



GLOBALIZATION  
AND BUSINESS



ევროპის უნივერსიტეტი  
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GLOBALISATION AND BUSINESS

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Tbilisi, Georgia

# გლობალიზაცია და ბიზნესი

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# GLOBALIZATION AND BUSINESS

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საერთაშორისო უსაფრთხოება**

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**INTERNATIONAL POLITICAL-ECONOMIC  
RELATIONS AND INTERNATIONAL  
SECURITY**



# THE GOAL OF THE ECONOMIC WEAKENING OF GEORGIA – A CRIMINAL ACTION IN THE DISPOSITION OF SABOTAGE

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**ABSTRACT.** The paper deals with the criminal act stipulated by Article 318 of the Criminal Code of Georgia – a characteristic feature of the subjective side of sabotage – the goal of weakening Georgia and the problematic issues of its composition, while the problem in the disposition of the Article is identified and the ways to solve it are presented. As a rule, the weakening of Georgia means the encroachment of the country's economic foundations.

The work also presents an overview of the legislation of foreign countries related to the research topic, which makes the problems associated with this issue more understandable for the reader, which is more felt in practice.

The current criminal law does not explain the purpose of weakening Georgia. To be fair, it should be noted that none of the scientific community paid attention to the problem raised in the paper, and therefore there are no scientific studies on this issue. In this regard, the scientific work is a kind of innovation and an attempt to find ways to solve the identified problem. The concerns discussed in the paper are more noticeable in practice, in particular, when investigating the facts of sabotage and initiating a criminal case on this charge, as well as when considering the case by the court and making summary decisions on the case.

The purpose of the scientific paper is to identify the problems surrounding the subjective side of sabotage and to determine the ways to solve them.

**KEYWORDS:** SABOTAGE, CRIME, INVESTIGATION, CORPUS DELICTI (COMPOSITION OF THE CRIME), ECONOMIC FOUNDATIONS.

## INTRODUCTION

The subject of this scientific work is a criminal action as part of sabotage, an obligatory feature of the subjective side – the study of the issues raised in practice around the goal of weakening Georgia, a scientific and practical analysis of the definition of "weakening Georgia", the problem of qualifying the action as sabotage, and a vision of ways to solve this problem. In addition, the norms of the criminal law of foreign countries that relate to and constitute a criminal act of sabotage will be considered. It should be noted that the problems presented in the study have not been discussed from a scientific point of view. The problem manifests itself more clearly in practice, and this paper also presents the view of the practitioner on a specific issue.

The basis of criminal liability is crimes, the full list of which is regulated in the private part of the Criminal Code. All of them separately constitute illegal and guilty actions.<sup>1</sup> In addition, which action should be considered a crime, first of all, its legal regulation is made by the legislator.<sup>2</sup> The current edition of the Criminal Code has adopted the three-level structure<sup>3</sup> of the crime prevailing in German criminal law and today the concept of crime consists of 3 signs: the composition of the action, that is, the criminal law should regulate the action, the wrongfulness of the action and blame. The coexistence

1 Criminal Code of Georgia, Tb., 1999, Art. 7, Sec. 1.

2 Natchkebia G., Criminal Relations and the Concept of Crime, Tb., 2002, p. 7.

3 Mchedlishvili-Hedrichi K., Method of Resolving Cases in Criminal Law. Meridiani publishing house, Tb., 2010, p.61.



of the mentioned signs of the concept of crime, in turn, is the basis of criminal liability.<sup>4</sup>

### CHARACTERISATION OF THE SUBJECTIVE SIDE OF SABOTAGE

We have the fact of a crime only when all the components of the composition of the action are present; the indicated composition is descriptive<sup>5</sup>. Each criminal law norm conveys a description of the composition of the action. At the same time, it implies an evaluation of the action. Therefore, the criminal law norm is a synthesis of descriptive and evaluative judgments.<sup>6</sup> The norm of the law itself is a hypothetical imperative sentence conditioned by the actual composition<sup>7</sup>. Notably, the signs of the action must correspond exactly and not approximately but to the full extent to the disposition of the criminal act. The establishment of this sameness is the most important prerequisite<sup>8</sup> for determining the qualification of the act since "the crime and the composition are essentially the same".<sup>9</sup> In addition, the qualification of the crime is the determination of the exact correspondence between the committed action and the signs provided for by the criminal law norm and its legal confirmation<sup>10</sup>. The correct definition of *corpus delicti* excludes any error and bias in the qualification of the action as a crime since the committed action should be qualified as a crime only in accordance with the law and within its limits.<sup>11</sup>

The criminal law of Georgia recognises the principle of subjective attribution of actions and culpable respon-

sibility.<sup>12</sup> The behaviour of the accused has two sides: subjective and objective. The subjective side determines the goals and motives of the accused, and the objective side – his impact on the objective outside world through the external manifestation of the will, which can be expressed both in action and inaction. Based on the foregoing, a criminal act is a combination of objective and subjective sides.<sup>13</sup> When assigning blame to a person, it should be taken into account that, along with knowledge of the objective side of the action, it is necessary to know the illegality of the action. Additionally, the decision to commit illegal actions must come from the person's free will; that is, a person must be aware of the impact on the objective environment as a result of the unlawful act committed by him.<sup>14</sup>

Regulation of sabotage was implemented for the first time in the current Criminal Code of Georgia. Prior to this, this crime was not recognised by the Georgian legislation, but in fairness, it should be noted that the Criminal Code of 1960 provided for sabotage and maliciousness, a kind of synthesis of which is presented in Article 318 of the Criminal Code in force today. The subjective side of the dispositions of the mentioned Articles has one special characteristic and obligatory feature, namely "the aim of weakening the Soviet state,"<sup>15</sup> this goal has practically not changed in the current disposition of sabotage, with a technical change. In particular, Georgia replaced the Soviet state. Accordingly, the current disposition of sabotage envisages such a mandatory goal as the weakening of Georgia.<sup>16</sup> Georgian Criminal Law does not explain the term „weakening of Georgia“. Moreover, the mentioned wording in the current criminal law occurs only twice, and then in the provision on sabotage. The legislator transferred it without appeal from the composition of sabotage and maliciousness and did not try to define what a vital issue for qualifying action is. This issue is particularly problematic in practice since the greatest scientific value of the concept lies in the fact that it expresses the essence of things. A thought that does not express the

4 Gamkrelidze O., *Explanation of the Criminal Code of Georgia. General Part. 1<sup>st</sup> Book, 2<sup>nd</sup> complete edition*, Tb., 2008, p. 77.

5 Natchkibia G., *General Theory of Qualification of an Action as a Crime*, Tb., 2010, pp. 126-127.

6 Tkesheliadze G., *Value Problem and Law, Soviet Law 1981*, #2.

7 Khubua G., *Theory of Law*, Tb., 2004, p. 50.

8 Natchkebia G., *General Theory of Qualification of an Action as a Crime*, Tb., 2010, p. 131; Tsulaia Z., *Private Part of Criminal Law*, vol. №1, 2<sup>nd</sup> ed, Tb., 2003, p. 10; Lekveishvili M., *Private Part of Criminal Law*, Tb., 2006, p. 18.

9 Natchkebia G., *General Theory of Qualification of an Action as a Crime*, Tb., 2010, p. 9.

10 Kudryavtsev V., *General Theory of Qualification of Crimes*, Mosc., 1972, pp. 7-8.

11 Natchkebia G., *Criminal Relations and the Concept of Crime*, Tb., 2002, p. 64.

12 Brachveli S., Gogelia T., Gelashvili T., Meladze G., *Scope of Criminal Law*, Tb., 2021, p. 148.

13 Tsereteli T., Tkesheliadze G., *Doctrine of a Crime*, Tb., 1969, p. 168.

14 Hart H.L.A., *Punishment and Responsibility: Essays in the Philosophy of Law* (2nd ed), Oxford University Press, 2008, pp.181-182.

15 Criminal Code of the Georgian SSR, 1960, Art. 69, 70.

16 Criminal Code of Georgia, Tb., 1999, Art. 318.

essence of things cannot be called a concept.<sup>17</sup> Here we share the opinion that "the basic formal-logical rules of concept definition refer to concepts in genus-species relationship, which have the closest genus and specific characteristic. It is the determination of these relations that is considered the definition of the concept."<sup>18</sup>

In the conditions when the legislator has not given us a proper explanation, this issue goes beyond the special knowledge of the investigator and the prosecutor since it should be assessed comprehensively as an impact on the economic parameters of the country, as well as the issue of damage, violation or destruction of a vehicle, means of *communication or mass broadcasting*, roads, buildings, equipment, documents, a large number of strategic raw materials, products, institutions or organisations of vital importance to the population or other objects of special purpose. In standard cases, when the issue raised in a criminal case requires special knowledge, appropriate expertise is appointed by the parties; for example, to determine the degree of harm to health, forensic medical expertise is conducted in the case to determine the type and amount of narcotic drugs – chemical, and ballistic expertise to determine fire or ammunition. In such cases, the expert report is important evidence for qualifying the action. In the conditions when we do not have a legal definition of the amount of damage, disruption or destruction that can cause the weakening of Georgia, it becomes quite problematic to collect such evidence in practice that would unmistakably confirm the goal of weakening Georgia. As we have already mentioned, the goal is a component of the subjective side, and even in the case when the accused admits that the goal of committing his criminal act is to weaken Georgia, we believe that it will be practically impossible to confirm this in court, since, "each person has an individual, unique consciousness, which is determined by public opinion, political, philosophical, ethical, religious, aesthetic representations and ideas."<sup>19</sup> Based on this, it is possible that the weakening of Georgia causes different associations in different individuals. It should be noted here that even the confession of the accused that he committed sabotage couldn't be the basis of a guilty verdict of the court because the basis of the court's guilty verdict is the synthesis<sup>20</sup> of the

truth established in the case and the qualification of the action as a crime. The norm of criminal law, no matter how clearly it should be spelt out in the legislation, still needs to be clarified by the court and brought into compliance with the actual circumstances of the case.<sup>21</sup>

Unfortunately, neither the very definition of sabotage gives any indication of how to weaken a country. Sabotage is a French word that means deliberately disrupting something, avoiding participation in it or doing it dishonestly. However, in the legal literature, we find another definition; for example, sabotage is defined as undermining the state's economic foundation.<sup>22</sup>

A legitimate question arises about what motive motivated the person accused of sabotage. We will try to find the answer again in the composition of the crime. As we mentioned, the private part of the Criminal Code, it is exhaustively specified what actions are considered criminal. Assigning the correct qualification for the committed criminal act is one of the central places in the process of criminal prosecution and justice implementation.<sup>23</sup>

"The corpus delicti is a peculiar and unique term, the like of which no other science knows."<sup>24</sup> The judiciary includes the recognition of a person as guilty, after which the legal concept of the crime committed is established. The legal and judicial qualification of an action must be synchronous; the court must give the same qualification to the committed act as the legislative qualification developed by the legislator.<sup>25</sup>

The subjective side of a crime is understood as the attitude of the person who committed the crime between the action he committed and the result obtained, which is manifested by the unity of motive, purpose and guilt.<sup>26</sup> Each criminal action has its own purpose, which is the psychological side of a person's behaviour and creates a special motivation for him. After setting a goal, it

17 Keburia D., Issues In the Theory of Concepts, Tb., 1967, p. 196.

18 Tsereteli S., Dialectical Logic, Tb., 1965, p. 387.

19 Gogichaishvili T, General Psychology Course, Tb, 2006, p. 19.

20 Natchkebia G., General Theory of Qualification of an

Action as a Crime, Tb, 2010, p. 20.

21 European Court of Human Rights, Case of Rohlena v. the Czech Republic, 27/01/2015, 59552/08.

22 Natchkebia G, General Theory of the Qualification of an Action as a Crime, Tb., 2010, p. 167.

23 Dvalidze I., Tumanishvili G., Gvenetadze N., Case Solving Methodology in Criminal Law, Tbilisi, 2015, pp. 97-98.

24 Zhrebkin V., The Content of the Concepts of Law: (Logico-legal analysis): Abstract of the dissertation for J.S.D.: (12.00.01), Kharkov, 1980, p. 19.

