

*ramdenime komentari "Svil ad ayvanis wesis Sesaxeb" saqarTvel os kanonSi"
cvl il ebebisa da damatebebis Setanis Sesaxeb kanonproeqtis Taobaze*

gasul i saukunis miwurul s saqarTvel oSi datrial ebul ma social urma da ekonomikurma krizisma gansakuTrebit gaamwvava obol da mzrunvel obasmokl ebul bavSvTa ufl ebebis dacvis probl ema. qveyanaSi arsebul ma mZime mdgomareobam mkveTrad gazarda aseTi kategoriis bavSvTa ricxvi. meore mxriv, dafinansebis Semcirebis gamo Sesustda mzrunvel obisa da aRzris dawesebul ebebis funcioni reba.

aRweril i situaciis Sedegad gaxSirda bavSvebis rogorc qveynis SigniT , ise mis fargl ebs gareT sxvadasxva gziT gaSvil ebisa da gayidvis SemTxvevebi, rasac bunebrivia, Tan axl avs bavSvis da mSobl is ufl ebebis seriozul i darRvevebi.

Am darRvevebs xel s uwyobs arasrul i sakanonmdebl o bazis arseboba. sakanonmdebl o bazis srul yofisaTvis gadaudebel amocanad migvaCnia saxel mwifos mxridan Svil ebisa da gaSvil ebis procesebze kontrol is gaZl iereba, Tumca araviTar SemTxvevaSi ar moviazrebt Svil ad ayvanis norme bis gamkacrebas, vinaidan bavSvis gaSvil eba upirvel es yovl isa misi jansaR garemoSi aRzrdis mizniT unda ganxorciel des; garda amisa saxel mwifo unda Seecados Seqmnas ufl ebaTa dacvis myari garantiebi, xel i unda Seewyos obol da mzrunvel obas mokl ebul bavSvebis movl isa da aRzrdis efeqturi meqani zmis SemuSavebas.

warmodgenil i kanonproeqt i udavod sakanonmdebl o bazis daxvewis mcdel obaa da am mxriv win gadadgmul nabij ad unda CaiTval os. TumcaRa kanonproeqtis mimarT gvaqvs rogorc zogadi xasiaTis, ise kanonproeqtis muxl ebTan dakavSirebul i SeniSvebi.

1. kanonproeqtis pirvel i muxl i exeba "Svil ad ayvanis wesis Sesaxeb" saqarTvel os kanonis me-10 muxl s, romel ic adgens sxva saxel mwifoSi gaSvil ebis pirobebs. kanonSi mesame punqti sakmaod bundovania, kerZod, mxedvel obaSi gvaqvs Sedegi Canaweri "saqarTvel oSi mcxovrebi bavSvis sxva saxel mwifoSi gaSvil eba SeiZl eba mxol od mSobl ebis mzrunvel obis gareSe darCenil i bavSvis sainformacio bankSi aRricxvaze ayvanidan eqvsi Tvis Semdeg, da Tu arsebobs saqarTvel os moqal aqeebis mier misi Svil ad ayvanis SeuZl ebl obis damadasturebel i sakmarisi dokumentacia". ese igi, bavSvi ucxoetSi gaSvil deba Semdegi ori garemoebis arsebobisas, sainformacio bankSi aRricxvaze ayvanidan eqvsi Tvis Semdeg (1) da Tu arsebobs saqarTvel oSi misi Svil ad ayvanis SeuZl ebl obis damadasturebel i sakmarisi dokumentacia (2). bundovanebas iwvevs meore garemoeba, roca dazustebul i ar aris Tu ra igul sxmeba "sakmaris dokumentaciaSi".

