

damouki debel i eqspertis daskvna

saqarTvel os kanonis proeqtebze:

saqarTvel os samoqal aqo kodeqsSi cvl il ebebisa da damatebebis Setanis Taobaze; giravnobis ufl ebis registraciis Sesaxeb; saqarTvel os samoqal aqo saproceso kodeqsSi cvl il ebebis Setanis Sesaxeb; notariatis Sesaxeb saqarTvel os kanonSi cvl il ebebisa da damatebebis Setanis Taobaze; saaRsrul ebo warmoebaTa Sesaxeb saqarTvel os kanonSi cvl il ebebisa da damatebebis Setanis Taobaze; mewarmeTa Sesaxeb saqarTvel os kanonSi cvl il ebebis Setanis Taobaze; sanotaro moqmedebaTa Sesrul ebis sazRauris Sesaxeb saqarTvel os kanonSi cvl il ebebis Setanis Sesaxeb

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zogadi mosazrebebi

msurs Cemi dadebiTi damokidebul eba gamovxato warmodgenil i kanonproeqtebis mimarT da aRvniSno, rom real urad es aris pirvel i mcdel oba kerZo samoqal aqo-samarTI ebrivi urTierTobebisaTvis real uri da saWiro cvl il ebebis xarjze moxdes ekonomikisaTvis esoden aucil ebel i instrumentebis daxvewa, roml ebic darwmunebul i var, momaval Si dadebiT biZgebs miscems aqamde gamouyenebel i da arSemdgari garigebebis warmatebiT ganxorciel ebas. aqve minda aRvniSno, rom es aris Cemi zogadi damokidebul eba ideis Sesaxeb.

magram warmodgenil kanonproeqtebs gaaCniaT garkveul i xarvezebi, rasac qvemoT maTi cal keul i ganxil visas gaecnobiT, TumcaRa mimaCnia, rom Tuki yvel a warmodgenil i sakiTxi iqneba arsebiTad ganxil ul i da gaazrebul i, Cems mier warmodgenil i SeniSvnebi da kritikul i SekiTxebebi swored rom moemsaxureba SemdgomSi mowesrigebul i ekonomikuri urTierTobebis arsebobas.

warmodgenil i kanonproeqtebidan gamovyofdi: ZiriTad da umniSvnel ovanes kanonproeqts da formal ur kanonproeqtebs.

ZiriTad kanonproeqtad mimaCnia cvl il ebebis proeqti samoqal aqo kodeqsSi da notariatis Sesaxeb kanonis 41-e muxl is 5-e punktis Sinaarsi, sxva yvel a cvl il ebebisa da damatebebis proeqtebs ganvixil av, rogorc formal ur, SeiZl eba iTqvas Tanmdev dokumentebs.

mniSvnel ovani da aucil ebl ad gasaTval iswinebel ia is garemoeba, rom samoqal aqo samarTali aris kerZo samarTali is udidesi dargi da saqarTvel os ar gaaCnia dualisturi kerZo samarTali, amitom saqarTvel oSi yovel gvare samoqal aqo da/an savaWro garigebebi regulirdeba ZiriTadad saqarTvel os samoqal aqo kodeqsis normebs regulirebiT. amdenad, mniSvnel ovania yovel i sakanonmdebl o

cvl il ebis dros saqarTvel os samarTl ebriv sivrceSi arsebul i bal ansis SenarCuneba, raTa ar moxdes saj arosamarTl ebrivi normebiT kerZosamarTl ebriv normebSi da urTierTobebSi Careva, rac samwuxarod dRevandel saqarTvel oSi moqmed kanonebSi mravl ad aris.