25 Natchkibia G., "Criminal Relations and the Concept of Crime", Tb., 2002, p. 13

26 Natchkebia G., The General Theory of Qualifying an Action as a Crime, Tb., 2010, p. 8.

is realised in the form of making and executing specific decisions. In the case of a crime, the fact that the crime is committed intentionally or recklessly transforms the purpose. In the case of an intentional crime, the goal is carried out by the unity of the mind and will, which is determined by the motivation and mental process of goal setting.<sup>27</sup> Moreover, the goal affects the content and quality of guilt and, ultimately, criminal liability.<sup>28</sup>

A sabotage offence appears to be a mandatory part of the goal of weakening Georgia. In light of the fact that the concept of weakening Georgia is not defined by law, it will create serious problems for the justice process if the action is qualified as sabotage. On the other hand, "a goal is the result of an ideally given action that satisfies a person's need".<sup>29</sup> Perhaps a particular person really has a need to weaken Georgia, but the fact is that they will not know the concept of weakening Georgia or the person doing the case unless subjective opinions are included. Accordingly, the goal of weakening Georgia against this background can be considered a kind of hypothetical situation. At this time, the purpose of committing a crime is one of the necessary components of a person's mental attitude to the action he committed, which ultimately leads to the formation of guilt.<sup>30</sup> The purpose cannot influence the qualification of the crime when it is not presented in the disposition of the Article as a necessary feature of the *corpus delicti*, and when it is a necessary feature of the *corpus delicti*, then it is given decisive importance.<sup>31</sup> Even if the disposition of the Article does not directly indicate the purpose of the subjective part of the composition, the court must still study and investigate what purpose the defendant set.<sup>32</sup>

To make the problem we have raised more understandable for the reader, we will give a hypothetical example: Suppose, A blew up the Rikoti tunnel in Georgia,

causing significant traffic delays between western and eastern Georgia. After being detained, he confessed to the crime, said that he had carried out the explosion to weaken Georgia, and agreed to the accusation of sabotage. In such circumstances, the issue of whether the explosion of the Rikoti tunnel actually caused the weakening of the state is on the agenda. The explosion of the tunnel itself can be confirmed by appropriate expertise, during which the type, quantity and construction of the explosive substance and device, as well as the material damage caused by the explosion, will be determined according to the expertise. However, determining these circumstances separately will not be enough to weaken Georgia. Even clarifying the issue that the explosion damaged a section of the road and hindered the road traffic to some extent, there cannot be a convincing argument against the weakening of Georgia. In such a case, it will be practically impossible to calculate the damage that has been done to the state, organisations, enterprises and citizens. Even if, as a result of the colossal work done by the investigation, a certain amount of material damage was determined, what would be its measure? It's not defined by law what kind of material damage can cause the weakening of the state. Attention should also be focused on the issue of damaging, disabling or destroying "a large amount of strategic raw materials, stuff or products" specified in the sabotage provision. Since the concept of a large amount is clarified in the current Criminal Code, in particular in the chapter on crimes against property, and in this chapter, the value of the item (items) above 10,000 GEL is considered a significant amount.<sup>33</sup> Even though the mentioned amount of damage, the legislator has imposed only on crimes against property, even if by the analogy of the law we extend it to the evaluation of sabotage, this will not be a convincing fact because the possibility of weakening the country with damages for 10,000 GEL cannot serve as a credible argument for the court.

For a comparative analysis and search for ways to solve the problem, it will be important to exchange the experience of foreign countries. In particular, it clarifies the legal situation in relation to sabotage in a particular country and how the problem identified by us is being solved.

The Criminal Code of the Federal Republic of Germany does not recognise the definition of sabotage. The lawmaker called the purpose of committing the

27 Ibid., pp. 136-137.

28 Dvalidze I., Influence of Motive and Purpose on Qualification of Action and Criminal Liability, *Tb.*, 2008, p. 65.

29 Kiknadze D., For the Issue of Human Action, *Tb.*, 1971, p. 152.

30 Dage P., Kotov D., The Subjective Side of the Crime and Its Establishment, *Voronezh*, 1974, p. 43.

31 Kharanauli L., Punishment of Unfinished Crime According to Georgian and German Criminal Law (comparative legal analysis), thesis submitted for the J.S.D., *Tb.*, 2013, p. 144.

32 Gamkrelidze O., Definition of the Criminal Code of Georgia. General Part, book 1, 2nd revised ed. Editorial office of the book of laws of Georgia and the legislative herald of Georgia. *Tb.*, 2008 p. 102.

33 Criminal Code of Georgia, *Tb.*, 1999, the first part of the note of Article 177.

mentioned crime a violation of Germany's integrity, constitutional order and security.<sup>34</sup> In addition, under German law, enterprises and devices that supply the population with water, electricity, heat and other vital energy sources are considered objects of constitutional sabotage. Among them, telecommunication devices are also considered.<sup>35</sup> The German Criminal Code recognises as a special norm of crime, namely sabotage<sup>36</sup>. The purpose of committing this crime is to create a threat to the security of the Federal Republic of Germany, the law enforcement agencies and the population.

US criminal law does not specifically deal with crimes against the state. However, Title 18, Chapter 105 is entirely about sabotage. The first Article is entirely devoted to objects of encroachment and definitions of related terms.<sup>37</sup> Sabotage can be committed against fortification structures, naval defence facilities or naval defence engineering facilities<sup>38</sup>, defence installations or military equipment<sup>39</sup>, production of ammunition, equipment and structures,<sup>40</sup> national defence, premises, installations and objects<sup>41</sup> and mentioned material, equipment, objects and their service rules.<sup>42</sup> The American version of the criminal act of sabotage does not include a mandatory objective.

Under the French Penal Code, sabotage is defined as the destroying, damaging or misappropriation of any document, material, structure, equipment, installation, machine, technical device or automatic information processing system that may harm the fundamentals of the legitimate interests of the French nation. An aggravating circumstance of the act is its commission in the interests of foreign states or on their behalf.<sup>43</sup>

The Italian Criminal Code recognises such criminal acts as the creation of an organisation for the purpose of committing a terrorist act or sabotage<sup>44</sup> and an at-

tack for the purpose of committing a terrorist act or sabotage.<sup>45</sup> The disposition of the Article provides, as the purpose of committing specified criminal acts, the purpose of committing terrorism and overthrowing the democratic system.

As can be seen from foreign examples, the legislator either did not set any special goal for the composition of sabotage, or this goal is quite clear and explained in the legislation of a particular country, which is diametrically different from the Georgian legislation.

In this regard, it would be interesting to study and analyse crime statistics and judicial practice. It's a pity, but the fact is that the Ministry of Internal Affairs of Georgia, taken separately, does not record the crimes under Article 318 of the Civil Code.<sup>46</sup> In addition, an analysis of information<sup>47</sup> disseminated in the public space and the data obtained by the interviews method<sup>48</sup> gives grounds for the assumption that in 2013-2023 the number of sabotage cases initiated should not exceed ten unit criminal cases. The 2013-2023 period selected by us for statistics was taken for several reasons: 1. the last ten years, which will undoubtedly be interesting for research purposes, and 2. the process of liberalisation of criminal law began in Georgia in 2013.<sup>49</sup> During the

di terrorismo anche internazionale o di eversione dell'ordine democratico.

45 Ibid., Art. 280. Attentato per finalità terroristiche o di eversione.

46 With letters #MIA02300437945 dated 02.15.23 and #MIA02300490025 dated 20.02.23 of the head of the Department of the Ministry of Internal Affairs of Georgia, it became clear that the statistics of sabotage is made in the column "Crimes against the constitutional order and security foundations of Georgia (Article 308-322-2)", which does not allow to identify the number of cases initiated under Article 318 of the Criminal Code.

47 The investigation of sabotage is always a resonant process and there is always a strong public interest in it, which is why the investigating authorities often publish information about the progress of the investigation, for example, the information from the State Security Service about the initiation of the investigation into the act of sabotage, link: <https://ssg.gov.ge/news/592/saxelmtsifo-usaftrxoebis-samsaxuris-gancxadeba>, [Last Access 24.04.23].

48 About ten investigators and prosecutors working on sabotage cases were interviewed during the oral interview, the respondents were asked about the number of investigations and criminal prosecutions under Article 318 of the Criminal Code.

49 Todua N., Trends of Liberalization of Criminal Law Legislation in Georgia, TSU Science, link: <https://>

34 Strafgesetzbuch (StGB), § 87 Agententätigkeit zu Sabotagezwecken, 15.05.1871.

35 Ibid., § 88 Verfassungsfeindliche Sabotage.

36 Ibid., § 109e Sabotagehandlungen an Verteidigungsmitteln

37 The United States Code, Title 18, Chapter 105 – Sabotage, section 2151, 1948.

38 Ibid., section 2152.

39 Ibid., section 2153.

40 Ibid., section 2154.

41 Ibid., section 2155.

42 Ibid., section 2156.

43 Code pénal: Section 4: Du sabotage (Article 411-9), 1992.

44 Codice penale (Italia), Dei delitti contro la personalità dello Stato, Art. 270-bis. Associazioni con finalità



mentioned period, "no criminal prosecution under Article 318 of the Criminal Code of Georgia was initiated against any person",<sup>50</sup> and therefore, nor do the courts consider the case of a crime of this category.<sup>51</sup> Even though in the last ten years, no criminal prosecution has been initiated in Georgia on the charge of sabotage and, accordingly, no trial review has been held, to some extent, it is possible that the problem identified by us is a manifestation in practice.

## CONCLUSION

In conclusion, it should be noted that Article 318 of the Civil Code of Georgia requires legislative intervention. In order to eliminate the ambiguity in the Article, we propose two ways: 1. a note would be added to the Article, where it would be written in detail what is meant by weakening Georgia, and 2. it would be more acceptable if in the disposition of the Article "the goal of weakening Georgia" be replaced with "the goal of creating a threat to the security, economic development and peaceful coexistence of the population of Georgia." The legal change will eliminate the vagueness in the disposition of sabotage, which will contribute to the process of effective investigation, criminal prosecution and justice implementation of such crimes.

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[old.tsu.ge/science/?leng=ge&lc=journal&jnomeri=7&tid=11](https://old.tsu.ge/science/?leng=ge&lc=journal&jnomeri=7&tid=11), [Last Access 27.04.2023].

50 According to the letter dated February 24, 2023, No. 13/12633 of the Head of the Department of International Relations and Legal Support of the General Prosecutor's Office of Georgia, "criminal prosecution has not been initiated against any person under Article 318 of the Criminal Code."

51 According to the letter #3-129-23 dated February 27, 2023, from the Head of the Statistics Sector of the Analytical Department of the Supreme Court of Georgia, "in 2013-2022, not a single case under Article 318 (sabotage) of the Criminal Code was considered."

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# საქართველოს ეკონომიკური დასუსტების მიზეზი – დანაშაულებრივი ქმედება საბოტაჟის დისკორდის დროს

ხვიჩა ბეგიაშვილი

დოქტორანტი, სამართლის სკოლა, საქართველოს დავით აღმაშენებლის სახელობის უნივერსიტეტი, საქართველო

**აბსტრაქტი.** სტატიაში განხილულია საქართველოს სისხლის სამართლის კოდექსის 318-ე მუხლით გათვალისწინებული დანაშაულებრივი ქმედება – საბოტაჟის სუბიექტური მხარის დამახასიათებელი ნიშანი – საქართველოს დასუსტების მიზეზი და მისი შემადგენლობის პრობლემატური საკითხები, რა დროსაც იდენტიფიცირებულია მუხლის დისკორდის დროს არსებული პრობლემა და წარმოდგენილია მისი გადაჭრის გზები. როგორც წესი საქართველოს დასუსტებაში მოიაზრება ქვეყნის ეკონომიკური საფუძვლების ხელყოფა.

სტატიაში, აგრეთვე წარმოდგენილია, საკვლევ თემასთან დაკავშირებული უცხო ქვეყნების კანონმდებლობის მიმოხილვა, რაც მკითხველისთვის უფრო მეტად გასაგებს ხდის საკითხთან დაკავშირებულ პრობლემატიკას.

საქართველოს დასუსტების მიზნის განმარტებას არ იძლევა მოქმედი სისხლის სამართლის კანონმდებლობა. სამართლიანობისთვის უნდა აღინიშნოს, რომ არც სამეცნიერო წრეების მიერ გამახვილებულა სტატიაში წამოჭრილ პრობლემაზე ყურადღება და, შესაბამისად, არ არსებობს საკითხთან დაკავშირებით სამეცნიერო კვლევა. ამ მხრივ, სამეცნიერო ნაშრომი წარმოადგენს ერთგვარ ნოვაციას და იდენტიფიცირებული პრობლემის მოგვარების გზების ძიების მცდელობას. სტატიაში განხილული პრობლემატიკა უფრო საგრძნობი არის პრაქტიკაში, კერძოდ, საბოტაჟის გამოძიების და ამ ბრალდებით სისხლისსამართლებრივი დევნის დაწყების დროს, აგრეთვე, სასამართლოს მიერ საქმის განხილვის და საქმეზე შემაჯამებელი გადაწყვეტილების მიღებისას.

სამეცნიერო ნაშრომის მიზანია საბოტაჟის სუბიექტური მხარის ირგვლივ არსებული პრობლემატიკის იდენტიფიცირება და მისი გადაჭრის გზების განსაზღვრა.