warmodgenil i kanonproeqtis pirvel i muxl i swored am probl emis mogvarebis mcdel obaa da kanonis miznebisatvis "sakmarisi dokumentaciis" definiciad gvTavazobs "Svil ad ayvanis msurvel Ta aRricxvaze myofi saqarTvel os moqal aqeebis weril obiT uars am bavSvis Svil ad ayvanaze". erTi Sxedvit, sakamaTo Titqos araferia, mit umetes kanonis bundovani Canaweri konkretdeba da es cvl il eba udavod misasal mebel ia. magram es aris mxol od iuridiul i Tval sazrisiT daxvewa. Cveni azrit, faqtobrivi Tval sazrisiT srul iad SeuZl ebel i gaxdeba ucxoetSi gaSvil eba, garda amave kanonproeqtis pirvel i muxl is meore punqt iT gaTval iswinebul i gamartivebul i proceduriT ucxoetSi gaSvil ebisa.

bavSvis ufl ebaTa dacvis konvenciis principebis gaTval iswinebiT, xel i unda Seewyos bavSvis ojaxur pirobebSi aRzrdas rogorc qveynis SigniT, ise ucxoETSi gaSvil ebis saSual ebiT. warmodgenil i cvl il ebiT, ucxoETSi gaSvil eba praqtikul ad SeuZl ebel i gaxdeba Semdegi arsebiTi garemoebebis gamo:

pirvel i, bavSvebis gamovl ena-aRricxvasTan erTad ganaTl ebis saminstro awarmoebis Svil is ayvanis msurvel i pirebis aRricxvasa da monacemTa bazis Seqmnas, rac gaaadvil ebs momaval Si Sesaferisi candidaturebis gamovl enas. dReisaTvis ganaTl ebis saministros monacemebiT aRricxvazea rvaasze meti Svil ad ayvanis msurvel i. Ar arsebobs normatiul i aqti romelic awesebs aRricxvaze myof pirTa rigiTobas, anu sxvagvarad rom vTqvaT, aRricxvaze yofna niSnavs mxol od bavSvis Svil ebis survil is dafiqsirebas, xol o gasaSvil ebel i bavSvis arsebobs SemTxvevaSi iuridiul ad srul iad mouwesrigebel i rigiTobis principi moqmedebs, rac sakmaod kargi pirobaa korufciul i gziT sakiTxis mogvarebis xel SewyobisaTvis.

Svil eba iuridiul i mniSvel obis faqtia da iseT Sedegebs warmoSobs, Cven Sorsa varT im azrisagan rom avtomaturad unda xdebodes rigSi myof pirvel ive msurvel ze bavSvis gaSvil eba. Am dros gaTval iswinebul unda iqnas kul turul i, rel igiuri, eTnikuri xasiaTis sakiTxebi. Tumca absoluturad miuRebl ad migvaCnia rigis mouwesrigebl oba, rac mxol od da mxol od aferxebes bavSvis gaSvil ebis proceduras, axangrZl ivebs mas da nergavs aral egal urad Svil ebis praqtikas. Es sakiTxi dasaregul irebel ia qveynis SigniT gaSvil ebis SemTxvevaSic. da meorec, miT umetes didi probl ema iqneba aseTi sakanonmdebl o xarvezis pirobebSi Svil ad ayvanis rvaasi msurvel is weril obiTi uaris mopoveba bavSvis ucxoETSi gasaSvil ebl ad. Zal ian martivad rom vTqvaT da real urad SevxedoT probl emas, es kidev ufro gaaZvirebs da moamravl ebs ucxoETSi bavSvis gaSvil ebis aral egal ur garigebebs. Cveni mizania miRwes iseTi sakanonmdebl o baza, rac xel s Seuwyobs yvel a iuridiul i mniSvel obis mqone faqtis kanonis uzenaesobis principebis dacviT ganxorcil ebas.

yuradRebis misaqcevia is faqti rom ucxoETSi gaSvil ebisas, bavSvis janmrTel obis mdgomareobis gaTval iswinebiT sasamarTl os SeuZl ia 6 Tviani vada Seamciros 3 Tvemde. Es namdvil ad humanuri midgoma, Tumca zemoaRniSnul i logikidan gamomdinare, azri ekargeba vadis Semcirebas, vinaidan vfiqrobT araTu 3 an 6 TveSi, praqtikul ad wl ebis ganmavl obaSi miuRwevel i iqneba Svil ad ayvanis msurvel Ta weril obiTi uaris mopoveba bavSvis ucxoel i mSvil ebl is mier.

bunebrivia, Cven ar mivesal mebiT ucxoETSi gaSvil ebis waxal isebas, Tumca warmodgenil i kanonproeqti faqtobrivad SeuZl ebel s xdis ucxoETSi l egal urad gaSvil ebis Sesazl ebl obas da es miuRebl ad migvaCnia. Cveni azriT unda mowesrigdes aRrcxvianobis rigiToba, unda moizebnos ufro efeqturi meqanizmi bavSvis ucxoETSi gaSvil ebis sakiTxis mowesrigebisatvis.

