

daskvna “normatiul i aqtebis Sesaxeb” saqarTvel os kanonSi cvl il ebebisa da damatebebis Setanis Sesaxeb kanonproeqtis Taobaze

warmodgenil i kanonproeqti miznad isaxavs aWaris avtonomiuri respubl ikis konstituciis damtkicebis procedurebis sakanonmdebl o doneze mowesrigebas, agreTve damoukidebel i maregul irebel i komisiebis samarTlebrivi aqtebis gamocemis wesisa da normatiul i aqtebis registraciis procedurebis srul yofas. ra Tqma unda zemoaRniSnul i sakiTxebi saWiroeben regul acias sakanonmdebl o doneze, Tumca kanonproeqtis mimarT arsebobs garkveul i SeniSvnebi, romel Ta gaTval iswinebac saSual ebas mogvcems ufro srul yofil i kanoni iqnes miRebul i parl amentis mier.

SeniSvnebi mdgomareobs SemdegSi:

1. kanonproeqtis mizans warmoadgens aWaris avtonomiuri respubl ikis konstituciis parl amentis mier organuli kanoniT damtkicebis procedurebis detal uri regl amentacia, rac Tavistavad misal melbel i faqtia, Tumca safiqral ia ramdenad unda iyos asaxul i “normatiul i aqtebis Sesaxeb” kanonSi iseTi sakiTxebi, rogoricaa Sematanxmebel i komisiis Seqmna, am komisiis Semadgenl obis dakompl eqtebis wesi, komisiis muSaobisa da mis mier gadawyvetil ebaTa miRebis wesi, komisiis muSaobis organizaciul -teqniki uzrunvel yofis sakiTxebi da a.S. zemoaRniSnul i sakiTxebi, Tavisi bunebidan gamomdinare, winda procedurul i xasiaTis matarebel ni arian. amitom umj obesi iqneboda isini asaxul iyven saqarTvel os parl amentis regl amentSi, roml is ZiriTad daniSnul ebasac swored saqarTvel os parl amentis muSaobis procedurul i sakiTxebis regl amentacia warmoadgens. amastanave gasaTval iswinebel ia is garemoebac, rom saqarTvel os parl amentis regl amenti maRal i ierarqiul i donis normatiul i aqtia, vinaidan “normatiul i aqtebis Sesaxeb” saqarTvel os kanonis me-9 muxl is 5¹ punqtis Tanaxmad is kanonis Zal is mqone aqtia.
2. kanonproeqtiT Semotavazebul ia norma(muxl i27³), roml is Tanaxmadac “aWaris avtonomiuri respubl ikis konstituciis damtkicebis Taobaze” saqarTvel os organuli kanonis proeqti saqarTvel os parl amentis pl enarul sxdomaze ganxil eba erTi mosmeniT da miReba parl amentis wevrTa siiTi Semadgenl obis umravl esobiT.” am normis Semotana ganpirobepul ia “aWaris avtonomiuri respubl ikis statusis Sesaxeb” saqarTvel os konstituciuri kanonis 23-e muxl iT, roml is Tanaxmadac “aWaris avtonomiuri respubl ikis konstitucia miReba aWaris avtonomiuri respubl ikis umaRl esi sabWos mier srul i Semadgenl obis ori mesamediT da Zal aSi Sedis “aWaris avtonomiuri respubl ikis konstituciis damtkicebis Taobaze” saqarTvel os organuli kanonis amoqmedebisTanave”. Tu davakvirdebiT citirebul teqstebs, kanonproeqtiT Semotavazebul ia erTi novacia _ konstituciis damtkicebis Taobaze organuli kanoni miReba erTi mosmeniT(faqturad gamartivebul i wesiT). Zveli regl amenti icnobda kanonebis gamartivebul i wesiT, erTi mosmeniT miRebis instituts, Tumca axal ma

reglamentma uari Tqva masze da dasaSvebad miCnia kanonproeqtebis mxol od daCqarebuli wesiT miRebis SesaZl ebl oba, rac gul isxmobs kanonproeqtis samive mosmeniT miRebas pl enarul i sxdomebis erTi kviris ganmavl obaSi. ufro metic, saqarTvel os parlamentis reglamentis(kanonis Zal is mqone normatiuli aqtia) 160-e muxl is me-4 punktis Tanaxmad “dauSvebel ia daCqarebuli wesiT saqarTvel os konstituciis, konstituciuri kanonisa da organuli kanonis ganxil va da miReba”. aSkaraa kolizia parlamentis reglamentsa da SemoTavazebuli kanonproeqtis arniSnul normas Soris. am winaaRmdegobis Tavidan asacil ebl ad an uari unda iTqvas organuli kanonis gamartivebuli wesiT, erTi mosmeniT miRebis institutze, an parlamentis reglamentis 160-e muxl s unda daematos axali punkti, sadac aRiniSneba, rom “aWaris avtonomiuri respublikis konstituciis damtkicebis Taobaze” saqarTvel os organuli kanoni parlamentis mier miReba gamartivebuli wesiT, erTi mosmeniT.