**საკვანძო სიტყვები:** საბოტაჟი, დანაშაული, გამოძიება, დანაშაულის შემადგენლობა, ეკონომიკური საფუძვლები.

## შესავალი

მოცემული სამეცნიერო ნაშრომის განხილვის საგანი არის დანაშაულებრივი ქმედება საბოტაჟის შემადგენლობაში, სუბიექტური მხარის შემადგენელი სავალდებულო ნიშნის – საქართველოს დასუსტების მიზნის ირგვლივ პრაქტიკაში წამოჭრილი საკითხების შესწავლა, თავად „საქართველოს დასუსტების“ დეფინიციის სამეცნიერო და პრაქტიკული ანალიზი, ქმედების საბოტაჟად კვალიფიცირების პრობლემატიკა და ხედვა

აღნიშნული პრობლემატიკის გადაჭრის გზებზე. ამასთან, განხილული იქნება საზღვარგარეთის ქვეყნების სისხლის სამართლის ის ნორმები, რომლებიც დაკავშირებულია და წარმოადგენს დანაშაულებრივ ქმედება – საბოტაჟს. უნდა აღინიშნოს, რომ კვლევაში წარმოდგენილი პრობლემატიკა მეცნიერულ ჭრილში დღემდე არ ყოფილა განხილული, იგი უფრო მეტი სიცხადით პრაქტიკაში თავს იჩენს და აღნიშნული ნაშრომიც კონკრეტული საკითხის ირგვლივ პრაქტიკოსის ხედვას წარმოადგენს.

სისხლისსამართლებრივი პასუხისმგებლობის საფუძველია დანაშაული, რომლის სრული ჩამონათვალი რეგლამენტირებულია სისხლის სამართლის კოდექსის კერძო ნაწილში, ყველა მათგანი ცალ-ცალკე წარმოადგენს მართლსაწინააღმდეგო და ბრალეულ ქმედებას<sup>1</sup>. ამასთან, თუ რომელი ქმედება უნდა ჩაითვალოს დანაშაულად, უპირველეს ყოვლისა, მის საკანონმდებლო რეგლამენტაციას ახდენს კანონმდებელი<sup>2</sup>. სისხლის სამართლის კოდექსის მოქმედმა რედაქციამ გაითავისა გერმანულ სისხლის სამართალში გაბატონებული დანაშაულის სამსაფეხურიანი აგებულება<sup>3</sup> და დღეისათვის დანაშაულის ცნება 3 ნიშნისგან შედგება: ქმედების შემადგენლობა, ანუ ქმედება რეგლამენტირებული უნდა იყოს სისხლის სამართლის კანონით, ქმედების მართლწინააღმდეგობა და ბრალი. დანაშაულის ცნების აღნიშნული ნიშნების თანაარსებობა, თავის მხრივ, წარმოადგენს სისხლისსამართლებრივი პასუხისმგებლობის საფუძველს<sup>4</sup>.

დანაშაულის ფაქტთან საქმე გვაქვს მხოლოდ მაშინ, როდესაც სახეუა ქმედების შემადგენლობის ყველა კომპონენტი, აღნიშნული შემადგენლობა აღწერილობითია<sup>5</sup>. თითოეული სისხლის სამართლის ნორმა გადმოგვცემს ქმედების შემადგენლობის აღწერას, ამავედროულად, გულისხმობს ქმედების შეფასებასაც, შესაბამისად, სისხლის სამართლის ნორმა აღწერილობითი და შეფასებითი მსჯელობების სინთეზს წარმოადგენს<sup>6</sup>. თავად სამართლის ნორმა ფაქტობრივი შემადგენლობით გაპირობებული ჯერარსული წინადადება არის<sup>7</sup>. ნიშანდობლივია, რომ ქმედების ნიშნები ზუსტად და არა მიახლოებით, სრული მოცულობით უნდა შეესაბამებოდეს დანაშაულებრივი ქმედების დისპოზიციას, აღნიშნული იგივეობის დადგენა ქმედების კვალიფიკაციის დასადგე-

ნად უმნიშვნელოვანესი წინაპირობაა<sup>8</sup>, ვინაიდან „დანაშაული და შემადგენლობა არსებითად ერთი და იგივეა“<sup>9</sup>. ამასთან, დანაშაულის კვალიფიკაცია არის ჩადენილი ქმედების და სისხლის სამართლის ნორმით გათვალისწინებული ნიშნების ზუსტი შესაბამისობის დადგენა და მისი იურიდიული დამაგრება<sup>10</sup>. დანაშაულის შემადგენლობის სწორად განსაზღვრა გამორიცხავს ქმედების დანაშაულად კვალიფიკაციაში ნებისმიერ შეცდომას და მიკერძოებულობას, რადგან ჩადენილი ქმედება მხოლოდ კანონის შესაბამისად და მის ფარგლებში უნდა დაკვალიფიცირდეს დანაშაულად<sup>11</sup>.

ქართული სისხლის სამართალი აღიარებს ქმედების სუბიექტური შერაცხვისა და ბრალეული პასუხისმგებლობის პრინციპს<sup>12</sup>. ბრალდებულის ქცევას აქვს ორი მხარე – სუბიექტური და ობიექტური: სუბიექტური მხარე განსაზღვრავს ბრალდებულის მიზნებსა და მოტივებს, ხოლო ობიექტური მხარე – მის ზემოქმედებას ობიექტურ გარესამყაროზე ნებისყოფის გარეგანი გამოვლინებით, რაც შეიძლება გამოიხატოს, როგორც მოქმედებაში, აგრეთვე – უმოქმედობაში. აღნიშნულიდან გამომდინარე, დანაშაულებრივი ქმედება ობიექტური და სუბიექტური მხარეების ერთობლიობას წარმოადგენს<sup>13</sup>. პირისათვის ბრალის შერაცხვის დროს, გათვალისწინებული უნდა იქნეს ის გარემოებები, რომ:

- ქმედების ობიექტური მხარის ცოდნასთან ერთად, აუცილებელია ქმედების მართლწინააღმდეგობის შეცნობა და;
- მართლსაწინააღმდეგო ქმედების ჩადენის გადაწყვეტილება პირის თავისუფალი ნებიდან უნდა მომდინარეობდეს, ანუ პირი უნდა აცნობიერებდეს მის მიერ ჩადენილი მართლსაწინააღმდეგო ქმედების შედეგად

1 საქართველოს სისხლის სამართლის კოდექსი, თბ. 1999წ, მუხლი 7, ნაწ. 1.  
 2 ნაჭყებია გ., „სისხლისსამართლებრივი ურთიერთობა და დანაშაულის ცნება“ თბ., 2002 წ., გვ. 7.  
 3 მჭედლიშვილი-ჰედრიხი ქ., „კაზუსის ამოხსნის მეთოდიკა სისხლის სამართალში“, გამომცემლობა „მერიდიანი“, თბ., 2010 წ., გვ. 61.  
 4 გამყრელიძე თ., „საქართველოს სისხლის სამართლის კოდექსის განმარტება. ზოგადი ნაწილი“, პირველი წიგნი, მეორე შევსებული გამოცემა, თბ., 2008 წ., გვ. 77.  
 5 ნაჭყებია გ., ქმედების დანაშაულად კვალიფიკაციის ზოგადი თეორია, თბ. 2010 წ., გვ. 126-127.  
 6 ტყეშელიაძე გ., ღირებულების პრობლემა და სამართალი, „საბჭოთა სამართალი“ 1981 წ., #2.  
 7 ხუბუა გ., სამართლის თეორია, თბ. 2004 წ., გვ. 50.

8 ნაჭყებია გ., ქმედების დანაშაულად კვალიფიკაციის ზოგადი თეორია, თბ. 2010 წ., გვ. 131; წულაია ზ, სისხლის სამართლის კერძო ნაწილი, ტ. #1, მე-2 გამოცემა, თბ. 2003 წ., გვ. 10; ლეკვიშვილი მ, სისხლის სამართლის კერძო ნაწილი, თბ. 2006 წ., გვ. 18.  
 9 ნაჭყებია გ., ქმედების დანაშაულად კვალიფიკაციის ზოგადი თეორია, თბ. 2010 წ., გვ. 9.  
 10 Кудрявцев В, Общая теория квалификации преступлений, М. 1972, с. 7-8.  
 11 ნაჭყებია გ., „სისხლისსამართლებრივი ურთიერთობა და დანაშაულის ცნება“, თბ., 2002 წ., გვ. 64.  
 12 ბრაჭველი ს, გოგელია თ, გელაშვილი თ, მელაძე გ, სისხლის სამართლის მოქმედების ფარგლები, თბ. 2021წ., გვ. 148.  
 13 წერეთელი თ., ტყეშელიაძე გ., მოძღვრება დანაშაულზე, თბ. 1969წ., გვ. 168.



რა ზემოქმედება განხორციელდება ობიექტურ გარესამყაროზე<sup>14</sup>.

დანაშაულებრივი ქმედება – საბოტაჟის რეგლამენტაცია – პირველად საქართველოს მოქმედ სისხლის სამართლის კოდექსში განხორციელდა. მანამდე აღნიშნულ დანაშაულს ქართული კანონმდებლობა არ იცნობდა, თუმცა, სამართლიანობისთვის უნდა აღინიშნოს, რომ 1960 წლის სისხლის სამართლის კოდექსი ითვალისწინებდა დივერსიას და მავნებლობას, რომელთა ერთგვარი სინთეზი წარმოდგენილია დღეს მოქმედ სსკ-ის 318-ე მუხლში. აღნიშნული მუხლების დისპოზიციების სუბიექტურ მხარეს აქვს ერთი განსაკუთრებული დამახასიათებელი და სავალდებულო ნიშანი, კერძოდ „საბჭოთა სახელმწიფოს დასუსტების მიზანი“<sup>15</sup>, აღნიშნული მიზანი პრაქტიკულად შეუცვლელად იქნა გადმოტანილი საბოტაჟის მოქმედ დისპოზიციებში, ტექნიკური ცვლილებით. კერძოდ, ცნება „საბჭოთა სახელმწიფო“ შეიცვალა „საქართველოთი“. შესაბამისად, საბოტაჟის მოქმედი დისპოზიციები ითვალისწინებს ისეთ სავალდებულო მიზანს, როგორც არის საქართველოს დასუსტება<sup>16</sup>. თუ რა იგულისხმება „საქართველოს დასუსტების“ ცნებაში, ამის განმარტებას ქართული სისხლის სამართლის კანონმდებლობა არ იძლევა. უფრო მეტიც, აღნიშნული სიტყვათწყობა, მოქმედ სისხლის სამართალში, გვხვდება მხოლოდ ორჯერ და ისიც საბოტაჟის დისპოზიციებში. კანონმდებელმა ის უაპელაციოდ გადმოიტანა დივერსიისა და მავნებლობის შემადგენლობიდან და არ შეეცადა მოეხდინა მისი განმარტება, რაც სასიცოცხლოდ მნიშვნელოვანი საკითხია ქმედების კვალიფიკაციისათვის. აღნიშნული საკითხი განსაკუთრებით პრობლემატურია პრაქტიკაში, ვინაიდან „ცნების უდიდესი მეცნიერული ღირებულება იმაში მდგომარეობს, რომ ის საგანთა არსს გამოხატავს. აზრი, რომელიც საგანთა არსს არ გამოხატავს, არ შეიძლება ცნებად იწოდებოდეს“<sup>17</sup>. აქვე გავიზიარებთ მოსაზრებას, რომ „ცნების განსაზღვრების ფორმალურ-ლოგიკური ძირითადი წესები ეხება გვარეობით-სახეობით დამოკიდებულებაში მყოფ

ცნებებს, რომელთაც აქვთ უახლოესი გვარი და სპეციფიკური ნიშანი. სწორედ ამ მიმართებათა დადგენა ითვლება ცნების განსაზღვრებად“<sup>18</sup>.

იმ პირობებში, როდესაც კანონმდებელმა არ მოგვცა სათანადო განმარტება, აღნიშნული საკითხი სცდება გამომძიებლისა და პროკურორის სპეციალურ ცოდნას, ვინაიდან კომპლექსურად უნდა შეფასდეს როგორც ქვეყნის ეკონომიკურ პარამეტრებზე ზემოქმედება, აგრეთვე: სატრანსპორტო, კავშირგაბმულობის ან მასობრივი მაუწყებლობის საშუალების, გზის, ნაგებობის, ტექნიკის, დოკუმენტის, დიდი რაოდენობით სტრატეგიული ნედლეულის, მასალის ან პროდუქციის, აგრეთვე მოსახლეობისათვის სასიცოცხლო მნიშვნელობის დაწესებულების ან ორგანიზაციის ნორმალური ფუნქციონირებისათვის აუცილებელი, საზოგადოებრივი უშიშროების ან წესრიგის დაცვისათვის განკუთვნილი ან სხვა განსაკუთრებული დანიშნულების ობიექტის დაზიანების, მწყობრიდან გამოყვანის ან განადგურების საკითხი. სტანდარტულ შემთხვევებში, როდესაც სისხლის სამართლის საქმეზე წამოჭრილი საკითხი საჭიროებს სპეციალურ ცოდნას, მხარეთა მიერ ინიშნება სათანადო ექსპერტიზა, მაგალითად, ჯანმრთელობის დაზიანების ხარისხის დასადგენად საქმეზე ტარდება სასამართლო სამედიცინო, ნარკოტიკული საშუალების სახეობის და ოდენობის დასადგენად – ქიმიური, ხოლო ცეცხლსასროლი ან საბრძოლო მასალის დასადგენად – ბალისტიკური ექსპერტიზები. ასეთ შემთხვევებში ექსპერტიზის დასკვნა სასიცოცხლოდ მნიშვნელოვანი მტკიცებულებაა ქმედების კვალიფიკაციისთვის. იმ პირობებში, როდესაც არ გვაქვს კანონით განსაზღვრული, თუ რა ოდენობის ზიანმა, შეფერხებამ, დაზიანებამ თუ განადგურებამ შეიძლება გამოიწვიოს საქართველოს დასუსტება, საკმაოდ პრობლემატური ხდება პრაქტიკაში ისეთი მტკიცებულებების შეკრება, რომელიც უტყუარად დაადასტურებდა საქართველოს დასუსტების მიზანს. როგორც აღვნიშნეთ, მიზანი სუბიექტური მხარის შემადგენელია და იმ შემთხვევაშიც კი, როდესაც ბრალდებული აღიარებს თავისი დანაშაულებრივი ქმედების ჩადენის მიზნად საქართველოს დასუსტებას, მიგვაჩნია, რომ აღნიშნულის დადასტურება სასამართლოში იქნება პრაქტიკულად შეუძლებელი, ვინაიდან „თითოეულ ადამიანს ახასიათებს ინდივიდუალური, მხოლოდ მისთვის დამახასიათებელი ცნობიერე-

14 Hart H.L.A., Punishment and Responsibility: Essays in the Philosophy of Law (2<sup>nd</sup> edn), Oxford University Press, 2008, pp.181-182.