amdenad, CemTvis gaugebaria ZiriTad kanonSi (igul isxmeba proeqti samoqal aqo kodeqsSi cvl il ebebis da damatebebis Setanis Sesaxeb) 254-e muxl is 3-e nawil i „giravnoba SeiZl eba warmoiSvas xel Sekrul ebis, kanonis an administraciul i aqtis safuZvel ze“. mimaCnia, rom es aris saj aro samarTl is pirdapiri Careva kerZo samarTal Si, rac dauSvebel ia. samarTl ebriv TeoriebSi sabWoTa social isturi sivrce cnobili iyo, rogorc totalitarul i saxel mwifoebriwi warmonaqmni, vinaidan yvel aferi iyo saj arod mowesrigebul i, ar arsebobda arc azri da arc termini sakanonmdebl o doneze, rac SeiZl eba gamomdinareobdes terminidan „kerZo“. amdenad, kerZosamarTl ebriv urTierTobebSi administeraciul i aqtis xseneba ukve emsgavseba da qmnis azrs totalitarul obis mcdel obis Sesaxeb. srul iad darwmunebul i var, proeqtis avtorebisaTvis miuRebel ia administraciul i aqtis arsebobasamoqal aqo kodeqsSi da es ubral od meqanikuri Canaweria. es termini aucil ebl ad amoRebul i unda iqnes am debul ebidan. aucil ebl ad gasaTval iswinebel ia, rom TiTqmis yvel a kanonproeqtidan amoRebul i unda iqnes sityvebi „administraciul i aqti“. minda aqve davamato, rom mzad var SekiTxevis arsebobis SemTxvevaSi gavce konkretul i dasabuTebebi.

mniSvnel ovnad mimCnia aRvniSno imis Sesaxeb, rom samoqal aqo kodeqsis SemoTavazebul i cvl il ebebis proeqti mTl ian Seexeba ara mxol od samoqal aqo kodesis meore wigns (sanivTo gonebrivi samarTal i), aramed mesame wignsac (val debul ebiTi samarTal i), vinaidan giravnobis regul acii sfero am SemTxvevaSi gadazrdil ia val debul ebebis warmoSobasTan, val debul ebebis arsebobasTan da val debul ebebis SewyvetasTan, rac mTl ianobaSi ara mxol od sanivTo samarTl iT werigdeba, aramed unda mowesrigdes saxel Sekrul ebo samarTl iT val debul ebiTi samarTl is mier. giravnoba da ipoTeka Tavis mxriv dRes mowesrigebul ia, rogorc sanivTo ufl ebebi da aris moTxovnis uzrunvel yofis saSual ebebi, Tumca moTxovnis uzrunvel yofis damatebiTi saSual ebebi ukve mowerigebul ia val debul ebiTi samarTl is zogadi nawil iT. Tavis droze, vidre saqarTvel os samoqal aqo kodeqsi iwereboda, didi diskusia arsebobda imdroindel i samoqal aqo kodeqsis avtori qarTvel i da germanel i civil istebis mimarT, es debul ebebi unda mowesrigebul iyo sanivTo samarTl iT Tu val debul ebiTi samarTl iT, sabol ood dRes moqmedi samoqal aqo kodeqsiT moTxovnis uzrunvel yofis saSual ebebma asaxva hpoves sanivTo samarTal Si. SemoTavazebul i cvl il ebebis proeqti giravnobis regul aciaSi iTval iswinebs rogorc sanivTo, aseve val debul ebiTi samarTl is normebs. Tuki es normebi iqneba dacal kevebul i da isini Tavianti Sinaarsis miXedviT Caiwerebian samoqal aqo kodeqsis Sesabamis wignebSi, samoqal aqo kodeqsi SeinarCunebs dRes arsebul sistemikas da ufro meti werigi damkvidrdeba giravnobiTi urTierTobebis ganxorciel ebis as.

namdvil ad miZnel deba komentari an Sefaseba gavukeTo notariatis Sesaxeb kanonis 41-e muxl is me-5 nawil is Sinaarss, vinaidan saqarTvel os parl amentma sagadasaxado kodeqsSi ganxorciel ebul i bol o cvl il ebebiT uari Tqva kerZo arbitraJiT davebis ganxil vase da amit maqsimal urad daaknina kerZo arbitraJis instituti saqarTvel oSi, amavdroul ad, SemoTavazebul i proeqtis Sinaarsi notariuss andobs esoden mniSvnel ovan sakiTxebs da subieqtebs yovel gvare davis ganxil vis gareSe ufl ebas aZl evs notariuss mier gacemul i saarSrul ebl o furcl is safuZvel ze daikmayofil on ara mxol od giravnobasTan dakavSirebul i, aramed saerTod zogadad Taviani debitorul i daval ianebebi, romel ic SeiZl eba dakavSirebul i iyos ara mxol od ful ad, aramed qonebriv sakiTxebzec.