3. warmodgenili kanonproeqtiT gaTval iswinebul ia SemTxveva, rodesac saqarTvel osa da aWaris avtonomiuri respublikis sakanonmdebl o organoebi ver Tanxmdebian aWaris konstituciis teqstze. am winaaRmdegobis aRmosafxvrel ad SemoTavazebul ia orive organos mier paritetul sawyisebze SemaTanxmebeli komisiis Seqmna konstituciis Sejerebuli teqstis miRebis uzrunvel sayofad. aq yuradReba unda mieqces erT garemoebas _ kanonproeqtis ganmartebiT baraTSi weria, rom konstituciis SeTanxmebul variants saqarTvel os parlamenti ganxil vis gareSe amtkicebs organuli kanoniT. Tumca TviTon kanonproeqtis teqstSi kanonproeqtis ganuxil vel ad damtkicebis Sesaxeb moTxovna aRar Cans, rac SeiZl eba vifiqroT rom teqniki Secdomaa. nebismier SemTxvevaSi aRniSnuli normis Semotana ar SeiZl eba mizanSewonil ad CaiTval os, vinaidan SemaTanxmebel komisiaSi SesaZl oa ver aRmoCndes yvel a dainteresebuli saparlamento dajgufebis warmomadgeneli an SesaZl oa isini umciresobaSi aRmoCndenen komisiaSi da ver SesZl on TavianTi poziciis gatana. amitom unda iyos SesaZl ebl oba, rom maT parlamentis pl enarul sxdomaze warmoadginon TavianTi argumentebi da mosazrebebi.
4. kanonproeqtiT SemoTavazebuli 27¹ muxl is me-3 punktis Tanaxmad “aWaris avtonomiuri respublikis konstituciis damtkicebis Taobaze” saqarTvel os organuli kanonis proeqtis Semadgeneli nawilia aWaris avtonomiuri respublikis umaRlesi sabWos mier dadgenili wesiT miRebuli aWaris avtonomiuri respublikis konstituciis teqsti. es sakmaod sadao normaa. Tu Cven davuSvebT, rom aWaris konstitucia organuli kanonis proeqtis Semadgeneli nawilia, maSin gamova, rom aWaris konstitucia organuli kanoniT damtkicebuli ki ar iqneba, aramed is iqneba saqarTvel os organuli kanoni, roml is Secvla SesaZl ebel ia saerto wesiT saqarTvel os parlamentis mier. es ki ewinaaRmdegeba “aWaris avtonomiuri respublikis statusis Sesaxeb” saqarTvel os konstituciuri kanonis 23-e muxl s, roml is Tanaxmadac saqarTvel os parlamenti mxol od amtkicebs(ZalaSi Sehyavs) aWaris konstitucias, agreTve aRniSnuli konstituciuri kanonis me-7 muxl is pirveli punktis “a” qvepuncts, roml is Tanaxmadac aWaris avtonomiuri respublikis gansakuTrebul gamgebl obas ganekuTvneba aWaris avtonomiuri respublikis konstituciis miReba da masSi cvl il ebebis Setana.

5. kanonproeqtiT SemoTavazebul ia cvl il ebebi, romel Ta mixedviTac xdeba damoukidebel i maregul irebel i komisiebisatvis maTi normatiul i aqtebis saxel mwifo reestrSi Setanamde gamoqveynebis ufl ebamosil ebis miniWebi. amis gamo "normatiul i aqtebis Sesaxeb" kanonis 38-e muxl is me-4 punqtis meore winadadebaSi Sedis Sesabamisi cvl il eba. Tumca aq gaparul ia erTi Secdoma. pirvel winadadebaSi saubarua vadebze, romel Ta dacviTac unda gamoqveyndes normatiul i aqti. am normis mixedviT prezidentis, parlamentisa da mTavrobis normatiul i aqtebi unda gamoqveyndes xel moweridan(miRebidan) 7 dRis vadaSi, central uri saarCevno komisiis normatiul i aqti _ xel moweridan(miRebidan) me-2 dRes, xolo yvel a sxva normatiul i aqti _ saxel mwifo reestrSi Setanidan 7 dRis vadaSi. mas Semdeg, rac aRniSnul i punqtis me-2 winadadebiT ganisazRvra, rom damoukidebel i maregul irebel i organos normatiul i aqti SeiZl eba gamoqveyndes reestrSi Setanamdec, ganisazRvrel i gaxda maTi gamoqveynebis vada. am Seusabamobis aRmosafxvrel ad, 38-e muxl is me-4 punqtis pirvel winadadebas unda daematos Sesabamisi Canaweri, roml iTac ganisazRvrebis damoukidebel i maregul irebel i organos normatiul i aqtis gamoqveynebis vada(mag., 7dRe).