15 საქართველოს საბჭოთა სოციალისტური რესპუბლიკის სისხლის სამართლის კოდექსი, 1960 წ., მუხ. 69-70.

16 საქართველოს სისხლის სამართლის კოდექსი, თბ. 1999 წ., მუხ. 318.

17 ქებურია დ., ცნების თეორიის საკითხები, თბ. 1967 წ., გვ. 196.

18 წერეთელი ს., დიალექტიკური ლოგიკა, თბ. 1965 წ., გვ. 387.

ბა, რომელიც განპირობებულია საზოგადოებრივი აზრით, პოლიტიკური, ფილოსოფიური, ეთიკური, რელიგიური, ესთეტიკური წარმოდგენებით და იდეებით<sup>19</sup>. აღნიშნულიდან გამომდინარე, შესაძლებელია საქართველოს დასუსტება სხვადასხვა ინდივიდში იწვევდეს განსხვავებულ ასოციაციებს. აქვე უნდა აღინიშნოს, რომ ბრალდებულის, თუნდაც აღიარებითი ჩვენება, რომ მან ჩაიდინა საბოტაჟი, ვერ დაედება საფუძვლად სასამართლოს გამამტყუნებელ განაჩენს, რადგან სასამართლოს გამამტყუნებელი განაჩენის საფუძვლად გვევლინება საქმეზე დადგენილი ქმედებების და ქმედების დანაშაულად კვალიფიკაციის სინთეზი<sup>20</sup> და სისხლის სამართლის ნორმა, რაოდენ ნათლად არ უნდა მოხდეს კანონმდებლობაში მისი გაწერა, მაინც საჭიროებს სასამართლოს მხრიდან მის განმარტებას და საქმის ფაქტობრივ გარემოებებთან შესაბამისობაში მოყვანას<sup>21</sup>.

სამწუხაროდ, არც საბოტაჟის განმარტება იძლევა რაიმე სახის მინიშნებას, თუ როგორ უნდა მოხდეს ქვეყნის დასუსტება. საბოტაჟი ფრანგული სიტყვაა და ნიშნავს „რაიმე საქმის წინასწარგანზრახვით ჩაფუშვას, მასში მონაწილეობისაგან თავის არიდებით ან მისი არაკეთილსინდისიერი შესრულებით“<sup>22</sup>, თუმცა იურიდიულ ლიტერატურაში ვხვდებით სხვაგვარ განმარტებასაც, მაგალითად, საბოტაჟი განიშარტება, როგორც სახელმწიფოს ეკონომიკური საფუძვლის ძირის გამოთხრა<sup>23</sup>.

ჩნდება ლეგიტიმური კითხვა: რა მიზანი ამოძრავებდა პირს, რომელსაც ბრალი ედება საბოტაჟის ჩადენაში? შევეცდებით პასუხი ისევ დანაშაულის შემადგენლობაში ვეძიოთ. როგორც აღვნიშნეთ, სისხლის სამართლის კოდექსის კერძო ნაწილში ამომწურავად არის მითითებული, თუ რა ქმედება ითვლება დანაშაულებრივად. ჩადენილი დანაშაულებრივი ქმედებისთვის სწორი კვალიფიკაციის მინიჭება ერთ-ერთ ცენტრალურ ადგილს იკავებს სისხლისსამართლებრივი დევნისა და მართლმსაჯულების განხორციელების პროცესში<sup>24</sup>.

„დანაშაულის შემადგენლობა თავისებური უნიკალური ტერმინია, რომლის მსგავსი არც ერთმა მეცნიერებამ არ იცის“<sup>25</sup>. სასამართლო ხელისუფლების უფლებამოსილებაში შედის პირის დანაშაუდ ცნობა, რა დროსაც დგინდება ჩადენილი დანაშაულის იურიდიული ცნება. ქმედების საკანონმდებლო და სასამართლო კვალიფიკაცია სინქრონული უნდა იყოს, სასამართლომ ჩადენილ ქმედებას ისეთივე კვალიფიკაცია უნდა მისცეს, როგორი საკანონმდებლო კვალიფიკაციაც შეიმუშავა კანონმდებელმა<sup>26</sup>.

დანაშაულის სუბიექტურ მხარეში იგულისხმება დანაშაულის ჩამდენი პირის დამოკიდებულება მის მიერ ჩადენილ ქმედებასა და დამდგარ შედეგს შორის, რომელიც მოტივის, მიზნის და ბრალის ერთიანობით ვლინდება<sup>27</sup>, უფრო მეტიც, მიზანი გავლენას ახდენს ბრალის შინაარსზე და ხარისხზე და საბოლოო ჯამში სისხლისსამართლებრივ პასუხიმგებლობაზე<sup>28</sup>.

დანაშაულებრივი ქმედება საბოტაჟის სავალდებულო ხასიათის მხარედ გვევლინება საქართველოს დასუსტების მიზანი. რაც იმ ფონზე, რომ საქართველოს დასუსტების ცნება კანონით არ არის განმარტებული, სერიოზულ პრობლემებს შეუქმნის მართლმსაჯულების პროცესს, ქმედების საბოტაჟად დაკვალიფიცირების შემთხვევაში. თავის მხრივ, „მიზანი – ეს იდეალურად მოცემული მოქმედების შედეგია, რომელიც ადამიანის რაიმე მოთხოვნილებას აკმაყოფილებს“<sup>29</sup>. შესაძლებელია კონკრეტულ პირს მართლაც ქონდეს საქართველოს დასუსტების მოთხოვნილება, მაგრამ საქმე ისაა, რომ საქართველოს დასუსტების ცნება არც მისთვის და არც საქმის მწარმოებლისთვის არ იქნება ცნობილი, თუ არ ჩავთვლით სუბიექტურ მოსაზრებებს. შესაბამისად, საქართველოს დასუსტების მიზანი, ამ ფონზე, ერთგვარ ჰიპოთეტურ მოცემულობადაც შეიძლება ჩაითვალოს. ამ

19 გოგიჩაიშვილი თ., ზოგადი ფსიქოლოგიის კურსი, თბ. 2006 წ., გვ. 19.  
 20 ნაჭყებია გ., ქმედების დანაშაულად კვალიფიკაციის ზოგადი თეორია, თბ. 2010 წ., გვ. 20.  
 21 European Court of Human Rights, Case of Rohlena v. the Czech Republic, 27/01/2015, 59552/08.  
 22 უცხო სიტყვათა ლექსიკონი, ელ. მის: <http://www.nplg.gov.ge/gwdict/index.php?a=term&d=3&t=35631>, ბოლო ნახვა: 05.04.2023წ.  
 23 ნაჭყებია გ., ქმედების დანაშაულად კვალიფიკაციის ზოგადი თეორია, თბ. 2010 წ., გვ. 167.  
 24 დვალიძე ი., თუმანიშვილი გ., გვენეტაძე ნ., „კაზუ-

სის ამოხსნის მეთოდოლოგია სისხლის სამართალში“, თბ., 2015 წ., გვ. 97-98.  
 25 Жеребкин В., Содержание понятий права: (Логико-юрид. анализ): Автореф. дис. на соиск. учен. степ. д-ра юрид. наук: (12.00.01), Харьков, 1980, с. 19.  
 26 ნაჭყებია გ., „სისხლისსამართლებრივი ურთიერთობა და დანაშაულის ცნება“, თბ., 2002 წ., გვ. 13  
 27 ნაჭყებია გ., ქმედების დანაშაულად კვალიფიკაციის ზოგადი თეორია, თბ. 2010 წ., გვ. 8.  
 28 დვალიძე ი., მოტივისა და მიზნის ზეგავლენა ქმედების კვალიფიკაციაზე და სისხლისსამართლებრივ პასუხისმგებლობაზე, თბ., 2008 წ., გვ. 65.  
 29 კიკნაძე დ., ადამიანის მოქმედების საკითხისათვის, თბ. 1971 წ., გვ. 152.

დროს, დანაშაულის ჩადენის მიზანი ერთ-ერთი აუცილებელი კომპონენტია პირის ფსიქიკური დამოკიდებულებისა, მის მიერ ჩადენილი ქმედების მიმართ, რაც საბოლოოდ ბრალის ფორმირებას განაპირობებს<sup>30</sup>. მიზანი დანაშაულის კვალიფიკაციაზე გავლენას ვერ მოახდენს, როდესაც იგი მუხლის დისპოზიციაში წარმოდგენილი არ არის ქმედების შემადგენლობის აუცილებელ ნიშნად, ხოლო, როდესაც იგი წარმოადგენს დანაშაულის შემადგენლობის აუცილებელ ნიშანს, მაშინ მას გადამწყვეტი მნიშვნელობა ენიჭება<sup>31</sup>. იმ შემთხვევაშიც კი, თუ მუხლის დისპოზიციაში პირდაპირ არ არის მითითებული შემადგენლობის სუბიექტური მხარის მიზანზე, სასამართლომ მაინც უნდა შეისწავლოს და გამოიკვლიოს რა მიზანი ჰქონდა დასახული ბრალდებულს<sup>32</sup>.

ჩვენს მიერ წამოჭრილი პრობლემა მკითხველისთვის უფრო გასაგები რომ გახდეს, მოვიყვანოთ ჰიპოთეტურ მაგალითს. A-მ საქართველოში ააფეთქა რიკოტის გვირაბი, რის შედეგად დასავლეთ და აღმოსავლეთ საქართველოს შორის საგრძნობლად შეფერხდა მიმოსვლა. დაკავების შემდეგ, მან აღიარა ჩადენილი დანაშაულებრივი ქმედება, განაცხადა, რომ აფეთქება ჩაიდინა საქართველოს დასუსტების მიზნით და დაეთანხმა მისთვის წარდგენილ ბრალდებას საბოტაჟის კვალიფიკაციით. ასეთ მოცემულობაში, დღის წესრიგში დგება საკითხი – რიკოტის გვირაბის აფეთქებამ გამოიწვია თუ არა რეალურად სახელმწიფოს დასუსტება. თავად გვირაბის აფეთქება შესაძლებელია დადასტურებული იქნეს სათანადო ექსპერტიზებით, რა დროსაც დადგინდება გამოყენებული ასაფეთქებელი ნივთიერების და მოწყობილობის სახეობა, ოდენობა და კონსტრუქცია, აგრეთვე, ექსპერტიზის მიხედვით, დადგინდება ის მატერიალური ზიანი, რომელიც გამოწვეული იქნა აფეთქებით. მაგრამ, ცალკე აღებული ამ გარემოებების დადგენა, მიგვაჩნია, რომ არ იქნება საკმარისი საქართველოს დასუსტებისთვის. თუნდაც იმ საკითხის

გარკვევა, რომ აფეთქებამ დააზიანა გზის მონაკვეთი და გარკვეულწილად შეაფერხა საავტომობილო მიმოსვლა, ვერ იქნება დამაჯერებელი არგუმენტი საქართველოს დასუსტების საპირწონედ. ასეთ შემთხვევაში პრაქტიკულად შეუძლებელი იქნება იმ ზიანის გამოთვლა, რაც ერთობლივად მიაღდა სახელმწიფოს, ორგანიზაციებს, საწარმოებს და მოქალაქეებს. იმ შემთხვევაშიც კი, თუ გამოძიების მიერ გაწეული კოლოსალური შრომის შედეგად დადგენილი იქნა მატერიალური ზიანის გარკვეული ოდენობა, რა იქნება მისი საზომი? კანონით ხომ არ არის განსაზღვრული – რა მატერიალური ზიანის გამოწვევას შეუძლია სახელმწიფოს დასუსტება. აქვე ყურადღება უნდა გამახვილდეს საბოტაჟის დისპოზიციაში მითითებულ „დიდი რაოდენობით სტრატეგიული ნედლეულის, მასალის ან პროდუქციის“ დაზიანების, მწყობრიდან გამოყვანის ან განადგურების საკითხზე. ვინაიდან დიდი ოდენობის ცნება განმარტებულია მოქმედ სისხლის სამართლის კოდექსში, კერძოდ, საკუთრების წინააღმდეგ მიმართულ დანაშაულთა თავში და ამ თავში დიდ ოდენობად ითვლება ნივთის (ნივთების) ღირებულება 10 000 ლარის ზევით<sup>33</sup>. მიუხედავად იმისა, რომ ზიანის აღნიშნული ოდენობა კანონმდებელმა მხოლოდ საკუთრების წინააღმდეგ მიმართული დანაშაულების თავს დაუწესა, იმ შემთხვევაშიც კი, თუ კანონის ანალოგიით მას საბოტაჟის შეფასებაზეც გავავრცელებთ, არ იქნება დამაჯერებელი მოცემულობა, რადგან 10 000 ლარის ოდენობის ზიანით, ქვეყნის დასუსტების შესაძლებლობა, სასამართლოსთვის სარწმუნო არგუმენტად ვერ ივარგებს.