uSual od kanonproeqtebis Sesaxeb:

1. kanonproeqti saqarTvel os samoqal aqo kodeqsSi cvl il ebebisa da damatebebis Setanis Taobaze

254-e muxl is 3-e nawil idan amosaRebia sityvebi „an administraciul i aqtis safuZvel ze“. amave muxl is me-4 nawil Si aRniSnul ia „giravnoba SeiZl eba uzrunvel yofil i iqnes samomavl o an pirobiTi moTxovnebiT“, es debul eba xarveziana, vinaidan Tuki mogiravnes survil i eqneba samomavl o nivTebze giravnobis saj aro reestrSi daregistrirebisa, „giravnobis ufl ebis regiistraciis Sesaxeb“ kanonproeqti ar iTval iswinebs aseTis ganxorciel ebas.

255-e muxl is me-3 nawil Si mocemul ia: „cal keul i nivTebisa da aramaterial uri qonebrivi sikeTis dagiravebis wesi SeiZl eba ganisazRvros cal ke kanoniT“. ar mimacnia sworad am muxl Si miTiTebul i termini „SeiZl eba“, unda konkretul ad mieTitos, ganisazRvreb Tu ara.

259-e muxl is me-3 nawil iT, „Tu kanoniT sxva ram ar aris gaTval iswinebul i, fasiანი qaral debis dagiraveba xorciel deba maTi SeZenisatvis dadgenil i wesiT“. kanoniT sxva ram aris gaTval iswinebul i, xol o dadgenil i wesiT saj aro fasiანი qaral debis gasxviseba xorciel deba fasiანი qaral debis birJaze brokeris meSveobiT, amdenad aqciebis birJaze dagiraveba SeuZl ebel ia.

276-e muxl is me-4 nawil iT, „damgiravebl is mier dagiravebul i saqonl is (sasaqonl o maragis) Tavisi Cveul ebrivi samewarmeo saqmianobis fargl ebSi gasxvisebis SemTxvevaSi, SemZenze gadadis dautvirTavi qoneba, miuxedavad imisa, icoda Tu ara SemZenma giravnobis Sesaxeb“. es debul eba an gaumarTavia, an raime redaqqiul i Secdoma axl avs.

2. kanonproeqti giravnobis ufl ebis regiistraciis Sesaxeb

kanonproeqts axasiaTebS zogadi xasiaTis probl emebi, gaugebaria, Tu qonebas warmoadgens, magal iTisaTvis avtomobil i, romel ic daregitrirebul ia rustavis sagzao samsaxurSi, imyofebiT zugdidSi da saWiroebidan gamomdinare agiravebT avtomobil s, romel saj aro reestrSi unda dafiqsirdes giravnoba? probl emuria teritoriul i saj aro reestrebis instituti, vinaidan arseboben mTavari saregistracio samsaxurebi da daqvemdebarebul i saregistracio samsaxurebi. ramdenad operatiul i da xarisxiani iqneba maTi urTierToba, xom ar aris ukeTesi iyos erTi mTavari da sxva danarCeni daqvemdebarebul i an Sesazl ebel ia sxva model ebic.

me-4 muxl i - „cvl il ebebis registracia“ awesrigebs mxol od im giravnobasTan dakavSirebul urTierTobebs, roml ebic daregistrirerebul ia saj aro reestrSi, maSin rodesac samoqal aqo kodeqsiT saubaria agreTve daregistrirerebel giravnobebze, ra xdeba aseT SemTxvevebSi?

me-5 muxl i „saregistracio warmoebaze uaris Tqmis safuZveli“. saregistracio samsaxuri iqneba moqmedi kanonmdebl obiT administraciul i organo, romel zedac vrcel deba saqarTvel os zogadi administraciul i kodeqsi da gancxadebis ganxil va administraciul organoSi mimdinareobs Sesabamisi administraciul i warmoebis wesiT. aqedan gamomdinare, ras niSnavs „saregistracio samsaxuri uars ambobs gancxadebis miRebaze“? yvel a gancxadeba bardeba Sesabamisi samsaxuris kancel ariaSi da Semdgom gadaecema Sesabamis Semsrul ebel s, SeuZl ebel ia, rom saregistracio samsaxurma ar mi iRos gancxadeba.

im SemTxvevaSi, Tuki mogiravne mimarTavs notariuss da mi iRebs saaRsrul ebo sabuTs da nivTi iqneba dayadaRebul i, registrirdeba Tu ara yadaRa saj aro reestrSi?.

