation in the electoral process, which is manifestly contrary to the interests of a democratic society.

CONCLUSION

In recent months, the legislative processes unfolding in Georgia clearly demonstrate that the legal framework, though formally adopted within a democratic order, has become an effective mech-

42 The Organic Law of Georgia "On Common Courts," Art.13¹

43 The Organic Law of Georgia "On Common Courts," Art.13¹.2.

44 Laws Against Speech: Analysis of Legislative Amendments Restricting Freedom of Expression and Media Activities in Georgia, February–July 2025, Georgian Young Lawyers' Association, Tbilisi, 2025, p. 17.

45 *Ibid.*, p.17

anism for the government to exercise political control and suppress dissenting voices. The enacted legislative amendments, by their substantive content, the procedures through which they were initiated, the context and circumstances of their adoption, and the speed of their enforcement, collectively paint a clear picture: the government is using its authority not to safeguard democratic institutions and human rights, but as a political instrument for the consolidation of authoritarianism.

Each legislative change analysed in this article reveals a unified, coherent, and methodical effort by the authorities to harden sanctions, constrain civil society and critical media, restrict freedom of expression, endow law-enforcement bodies with broad discretion, and transform the judiciary into a merely formal institution incapable of fulfilling its constitutional function of checks and balances. These developments unfold against a political backdrop in which democratic legitimacy is increasingly called into question, political pluralism is diminishing, and civic participation is becoming ever more dangerous and, in some cases, even criminalized.

The constitutional principles essential to the functioning of liberal democracy, such as separation of powers, judicial independence, freedom of speech and expression, political competition, and active citizen participation, are collectively weakened. Against this background, the political instrumentalization of legislation produces not only legal-doctrinal problems; it creates the systemic preconditions for the entrenchment of authoritarian rule. The risk grows that the current legislative trajectory will generate a self-sustaining, self-reinforcing regime in which political contestation will no longer be the outcome of debate, competition, and choice, but rather a process regulated through mechanisms of governmental control.

Nevertheless, the analysis presented in this article also shows that the consolidation of authoritarianism in Georgia is not proceeding unimpeded. Broad segments of society, including civil society organizations, journalists, activists, and ordinary citizens, are employing diverse and increasingly innovative forms of resistance. It is precisely this resistance that has prompted the government to intensify its repressive mechanisms, thereby making even more visible the political instrumentalization of legislation.

The findings of this article allow us to conclude that the consolidation of authoritarianism is never a unidimensional or irreversible process. Its success depends largely on the extent to which society continues to uphold democratic values and whether it can sustain the struggle for freedom even under conditions of legal pressure imposed by the authorities. Accordingly, the future of democratic order and human rights protection in Georgia will be determined not merely by the number or nature of adopted laws and legislative amendments, but by who ultimately defines their meaning: the citizens who expect these laws to protect their freedom, or the government that employs them as a means of retaining power. In this respect, the trajectory remains uncertain and unresolved; however, its outcome holds the potential to define the country's democratic future.