შედარებითი ანალიზისთვის და პრობლემის გადაჭრის გზების მოძიებაში მნიშვნელოვანი იქნება საზღვარგარეთის ქვეყნების გამოცდილების გაზიარება, კერძოდ, საკითხის გარკვევა, თუ რა საკანონმდებლო მოცემულობა არსებობს საბოტაჟთან მიმართებით ამა თუ იმ ქვეყანაში და როგორ არის გადაწყვეტილი ჩვენ მიერ იდენტიფიცირებული პრობლემა.

გერმანიის ფედერაციული რესპუბლიკის სისხლის სამართლის კანონმდებლობა საბოტაჟის განმარტებას არ იცნობს, ამასთან, რიგ დანაშაულებში ვლინდება მასთან დაკავშირებული ელემენტები. აღნიშნული დანაშაულის ჩადენის მიზნად, კანონმდებელმა დაასახელა გერმანიის მთლიანობის, კონსტიტუციური წყობილების და უსაფრ-

30 Дагель П., Котов Д., Субъективная сторона преступления и ее установление, Воронеж, 1974, с. 43.

31 ხარანაული ლ., დაუმთავრებელი დანაშაულის დასჯადობა ქართულ და გერმანული სისხლის სამართლის მიხედვით (შედარებით-სამართლებრივი ანალიზი), სამ. დოქ. აკ. ხარისხის მოსაპოვებლად წარდგენილი დისერტაცია, თბ. 2013წ., გვ. 144.

32 გამყრელიძე ო., „საქართველოს სისხლის სამართლის კოდექსის განმარტება. ზოგადი ნაწილი“, პირველი წიგნი, მე-2 შევსებული გამოცემა. საქართველოს კანონთა წიგნისა და საქართველოს საკანონმდებლო მაცნეს რედაქცია. თბ., 2008 წ. გვ. 102.

33 საქართველოს სისხლის სამართლის კოდექსი, თბ. 1999 წ., მუხ. 177-ის შენიშვნის პირველი ნაწილი.



თხოვბის ხელყოფა<sup>34</sup>. ამასთან, კონსტიტუციური საბოტაჟის ობიექტებად გერმანიის კანონმდებლობით გვევლინება საწარმოები და მოწყობილობები, რომლითაც ხდება მოსახლეობის წყლით, ელექტროენერგიით, გათბობით და სხვა სასიცოცხლოდ მნიშვნელოვანი ენერგომატარებლებით მომარაგება. მათ შორის, მოიზრება აგრეთვე სატელეკომუნიკაციო მოწყობილობები<sup>35</sup>. გერმანიის სისხლის სამართლის კოდექსი იცნობს დანაშაულის სპეციალურ ნორმას, კერძოდ, თავდაცვის საშუალებების წინააღმდეგ მიმართულ საბოტაჟს<sup>36</sup>. აღნიშნული დანაშაულის ჩადენის მიზანი არის გერმანიის ფედერაციული რესპუბლიკის უსაფრთხოებისთვის, ძალოვანი უწყებების და მოსახლეობისთვის საფრთხის შექმნა.

აშშ-ის სისხლის სამართლის კანონმდებლობა ცალკე თავს არ უთმობს სახელმწიფოს წინააღმდეგ მიმართულ დანაშაულებს, ამასთან, მე-18 კარის, 105-ე თავი მთლიანად ეხება საბოტაჟს. რომლის პირველი მუხლი მთლიანად ეთმობა ხელყოფის ობიექტებს და მათთან დაკავშირებულ ტერმინთა განმარტებებს<sup>37</sup>, საბოტაჟი შესაძლებელია ჩადენილი იქნეს: საფორტიფიკაციო ნაგებობების, საზღვაო თავდაცვის საშუალებების ან თავდაცვითი საზღვაო საინჟინრო ნაგებობების<sup>38</sup>, საბრძოლო მასალის, თავდაცვის ობიექტების ან საბრძოლო ტექნიკის<sup>39</sup>, საბრძოლო მასალის, ტექნიკის და ობიექტების წარმოების<sup>40</sup>, ეროვნული თავდაცვის საშუალებების და ობიექტების<sup>41</sup> და აღნიშნული მასალის, ტექნიკის, ობიექტების და მათი მომსახურების წესების მიმართ<sup>42</sup>. დანაშაულებრივი ქმედება საბოტაჟის შემადგენლობის ამერიკული ვერსია არ ითვალისწინებს სავალდებულო მიზანს.

საფრანგეთის სისხლის სამართლის კოდექსის მიხედვით, საბოტაჟი განიმარტება, როგორც ნებისმიერი დოკუმენტის, მასალის, კონსტრუქციის, აღჭურვილობის, ინსტალაციის, აპარატის, ტექნიკური მოწყობილობის ან ინფორმაციის დამუშავების ავტომატური სისტემის განადგურება, დაზი-

ანება ან მითვისება, რომელმაც შესაძლოა ზიანი მიაყენოს ფრანგი ერის კანონიერი ინტერესების საფუძვლებს. ქმედების დამამძიმებელი გარემოებას წარმოადგენს მისი ჩადენა უცხო ქვეყნების სასარგებლოდ ან მათი დავალებით<sup>43</sup>.

იტალიის სისხლის სამართლის კოდექსი იცნობს ისეთ დანაშაულებრივ ქმედებებს, როგორც არის ორგანიზაციის შექმნა ტერორისტული აქტის ან საბოტაჟის ჩადენის მიზნით<sup>44</sup> და თავდასხმა ტერორისტული აქტის ან საბოტაჟის ჩადენის მიზნით<sup>45</sup>. აღნიშნული დანაშაულებრივი ქმედებების ჩადენის მიზნად მუხლის დისპოზიცია ითვალისწინებს ტერორიზმის ჩადენის და დემოკრატიული წყობილების დამხობის მიზანს.

როგორც საზღვარგარეთის მაგალითებიდან ჩანს, საბოტაჟის შემადგენლობას კანონმდებელმა ან არ დაუწესა რაიმე სახის სპეციალური მიზანი, ან ეს მიზანი სავსებით ნათელი და განმარტებულია ამა თუ იმ ქვეყნის კანონმდებლობაში, რაც დიამეტრულად განსხვავდება ქართული კანონმდებლობისგან.

ამ მხრივ საინტერესო იქნებოდა დანაშაულის სტატისტიკის და სასამართლო პრაქტიკის შესწავლა და გაანალიზება. სამწუხაროა, მაგრამ ფაქტია, რომ საქართველოს შინაგან საქმეთა სამინისტრო, ცალკე აღებული, სსკ-ის 318-ე მუხლით გათვალისწინებული დანაშაულის აღრიცხვიანობას არ აწარმოებს<sup>46</sup>. ამასთან, საჯარო სივრცეში გავრცელებული ინფორმაციის<sup>47</sup> და ინტერვიუს

34 Strafgesetzbuch (StGB), § 87 Agententätigkeit zu Sabotagezwecken, 15.05.1871.

35 იხ. იქვე, § 88 Verfassungsfeindliche Sabotage.

36 იხ. იქვე, § 109e Sabotagehandlungen an Verteidigungsmitteln.

37 The United States Code, Title 18, Chapter 105 – Sabotage, section 2151, 1948.

38 იხ. იქვე, section 2152.

39 იხ. იქვე, section 2153.

40 იხ. იქვე, section 2154.

41 იხ. იქვე, section 2155.

42 იხ. იქვე, section 2156.

43 Code pénal: Section 4: Du sabotage (Article 411-9), 1992.

44 Codice penale (Italia), Dei delitti contro la personalità dello Stato, Art. 270-bis. Associazioni con finalità di terrorismo anche internazionale o di eversione dell'ordine democratico.

45 იხ. იქვე, Art. 280. Attentato per finalità terroristiche o di eversione.

46 საქართველოს შსს ადმინისტრაციის უფროსის, 15.02.23 წლის #MIA02300437945 და 20.02.23 წლის #MIA02300490025 წერილებით გაიკვია, რომ საბოტაჟის სტატისტიკა იწარმოება „დანაშაული საქართველოს კონსტიტუციური წყობილებისა და უშიშროების საფუძვლების წინააღმდეგ (მ. 308-322-2 )“ გრაფაში, რაც არ იძლევა სსკ-ის 318-ე მუხლით დაწყებული საქმეების რაოდენობის იდენტიფიცირებას.

47 საბოტაჟის გამოძიება ყოველთვის რეზონანსული პროცესი არის და მის მიმართ მუდმივად არსებობს მძაფრი საზოგადოებრივი ინტერესი, რის გამოც საქმის მწარმოებელი უწყებები ხშირად აქვეყნებენ გამოძიების მიმდინარეობის შესახებ ინფორმაციას, მაგ. სახელმწიფო უსაფრთხოების სამსახურის ინფორმაცია საბოტაჟის ფაქტზე გამოძიების დაწყე-

მეთოდით<sup>48</sup> მიღებული მონაცემების ანალიზი იძლევა საფუძველს ვარაუდისთვის, რომ, 2013-2023 წლებში, საბოტაჟით დაწყებული საქმეების რაოდენობა არ უნდა აღემატებოდეს ათ ერთეულ სისხლის სამართლის საქმეს. ჩვენს მიერ სტატისტიკისთვის შერჩეული 2013-2023 წლის პერიოდი, აღებული იქნა რამდენიმე მიზეზით: 1. ბოლო ათი წელი, რომელიც უდავოდ საინტერესო იქნება კვლევის მიზნებისთვის და 2. საქართველოში 2013 წლიდან დაიწყო სისხლის სამართლის კანონმდებლობის ლიბერალიზაციის პროცესი<sup>49</sup>. აღნიშნულ პერიოდში, „საქართველოს სსკ-ის 318-ე მუხლზე სისხლისსამართლებრივი დევნა არც ერთი პირის მიმართ არ დაწყებულა“<sup>50</sup> და შესაბამისად არც სასამართლოებს უმსჯელიათ აღნიშნული კატეგორიის დანაშაულის საქმეზე<sup>51</sup>. თუნდაც ის ფაქტი, რომ ბოლო ათი წლის განმავლობაში, საბოტაჟის ბრალდებით, საქართველოში სისხლისსამართლებრივი დევნა არ დაწყებულა და შესაბამისად, არც სასამართლო განხილვა შემდგარა, გარკვეულწილად, შესაძლებელია იყოს ჩვენს მიერ იდენტიფიცირებული პრობლემის ერთგვარი გამოვლენა პრაქტიკაში.

## დასკვნა

დასკვნისთვის უნდა აღინიშნოს, რომ საქართველოს სსკ-ის 318-ე მუხლი საჭიროებს საკანონმდებლო ჩარევას. იმისთვის, რომ აღმოიფხვრას მუხლში არსებული ბუნდოვანება, ჩვენ მიერ შემოთავაზებული იქნება ორი გზა: 1. მუხლს დაემატება შენიშვნა, სადაც დეტალურად იქნება გაწერილი, თუ რა იგულისხმება საქართველოს დასუსტებაში და 2. უფრო მისაღები იქნება, თუ მუხლის დისპოზიციის მიხედვით „საქართველოს დასუსტების მიზანი“, შეიცვლება „საქართველოს უსაფრთხოების, ეკონომიკური განვითარების და მოსახლეობის მშვიდობიანი თანაცხოვრებისთვის საფრთხის შექმნის მიზნით“. საკანონმდებლო ცვლილებით აღმოიფხვრება საბოტაჟის დისპოზიციის მიხედვით არსებული ბუნდოვანება, რაც ხელს შეუწყობს აღნიშნული სახის დანაშაულებზე ეფექტური გამოძიების ჩატარების, სისხლისსამართლებრივი დევნის და მართლმსაჯულების განხორციელების პროცესს.

ბის შესახებ, ელ. მის: <https://ssg.gov.ge/news/592/saxelmtsifo-usafrtxoebis-samsaxuris-gancxadeba> [ბოლო ნახვა 27.04.2023].