3. [kanonproeqti notariatis Sesaxeb saqarTvel os kanonSi cvl il ebebis](#) da [damatebebis Setanis Sesaxeb](#)

kanonproeqtis cvl il ebebiT me-6 muxl is Sinaarss daemata „sanotaro wesiT damowmebul dokumentebS gaaCnia udavo mtkicebul ebiTi Zal a“. es seriozul i sakiTxia da moiTxovs Teoriul dasabuTebas (ganmartebiT baraTsi araferia naTqvami), damowmeba xdeba notariuss mier uamravi sxvadasva dokumentisa, maT Soris xel Sekrul ebebis, am CanaweriT gamodis, rom kanonis moTxovnaTa darRveviT dadebul i garigeba anu arara garigeba aris udavo?

41-e muxl is me-5 nawil ze ukve mogaxseneT.

41-e muxl is me-6 nawil i amoRebul i unda iqnes, vinaidan sasamarTl os mier gacemul i saaRsrul ebl o dokumentis SeCereba SeiZl eba da notariuss ara, es debul eba warmoSobs erTgvar saxil isufl ebo uTanasworobas. miuxedavd am Canawerisa, advokatebs mainc aqvT

saSual eba SeaCeron notariusis mier gacemul i saaRsrul ebl o dokumentis moqmedeba.

4. kanonproeqti saaRsrul ebo warmoebaTa Sesaxeb saqarTvel os kanonSi cvl il ebebisa da damatebebis Setanis Taobaze

40-e muxl i erTgvarad xarveziانيا, vinaidan yadaRa ar registrirdeba sajar o reestrSi, xol o yadaRadasadebi nivTi ki SesaZI ebel ia ukve aRmoCndes dayadaRebul i.

43-e muxl is me-4 nawil i iZI eva kanonierad TaRI iTobis ufl ebasა da saSual ebas, amdenad igi amoRebul i unda iqnes.

5. kanonproeqti mewarmeTa Sesaxeb saqarTvel os kanonSi cvl il ebebis Setanis Sesaxeb

kargia, rom giravnobis Sesaxeb aRiniSneba samewrmeo reestrSi, magram imavdroul ad ar aris gaTval iswinebul i, rom es registracia SeiZI eba ar ganxorciel des sajar o reestris erovnul saagentoSi. es xarvezi SemdgomSi daukavSirdeba reestris sisworis prezumfcias da iqneba xarvezi. aqve unda aRvniSno, rom garda Sps wil isa, SeiZI eba dagiravdes komanditoris garantia da kooperativSi pai, amaze araferia naTqvami.

Sps-Si wil is giravnobis dros agreTve ar aris gaTval iswinebul i wil is marTvaSi arseboba, rac aucil ebl ad gaTval iswinebul i unda iqnes, vinaidan wil is mesakuTres SesaZI ebl oba eZI eva j er marTvis ufl ebiT gadasces wil i, raSic miiRebs garkveul sazRaurs da Semdgom daagiraos wil i da isev miiRos sazRauri, aseT dros ar aris dacul i arc mogiravne da arc wil is marTvis ufl ebis mqone piri.

miuxedavad aRniSnul i SeniSvnebisa, ki dev erTxel minda Cemi dadebiTi ganwyoba davafiqsiro SemoTavazebul i sakanonmdebl o proeqtebis mimarT da visurvo, rom Tuki gaTval iswinebul i iqneba yovel ive zemoaRniSnul i SeniSvnebi, es namdvil ad seriozul i da warmatebul i aRmoCndeba qarTul i civilistikisaTvis.