2. "saqarTvel os samoqal aqo kodeqsSi damatebebis Setanis Sesaxeb" warmodgenil i kanonproeqti namdvil ad progresul ia, gveCveneba rom es xel s Seuwyobs mitovebul i bavSvebis ricxvis Semcirebas, romel Ta gaSvil eba ver xerxdeboda dedis weril obiTi Tanxmobis gareSe. samoqal aqo kodeqsis mixedviT, qorwinebisgareSe dabadebul i bavSvis Svil ad ayvanisaTvis aucil ebel ia dedis weril obiTi Tanxmoba, romelic unda gaices bavSvis dabadebidan eqvsi kviris Semdeg. praqtikaSi ki dedebi ise iparebodnen samSobiaro saxl ebidan rom ar werdnen Tanxmobas bavSvis gaSvil ebaze. Es SeuZl ebel s xdida bavSvis l egal urad gaSvil ebas.

vimeorebT, warmodgenil i cvl il eba, qorwinebis gareSe dabadebul i bavSvi gaSvil des dedis mier weril obiTi Tanxmobis ararsebobis SEmTxvevaSi kanoniT dadgenil i vadis gasvl is Semdeg, bavSvis interesebisaTvis progresul nabij ad migvaCnia. Tumca meore mxriv, Cvens xel T arsebul i ucxouri literaturis da gamocdil ebis mixedviT, mizanSewonil ad migvaCnia kanoniT dadgenil i vada 6 kviris nacvl ad gaizardos 3 Tvemde, martoxel a dedis fsiqol ogiuri da fizikuri mdgomareobis Taviseburebebidan gamomdinare.

3. garda kanonproeqtTan dakavSirebul i SeniSvnebisa, gvaqvs Semdegi xasiaTis SeniSvna, rac Cveni azrit gaTval iswinebul i unda iqnas Sromis kanonTa kodeqsSi cvil ebebis Setanis saxiT. kerZod, Sromis kanonTa kodeqsi garkveul SeRavaTebis iTval iswinebs im qal ebisaTvis, romel Tac axal Sobil i bavSvi iSvil es. Es SeRavaTebi gaTval iswinebul i iyo 162-e muxl iT. 2005 wl is 1 ianvridan muxl i gauqmebul ia, Tumca Sromis kanonTa kodeqsis 159-e muxl is pirvel i nawil iT, SeRTavaTebi vrcel deba qal ebze, roml ebmac axal Sobil i bavSvi iSvil es uSual od samSobiaro saxl idan.

am muxl iT gaTval iswinebul i mTel i rigi SeRavaTebi dakavSirebul ia axal Sobil i bavSvis Svil ebasTan uSual od samSobiaro saxl idan, xol o saqarTvel os samoqal aqo kodeqsi da saqarTvel os kanoni Svil ad ayvanis wesis Sesaxeb adgens Svil ebis iseT proceduras, romel ic ara mxol od gamoricxavs, aramed pirdapir krZal avs aseTi formiT Svil ebas. zemoaRniSnul i ori muxl ic SemTxvevit ar movixmeT, cvl il ebebi Sevida Sromis kanonTa kodeqsSi, Tumca igi ar SExebia Sinaarss, samSobiaro saxl idan bavSvis gaSvil ebis SeuZl ebl obas. Es sakiTxi mosawesrigebel ia, vinaidan kodeqsi garkveul iuridiul Sedegebs ukavSirebs faqts, romel ic Tavisi arsiT arakanonieria, da rac aSkara sakanonmdebl o xarvezze miuTitebs.