- 48 ზეპირი ინტერვიუს პირობებში გამოიკითხა საბოტაჟის საქმეებზე მომუშავე ათამდე გამომძიებელი და პროკურორი, რესპონდენტებთან კითხვები შეეხებოდა სსკ-ის 318-ე მუხლით გამოძიების და სისხლისსამართლებრივი დევნის დაწყების რაოდენობას.
- 49 თოდუა ნ., სტატია – „სისხლის სამართლის კანონმდებლობის ლიბერალიზაციის ტენდენციები საქართველოში“, თსუ მეცნიერება, ელექტრონული მისამართი <https://old.tsu.ge/science/?leng=ge&lc=journal&jnomeri=7&tid=11> [ბოლო ნახვა 27.04.2023].
- 50 საქართველოს გენერალური პროკურატურის საერთაშორისო ურთიერთობებისა და სამართლებრივი უზრუნველყოფის დეპარტამენტის უფროსის, 2023 წლის 24 თებერვლის, #13/12633 წერილის თანახმად, „სსკ-ის 318-ე მუხლზე სისხლისსამართლებრივი დევნა არც ერთი პირის მიმართ არ დაწყებულა“.
- 51 საქართველოს უზენაესი სასამართლოს ანალიტიკური განყოფილების სტატისტიკის სექტორის უფროსის, 2023 წლის 27 თებერვლის, #პ-129-23 წერილის თანახმად, „2013-2022 წლებში, სისხლის სამართლის კოდექსის 318-ე მუხლით (საბოტაჟი) არც ერთი საქმე არ განხილულა“.

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საქართველოს ეროვნული სამეცნრერო ფონდრს მხარდაჭერრთ*

# HOW EFFECTIVE MECHANISM IS THE CONVENTION ON THE PROHIBITION OF NUCLEAR WEAPONS (TPNW) TO DETER NUCLEAR ESCALATION?

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**ABSTRACT.** This paper examines the effectiveness of the Convention on the Prohibition of Nuclear Weapons (TPNW) toward deterring nuclear escalation, which entered into force in 2021 and prohibits the creation, possession, proliferation and use of nuclear weapons while also responding to a number of demands related to denuclearization. For the in-depth analysis of the theme, the regimes theory in International Relations and the criteria of the theoretical explanation of the regime effectiveness are selected. The paper is built around the basic premise that the Convention is ineffective in achieving its intended goals and discusses three main arguments: (a) normative incoherence, (b) lack of institutional mechanisms, and (c) neglect of the global security and strategic context. To prove the latter, the paper analyzes the Russian war against Ukraine and the importance of nuclear deterrence in the background of the nuclear warnings coming from Russia. Despite the reasons listed above, the main drawback of the Convention is the refusal of the nuclear-weapon states to ratify the agreement. On the one hand, the anarchic international system creates a solid basis for mistrust and asymmetric gains between states, and on the other hand, the Convention does not offer them security guarantees. Accordingly, the Convention represents an idealistic view of international organizations and civil society.

**KEYWORDS:** NUCLEAR WEAPONS, ESCALATION, PROHIBITION REGIME, DETERRENCE.

## INTRODUCTION

This paper discusses how effective mechanism is the Convention on the Prohibition of Nuclear Weapons (hereinafter TPNW) to prevent nuclear escalation. The Convention has been the subject of active discussion in academic and political circles since the beginning of negotiations. It entered into force in January 2021 and prohibits the creation, possession, proliferation and use of nuclear weapons while also responding to a number of requirements related to denuclearization, which, in the view of the parties involved in the negotiations, were not met by the Treaty on the Non-Proliferation of Nuclear Weapons of 1968 (hereinafter NPT). The Convention aims to bring together governments, international organizations and civil society to achieve the goals of the prohibition and elimination of nuclear

weapons. The prohibition initiative, in turn, is based on the idea of humanitarianism that nuclear weapons are inhumane and their use will lead to catastrophic consequences for humanity.

However, nuclear states (*see Annex A for information on nuclear stockpiles*), which bear more responsibility for global disarmament, have not joined the agreement and are often seen as a major obstacle to progress (Fihn, 2017). Along with this, in the recent period, the tension between the nuclear states has increased, and nuclear modernization programs have been activated (Herrera Almela, 2018). Consequently, the question arises to what extent the Convention on the Prohibition of Nuclear Weapons effectively contains nuclear escalation and responds to challenges. This paper is built around the idea that the Convention is ineffective in achieving its goals and analyzes the following three arguments:



(a) normative inconsistency; (b) lack of institutional mechanisms, and (c) neglect of the global security and strategic context.

## 1. INTERNATIONAL REGIMES: THEORY OF REGIMES

The theory of regimes became relevant in the discipline of International Relations in the second half of the 20th century. John Rugg first tried to explain and clarify the international regime, and then Steven Krasner presented the so-called consensual definition, according to which an international regime is "[a set] of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations" (Krasner, 1983, p. 2). Accordingly, the international regime is based on common expectations, interests, obligations and causality. These rules and procedures influence the behaviour of states, the practicality of decision-making and the accumulation of joint experience (Herrera Almela, 2018). There are three main approaches to international regimes in the literature, which differ in terms of the degree of institutionalism and different views of the importance of the regime as an international institution (Hasenclever et al., 1997). The Realist approach emphasizes the primacy of power and that the relativity of power in the world determines the effectiveness of the regime; the Neoliberal approach outlines collective interests and cooperation of states, and constructivist – social relations and identity of actors (Hasenclever et al., 1997).

International regimes gain importance in two directions, how effective or how robust it is. The strength of a regime is determined by its longevity and resilience to international challenges (Powell, 1994). According to the theory of regimes, two criteria are distinguished according to which their effectiveness is evaluated (Underdal, 1992). According to the first criterion, "regime strength", regimes are effective when the majority of state actors agree to certain rules and norms and adhere to them; According to the second criterion, effectiveness is defined in terms of goals achieved and/or plans fulfilled (Hasenclever et al., 1997). The given theoretical framework does not allow for fully evaluating the agreement entered into force in 2021 based on the second criterion, as this period is not long enough to achieve tangible results. Nevertheless, the paper will

focus on the first criterion and the normative and institutional character of the agreement.

The international regime for the Non-proliferation of Nuclear Weapons has existed since the 1970s when the NPT came into force. It fully meets the criteria of the regime theory. Most states agree on the principles and norms under which they are obligated not to proliferate nuclear weapons but to promote nuclear disarmament (Paul, 2003). Also, there are international and bilateral institutional mechanisms that monitor them. In this regard, the role of the International Atomic Energy Agency is important. It is obvious that the regime is formed by a liberal logic since, normatively, this regime is based on the collective interests of its members, who mainly promote the prevention of the spread of nuclear weapons and nuclear disarmament due to possible harmful effects on international security.

## 2. NORMATIVE AND INSTITUTIONAL FRAMEWORK

The agreement on the prohibition of nuclear weapons is based on the idea of humanitarianism, which, at first glance, has a different normative character. The Convention emphasizes that states parties to this treaty are

*"deeply concerned about the catastrophic humanitarian consequences that would result from any use of nuclear weapons, and recognizing the consequent need to completely eliminate such weapons, which remains the only way to guarantee that nuclear weapons are never used again under any circumstances"* (Treaty on the Prohibition of Nuclear Weapons, 2017, p. 1).

This new rule directly prohibits nuclear weapons, unlike the NPT, but the humanitarian initiative indicates that such a prohibition aims at renewed progress towards comprehensive nuclear disarmament, which means that, in fact, the normative goal of the TPNW is not prohibition per se, but disarmament (Herrera Almela, 2018). Therefore, some contradictions arise: first, for the proponents of TPNW, the only way to disarm is to ban nuclear weapons, while the NPT indicates that disarmament will occur in good faith among the parties to the treaty. Therefore, there is a discrepancy regarding the way disarmament was obtained, not the norm of disarmament. Therefore, the TPNW is likely to seek to create a new normative system based on the same normative base as the NPT, i.e. the treaty's goal is

nuclear disarmament, which it places within the same (UN) institutional framework as the current Non-proliferation regime. Accordingly, the Convention implies the establishment of a new regime in parallel with the existing one (Rietiker, 2017; Perkovich, 2017). It is also important to emphasize that a number of articles in the Convention refer to the issue of prohibition, but the definition of nuclear weapons is not given.

The TPNW preamble affirms the NPT's supremacy to ensure international peace and security. In fact, Article 18 of the Treaty states that "the implementation of this Treaty shall not prejudice obligations undertaken by States Parties with regard to existing international agreements, to which they are party" (Treaty on the Prohibition of Nuclear Weapons, 2017, p. 11). In other words, signing the TPNW should not impede the implementation of the NPT obligations, but these obligations should be consistent with the TPNW, which is contrary to the treaty itself, because some provisions of the TPNW are not compatible with the NPT, for example, the TPNW does not recognize the existence of nuclear weapon states and non-nuclear weapon states, which is an important basis of the NPT (Herrera Almela, 2018). The TPNW also prohibits states from deploying nuclear weapons on their territory, which is not expressly provided for in the NPT. States parties to the TPNW are also prohibited from conducting nuclear tests, even though the Comprehensive Nuclear Test Ban Treaty (CTBT) has not yet entered into force (Trezza, 2017).

In addition, the institutional framework of the Convention is not clearly established. It does not detail how to verify the presence of nuclear weapons in non-nuclear states and the destruction of nuclear arsenals by nuclear states after becoming signatories to the Convention (Potter, 2017). In addition, the Convention does not include a mechanism for adopting and monitoring security measures, which would oblige the signatory state to destroy its nuclear arsenal. Article 4 states that if a nuclear-weapon state wishes to accede to the treaty, it must cooperate with a competent international body to eliminate its nuclear arsenal, but, at this stage, it is not possible to identify an organization that can verify the destruction of nuclear weapons or to define the role that the Atomic Energy Agency will play in the process (Herrera Almela, 2018). Consequently, there is no unified approach to disarmament procedures, which will significantly hinder the actual implementation of the Convention.

It is unlikely that the TPNW will be able to eliminate nuclear weapons, as none of the nuclear powers partic-

ipated in the UN Assembly vote, and all of them subsequently indicated that they were not ready to ratify it (*for the results of the vote and information on the signatories, see Annex B*). In fact, most of the nuclear powers and their allies did not even participate in the treaty negotiations. Without the participation of nuclear states, the TPNW is nothing more than an idealistic statement by international organizations and civil society. From a theoretical point of view, the mentioned circumstance is an important obstacle to ensuring effectiveness. On the one hand, it makes it difficult/impossible to obtain the consent of the nuclear states, and on the other hand, it will harm the vision of the future need of the Convention on the part of other non-nuclear states.

### 3. SECURITY CONTEXT AND NUCLEAR DETERRENCE

Since its inception, an important challenge of the Convention is the neglect of the security and strategic context, particularly how nuclear weapons ensure the security of states. Opponents of the agreement consider nuclear weapons as a necessary element of deterrence, a means of avoiding conflict and war. Deterrence is the doctrine that the risk that a country will retaliate against an attack with the nuclear weapons it possesses reduces the likelihood of an attack and the intentions of the source of the threat (Immenkamp, 2021). Nuclear deterrence remains an important aspect of security policy.

The positions of nuclear-weapon states and their allies regarding TPNW are close to realist approaches, as they need to obtain strategic security guarantees before disarmament, while supporters of TPNW act within the framework of a more constructivist approach, as shown by their attempt to change the interests of nuclear-weapon states. Mistrust in an anarchic international system makes it difficult to convince others to abolish their nuclear weapons. Failure to consider the security context would jeopardize the consensus-based approach used for decades to enhance the NPT's contribution to international security and could adversely affect future NPT conferences.

Notably, NATO members, which include three nuclear-armed countries – France, the United Kingdom, and the United States – confirmed in July 2016 that nuclear deterrence is essential for security and defence and will remain a core element of NATO's overall strategy (Im-



menkamp, 2021). It should also be noted that the US nuclear arsenal is located on the territory of Belgium, Italy, Turkey, Germany and the Netherlands. If any of them sign the Convention, the location of the nuclear arsenal will be "illegal". Such a situation will significantly harm the alliance's strategy in the background of increasing international threats.

Although nuclear deterrence reduces the likelihood of an attack between nuclear-armed states or alliances, Russia's war against Ukraine has exposed the real danger that a state can use its nuclear weapons to intimidate or coerce a non-nuclear state if this action serves its purposes. The war in Ukraine renewed the debate on the importance of banning nuclear weapons, within which the signatory countries of the TPNW met in Vienna in June 2022 and adopted an Action Plan to more widely stigmatize, delegitimize nuclear weapons and define specific steps on how to eliminate them. States at the conference agreed to set a 10-year deadline for eliminating nuclear weapons after nuclear-armed states join the TPNW. However, they argued that the real threat of nuclear escalation further increased the authority of the TPNW (Nuclear Weapons Ban Monitor, 2022).

Countering the above arguments, the actual implementation of the TPNW faces significant challenges, which can be summarized as follows: (a) In light of the war in Ukraine, any hope of nuclear disarmament and a world free of nuclear weapons is a distant prospect. Geopolitical tensions are driving a seemingly unstoppable dynamic toward an even stronger emphasis on nuclear weapons and nuclear deterrence. (b) Renunciation of nuclear weapons is practically impossible when particular states, even one of them, consider it the last hope for achieving their strategic goals. (c) In addition, such action may have a "spillover effect". Like Russia, nuclear intimidation may be used by other revisionist states (Iran, North Korea) to pursue their interests, ultimately negatively affecting the existing nuclear regime (Sinovets & Vicente, 2022). (d) In 2022, nine countries formally acceded to the Treaty, although the agreement's authority has increased with non-nuclear states signing and ratifying the TPNW. (e) The need to join military alliances has become relevant in the background of the current war and nuclear intimidation. Finland and Sweden have decided to become members of NATO, which is not only a collective security alliance but also a "nuclear umbrella" for member states, which once again emphasizes the importance of nuclear deterrence.

## CONCLUSION

The paper has examined the effectiveness of the Convention on the Prohibition of Nuclear Weapons. The theory of regimes in international relations has been used to explain and evaluate the topic. The theoretical framework has identified two criteria, regime strength and achieved results, by means of which the effectiveness of regimes is evaluated. The above analysis has shown that the real purpose of the treaty is to force nuclear-weapon states to carry out extensive nuclear disarmament, but the ban is not an effective tool to achieve this goal. First, there is a normative inconsistency in the agreement. The Convention affirms the supremacy of the NPT, but it contradicts it in certain aspects. Prohibition of nuclear weapons as a goal ultimately takes the form of nuclear disarmament, which echoes the goal of the NPT. Consequently, it has become clear that the Convention seeks to create a new international regime parallel to the existing one.

It is important to note that the agreement does not clearly outline the institutional framework, the bilateral or global agencies that will verify, monitor and ensure the implementation of it.

Enforcing a ban ignores the strategic and security imperatives of states and nuclear deterrence. The humanitarian initiative is less focused on analyzing the security context of states that oppose the ban. In an anarchic international system, obtaining the consent of states is difficult when there are no security guarantees after disarmament. Also, NATO believes that the Convention contradicts its security strategy. Russia's war in Ukraine has shown that the threat of nuclear intimidation still exists and may be used by other countries to achieve their goals. At the same time, it has highlighted the importance of nuclear deterrence. Ultimately, without the main target (nuclear) states that did not participate in the negotiations and did not join it, the Convention is only an idealistic vision of international organizations and civil society.

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**ANNEXES:**

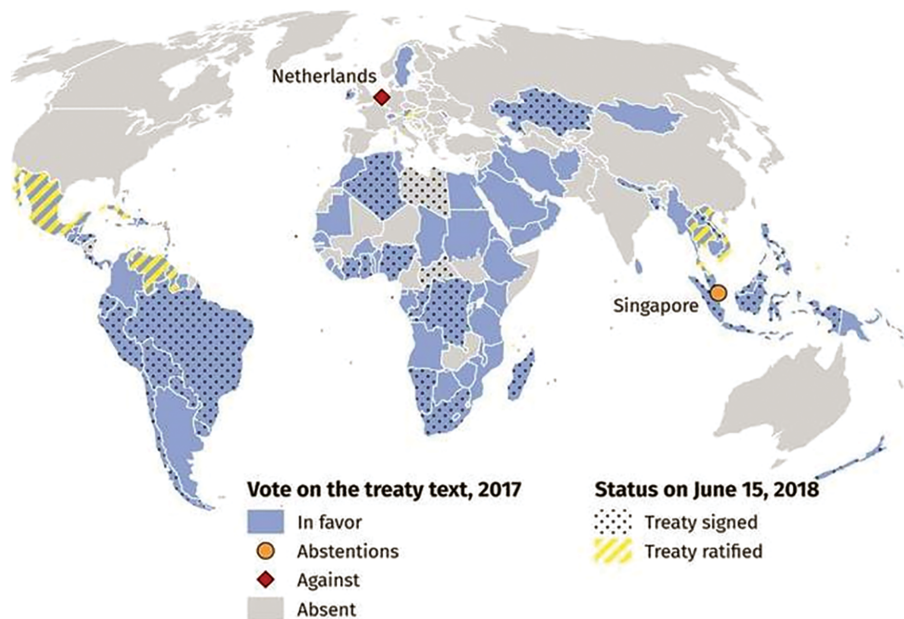
**Annex A) Nuclear Forces and Nuclear Stockpiles in the World (2022)**

**World nuclear forces, January 2022**

Country	Deployed warheads <sup>a</sup>	Stored warheads <sup>b</sup>	Total stockpile <sup>b</sup>	Total inventory 2022 <sup>b</sup>	Total inventory 2021 <sup>b</sup>
United States	1 744	1 964	3 708	5 428	5 550
Russia	1 588	2 889	4 477	5 977	6 255
United Kingdom	120 <sup>e</sup>	60 <sup>f</sup>	180 <sup>f</sup>	225 <sup>f</sup>	225
France	280	10	290	290	290
China		350 <sup>g</sup>	350 <sup>g</sup>	350 <sup>g</sup>	350
India		160	160	160	156
Pakistan		165	165	165	165
Israel		90	90	90	90
North Korea	..	20 <sup>h</sup>	20 <sup>h</sup>	20 <sup>h</sup>	[40–50] <sup>h</sup>
<b>Total</b>	<b>3 732</b>	<b>5 708</b>	<b>9 440</b>	<b>12 705</b>	<b>13 080</b>

SOURCE: SIPRI, Yearbook 2022. (<https://www.sipri.org/media/press-release/2022/global-nuclear-arsenals-are-expected-grow-states-continue-modernize-new-sipri-yearbook-out-now#:~:text=SIPRI%20estimates%20that%20the%20total,stockpile%20from%20225%20to%20260>)

**Annex B) Global Picture of the TPNW**



SOURCE: Treaty on the Prohibition of Nuclear Weapons, by Sciences Po, 2018. (<https://espace-mondial-atlas.sciencespo.fr/en/topic-insecuritypeace/map-4C29-EN-treaty-on-the-prohibition-of-nuclear-weapons-2018.html>)

# რამდენად ეფექტიანი მექანიზმია ბირთვული იარაღის აკრძალვის შესახებ კონვენცია (TPNW) ბირთვული ესკალაციის შესაკავებლად?

მარიამ მაჭარაშვილი

საერთაშორისო ურთიერთობების მაგისტრი,  
შავი ზღვის საერთაშორისო უნივერსიტეტი, საქართველო

**აბსტრაქტი.** მოცემულ ნაშრომში განხილულია ბირთვული იარაღის აკრძალვის შესახებ კონვენციის (TPNW) ეფექტიანობის საკითხი ბირთვული ესკალაციის შესაკავებლად, რომელიც ძალაში შევიდა 2021 წელს და კრძალავს ბირთვული იარაღის შექმნას, ფლობას, გავრცელებასა და გამოყენებას, ამასთანავე, პასუხობს დენუკლარირაციასთან დაკავშირებულ მთელ რიგ მოთხოვნებს. საკითხის სიღრმისეული ანალიზისთვის შერჩეულია რეჟიმების თეორია საერთაშორისო ურთიერთობებში და რეჟიმის ეფექტიანობის თეორიული ახსნის კრიტერიუმები. ნაშრომი აგებულია იმ ძირითადი მოსაზრების გარშემო, რომ კონვენცია არაეფექტიანია დასახული მიზნების მისაღწევად და განხილულია სამი ძირითადი არგუმენტი: (ა) ნორმატიული არათანმიმდევრულობა, (ბ) ინსტიტუციური მექანიზმების ნაკლებობა და (გ) გლობალური უსაფრთხოებისა და სტრატეგიული კონტექსტის უგულებელყოფა. ამ უკანასკნელის განსამტკიცებლად ნაშრომში გაანალიზებულია რუსეთის ომი უკრაინის წინააღმდეგ და რუსეთისგან მომდინარე ბირთვული დაშინების ფონზე გამოკვეთილი ბირთვული შეკავების მნიშვნელობა. მიუხედავად ზემოთ ჩამოთვლილი მიზეზებისა, კონვენციის მთავარ ნაკლს წარმოადგენს ბირთვული იარაღის მქონე სახელმწიფოების მიერ შეთანხმების რატიფიცირებაზე უარის თქმა. ერთი მხრივ, ანარქიული საერთაშორისო სისტემა სახელმწიფოთა შორის ქმნის უნდობლობის და ასიმეტრიული სარგებლის მიღების მყარ საფუძველს და მეორე მხრივ, კონვენცია მათ არ სთავაზობს უსაფრთხოების გარანტიებს. შესაბამისად, კონვენცია წარმოადგენს საერთაშორისო ორგანიზაციების და სამოქალაქო საზოგადოების იდეალისტურ ხედვას.

**საკვანძო სიტყვები:** ბირთვული იარაღი, ესკალაცია, აკრძალვა რეჟიმში, შეკავება.

## შესავალი

მოცემულ ნაშრომში განხილულია, თუ რამდენად ეფექტიანი მექანიზმია ბირთვული იარაღის აკრძალვის შესახებ კონვენცია (შემდგომში TPNW) ბირთვული ესკალაციის შესაკავებლად. კონვენცია, მოლაპარაკების დაწყების ეტაპიდან, აკადემიურ და პოლიტიკურ წრეებში აქტიური განხილვის საგანი გახდა. იგი ძალაში შევიდა 2021 წლის იანვარში და კრძალავს ბირთვული იარაღის შექმნას, ფლობას, გავრცელებასა და გამოყენებას, ამასთანავე, პასუხობს დენუკლარირაციასთან დაკავშირებულ მთელ რიგ მოთხოვნებს, რომლებიც, მოლაპარაკებებში ჩართული მხარეების შეხედულებით, არ

იქნა დაკმაყოფილებული 1968 წლის ბირთვული იარაღის გაუვრცელებლობის ხელშეკრულების (შემდგომში NPT) მიერ. კონვენცია მიზნად ისახავს მთავრობების, საერთაშორისო ორგანიზაციებისა და სამოქალაქო საზოგადოების გაერთიანებას ბირთვული იარაღის აკრძალვისა და აღმოფხვრის მიზნების მისაღწევად. აკრძალვის ინიციატივა, თავის მხრივ, ეფუძნება ჰუმანიტარიზმის იდეას, რომ ბირთვული იარაღი არის არაადამიანური, არაჰუმანური და მისი გამოყენება გამოიწვევს კატასტროფულ შედეგებს კაცობრიობისთვის.

მიუხედავად ამისა, შეთანხმებას არ შეუერთდნენ ბირთვული სახელმწიფოები (ბირთვული მარაგების შესახებ ინფორმაციისთვის იხ. დანართი



ა), რომლებსაც აკისრიათ მეტი პასუხისმგებლობა გლობალური განიარაღების კუთხით და ისინი ხშირად პროგრესის შეფერხების მთავარ მიზეზად მიიჩნევიან (Fihn, 2017). ამასთან ერთად, ბოლო პერიოდში ბირთვულ სახელმწიფოებს შორის დაძაბულობა გაიზარდა და გააქტიურდა ბირთვული მოდერნიზაციის პროგრამები (Herrera Almela, 2018). შესაბამისად, ჩნდება კითხვა, თუ რამდენად არის ბირთვული იარაღის აკრძალვის შესახებ კონვენცია ეფექტიანი მექანიზმი ბირთვული ესკალაციის შესაკავებლად და არსებული გამოწვევების საპასუხოდ. მოცემული ნაშრომი აგებულია იმ მოსაზრების გარშემო, რომ კონვენცია არაეფექტიანია დასახული მიზნების მისაღწევად და გაანალიზებულია შემდეგი სამი არგუმენტი: (ა) ნორმატიული არათანმიმდევრულობა; (ბ) ინსტიტუციური მექანიზმების ნაკლებობა და (გ) გლობალური უსაფრთხოებისა და სტრატეგიული კონტექსტის უგულვებელყოფა.

## 1. საერთაშორისო რეჟიმები: რეჟიმების თეორია

რეჟიმების თეორია საერთაშორისო ურთიერთობების დისციპლინაში აქტუალური გახდა მე-20 საუკუნის მეორე ნახევარში. საერთაშორისო რეჟიმის ახსნასა და განმარტებას პირველად შეეცადა ჯონ რაგი, ხოლო შემდეგ სტივენ კრასნერმა წარმოადგინა ე.წ. კონსენსუალური განმარტება, რომლის მიხედვით საერთაშორისო რეჟიმი არის „ნაგულისხმევი ან აშკარად გამოხატული პრინციპები, ნორმები, წესები, გადაწყვეტილების მიღების პროცედურები, რომლებზედაც აქტორების მოლოდინები ერთმანეთს ემთხვევა საერთაშორისო ურთიერთობების კონკრეტულ საკითხთან მიმართებით“ (Krasner, 1983, p. 2). შესაბამისად, საერთაშორისო რეჟიმი ეფუძნება საერთო მოლოდინებს, ინტერესებს, ვალდებულებებსა და მიზეზ-შედეგობრიობას. მოცემული წესები და პროცედურები გავლენას ახდენს სახელმწიფოთა ქცევაზე, გადაწყვეტილების მიღების პრაქტიკულობაზე და ერთობლივი გამოცდილების დაგროვებაზე (Herrera Almela, 2018). ლიტერატურაში იკვეთება საერთაშორისო რეჟიმებისადმი სამი ძირითადი მიდგომა, რომლებიც ერთმანეთისგან განსხვავდება ინსტიტუციონალიზმის ხარისხით და რეჟიმის, როგორც საერთაშორისო ინსტიტუტის, მნიშვნელობის განსხვავებული ხედვით (Hasenclever, Mayer, & Rittberger, 1997).

რეალისტური მიდგომა აქცენტს აკეთებს ძალის პრიმატზე, რომ ძალის ფარდობითობა მსოფლიოში განსაზღვრავს რეჟიმის ეფექტიანობას; ნეოლიბერალური მიდგომა – სახელმწიფოთა კოლექტიურ ინტერესებზე და თანამშრომლობაზე, ხოლო კონსტრუქტივისტური – სოციალური ურთიერთობებსა და აქტორების იდენტობაზე (Hasenclever, Mayer, & Rittberger, 1997).

საერთაშორისო რეჟიმები მნიშვნელობას იძენს ორი მიმართულებით, თუ რამდენად ეფექტიანია (effectiveness) ან რამდენად მტკიცეა (robustness) იგი. რეჟიმის სიმტკიცე განისაზღვრება მისი ხანგრძლივობითა და გამძლეობით საერთაშორისო გამოწვევებისადმი (Powell, 1994). რეჟიმების თეორიის მიხედვით გამოიყოფა ორი კრიტერიუმი, რომელთა მიხედვითაც ფასდება მათი ეფექტიანობა (Underdal, 1992). პირველი კრიტერიუმის – „რეჟიმის სიძლიერე“ (regime strength) – მიხედვით, რეჟიმები ეფექტიანია მაშინ, როდესაც სახელმწიფო აქტორების უმრავლესობა ეთანხმება გარკვეულ წესებსა და ნორმებს და ებმის მათ; მეორე კრიტერიუმის მიხედვით, ეფექტიანობა განისაზღვრება მიღწეული მიზნების ან/და შესრულებული გეგმების მიხედვით (Hasenclever, Mayer, & Rittberger, 1997). მოცემული თეორიული ჩარჩო არ იძლევა საშუალებას, რომ სრულად შეფასდეს 2021 წელს ძალაში შესული შეთანხმება მეორე კრიტერიუმის საფუძველზე, რადგან ეს პერიოდი არ არის საკმარისი ხელშესახები შედეგების მისაღწევად. მიუხედავად ამისა, ნაშრომში აქცენტი გაკეთებული იქნება პირველ კრიტერიუმზე და, ასევე, შეთანხმების ნორმატიულ და ინსტიტუციურ ხასიათზე.

ბირთვული იარაღის გაუვრცელებლობის საერთაშორისო რეჟიმი არსებობს მე-20 საუკუნის 70-იანი წლებიდან, როდესაც ძალაში შევიდა NPT. იგი სრულად აკმაყოფილებს რეჟიმის თეორიის კრიტერიუმებს. სახელმწიფოთა უმრავლესობა თანხმდება იმ პრინციპებსა და ნორმებზე, რომლის მიხედვით მათ აქვთ ვალდებულება – არ გაავრცელონ ბირთვული იარაღი და ხელი შეუწყონ ბირთვულ განიარაღებას (Paul, 2003). ასევე, არსებობს საერთაშორისო და ორმხრივი ინსტიტუციური მექანიზმები, რომლებიც უწევენ მათ მონიტორინგს. ამ მხრივ, მნიშვნელოვანია საერთაშორისო ატომური ენერჯის სააგენტოს როლი. აშკარაა, რომ რეჟიმი ჩამოყალიბებულია ლიბერალური ლოგიკით, ვინაიდან ნორმატიულად ეს რეჟიმი ეფუძნება მისი წევრების კოლექტიურ ინტერესებს, რომლებიც ძირითადად საერთაშორისო უსაფრთხოებაზე შე-

საძლო მავნე ზემოქმედების გამო ბირთვული იარაღის გავრცელების პრევენციასა და ბირთვულ განიარაღებას უწყობენ ხელს.

## 2. ნორმატიული და ინსტიტუციური ჩარჩო

ბირთვული იარაღის აკრძალვის შესახებ შეთანხმება ეფუძნება ჰუმანიტარიზმის იდეას, რომელიც, ერთი შეხედვით, განსხვავებულ ნორმატიულ ხასიათს ატარებს. კონვენციის მეორე თავში ხაზგასმულია, რომ „ამ ხელშეკრულების მონაწილე სახელმწიფოები... ღრმად არიან შეშფოთებულნი იმ კატასტროფული ჰუმანიტარული შედეგებით, რაც მოჰყვება ბირთვული იარაღის გამოყენებას და აღიარებენ ამ იარაღის სრულად აღმოფხვრის საჭიროებას, რაც რჩება იმის გარანტიად, რომ ბირთვული იარაღი არასოდეს იქნება ხელახლა გამოყენებული“ (Treaty on the Prohibition of Nuclear Weapons, 2017, p. 13). ეს ახალი წესი პირდაპირ კრძალავს ბირთვულ იარაღს, განსხვავებით NPT-სგან, თუმცა ჰუმანიტარული ინიციატივა მიუთითებს, რომ ასეთი აკრძალვა მიზნად ისახავს განახლებულ პროგრესს ფართო ბირთვული განიარაღებისკენ, რაც ნიშნავს, რომ სინამდვილეში TPNW-ის ნორმატიული მიზანი არის არა თავისთავად აკრძალვა, არამედ განიარაღება (Herrera Almela, 2018). შესაბამისად, ჩნდება გარკვეული წინააღმდეგობები: პირველი, (ვერ ვიპოვე მეორე) TPNW-ის მომხრეებისთვის განიარაღების ერთადერთი გზა არის ბირთვული იარაღის აკრძალვა, ხოლო NPT მიუთითებს, რომ განიარაღება კეთილსინდისიერად წარიმართება ხელშეკრულების მხარეებს შორის. აქედან გამომდინარე, არის შესაბამისობა განიარაღების მოპოვების გზასთან დაკავშირებით და არა განიარაღების ნორმასთან დაკავშირებით. აქედან გამომდინარე, TPNW, სავარაუდოდ, ცდილობს შექმნას ახალი ნორმატიული სისტემა, რომელიც დაფუძნებულია იმავე ნორმატიულ ბაზაზე, როგორც NPT, ანუ ხელშეკრულების მიზანი არის ბირთვული განიარაღება, რომელსაც აყალიბებს იმავე (გაეროს) ინსტიტუციურ სისტემაში, როგორც ამჟამინდელი გაუზრცელებლობის რეჟიმი. შესაბამისად, კონვენცია გულისხმობს ახალი რეჟიმის ჩამოყალიბებას უკვე არსებულის პარალელურად (Rietiker, 2017; Perkovich, 2017). მნიშვნელოვანია იმის ხაზგასმაც, რომ კონვენციაში მთელი რიგი მუხლები ეხება აკრძალვის სა-

კითხს, თუმცა ბირთვული იარაღის განმარტება მოცემული არ არის.

TPNW-ის პრეამბულა ადასტურებს NPT-ის უზენაესობას საერთაშორისო მშვიდობისა და უსაფრთხოების უზრუნველსაყოფად. ფაქტობრივად, ხელშეკრულების მე-18 მუხლში ნათქვამია, რომ TPNW-მ „არ უნდა შელახოს მონაწილე სახელმწიფოების მიერ ნაკისრი ვალდებულებები არსებულ საერთაშორისო შეთანხმებებთან დაკავშირებით, რომელთა წევრებიც ისინი არიან“ (Treaty on the Prohibition of Nuclear Weapons, 2017, p. 22). სხვა სიტყვებით რომ ვთქვათ, TPNW-ზე ხელმოწერამ არ უნდა შეაფერხოს NPT-ის ვალდებულებების შესრულება, მაგრამ ეს ვალდებულებები უნდა შეესაბამებოდეს TPNW-ს, რაც ეწინააღმდეგება თავად ხელშეკრულებას, რადგან TPNW-ის ზოგიერთი დებულება არ არის თავსებადი NPT-სთან, მაგალითად, TPNW არ ცნობს ბირთვული იარაღის მქონე სახელმწიფოებისა და არაბირთვული სახელმწიფოების არსებობას, რომელიც არის NPT-ის მნიშვნელოვანი საფუძველი (Herrera Almela, 2018). TPNW, ასევე, კრძალავს სახელმწიფოებმა განათავსონ ბირთვული იარაღი საკუთარ ტერიტორიაზე, რომელიც პირდაპირ არ არის გათვალისწინებული NPT-ში; TPNW-ის მონაწილე სახელმწიფოებს ეკრძალებათ ბირთვული ტესტების ჩატარებაც, მიუხედავად იმისა, რომ ყოვლისმომცველი ბირთვული ტესტების აკრძალვის ხელშეკრულება (CTBT) ჯერ არ არის ძალაში შესული (Trezza, 2017).

გარდა ამისა, კონვენციის ინსტიტუციური ჩარჩო მკაფიოდ არ არის ჩამოყალიბებული. იგი დეტალურად არ ითვალისწინებს, თუ როგორ უნდა შემოწმდეს ბირთვული იარაღის არსებობა არაბირთვულ სახელმწიფოებში და ამ არსენალის განადგურება ბირთვული ქვეყნების მიერ მას შემდეგ, რაც ისინი გახდებიან კონვენციის ხელმომწერნი (Potter, 2017). ამასთანავე, კონვენციაში არ არის გათვალისწინებული უსაფრთხოების ზომების მიღებისა და მონიტორინგის მექანიზმი, რომელიც დაავალდებულებს ხელმომწერ სახელმწიფოს – გაანადგუროს ბირთვული არსენალი. მე-4 მუხლი ადგენს, რომ თუ ბირთვული იარაღის მქონე სახელმწიფოს სურს შეუერთდეს ხელშეკრულებას, მან უნდა ითანამშრომლოს კომპეტენტურ საერთაშორისო ორგანოსთან ბირთვული არსენალის აღმოსაფხვრელად, მაგრამ, ამ ეტაპზე, შეუძლებელია ისეთი ორგანიზაციის იდენტიფიცირება, რომელსაც შეუძლია გადაამოწმოს ბირთვული იარაღის განადგურება ან განსაზღვროს როლი, რომელსაც



ატომური ენერჯის სააგენტო ასრულებს ამ პროცესში (Herrera Almela, 2018). შესაბამისად, განიარაღების პროცედურებზე ერთიანი მიდგომა არ არსებობს, რაც მნიშვნელოვნად დააბრკოლებს კონვენციის რეალურ იმპლემენტაციას.

ნაკლებად სავარაუდოა, რომ TPNW შეძლებს აღმოფხვრას ბირთვული იარაღი, რადგან არც ერთმა ბირთვულმა სახელმწიფომ არ მიიღო მონაწილეობა გაეროს ასამბლეის კენჭისყრაში და ყველა მათგანმა შემდგომში მიუთითა, რომ არ იყო მზად მისი რატიფიცირებისთვის (კენჭისყრის შედეგებისა და ხელმომწერი მხარეების შესახებ ინფორმაციისთვის იხ. დანართი ბ). ფაქტობრივად, ბირთვული სახელმწიფოებისა და მათი მოკავშირეების უმეტესობა არც კი მონაწილეობდა ხელშეკრულების მოლაპარაკებებში. ბირთვული სახელმწიფოების მონაწილეობის გარეშე, TPNW სხვა არაფერია, თუ არა საერთაშორისო ორგანიზაციებისა და სამოქალაქო საზოგადოების იდეალისტური განცხადება. თეორიული ჭრილიდან, აღნიშნული გარემოება მნიშვნელოვანი დაბრკოლებაა ეფექტიანობის უზრუნველსაყოფად, ერთი მხრივ, ართულებს/შეუძლებელს ხდის ბირთვული ქვეყნების თანხმობის მოპოვებას და მეორე მხრივ, დააზარალებს სხვა არაბირთვული სახელმწიფოების მხრიდან კონვენციის სამომავლო საჭიროების ხედვას.

### 3. უსაფრთხოების კონტექსტი და ბირთვული შეკავება

კონვენციის მნიშვნელოვანი გამოწვევა, მასზე მუშაობის პერიოდიდან, არის უსაფრთხოებისა და სტრატეგიული კონტექსტის უგულებელყოფა, კერძოდ, იმისა, თუ როგორ უზრუნველყოფს ბირთვული იარაღი სახელმწიფოთა უსაფრთხოებას. შეთანხმების მოწინააღმდეგეები ბირთვულ იარაღს შეკავების აუცილებელ ელემენტად, კონფლიქტისა და ომის თავიდან აცილების საშუალებად მიიჩნევენ. შეკავება არის დოქტრინა, რომლის თანახმად, რისკი იმისა, რომ თავდასხმისას ქვეყანა საპასუხოდ ბირთვულ იარაღს გამოიყენებს, რომელსაც ფლობს, ამცირებს თავდასხმის ალბათობას და საფრთხის წყაროს განზრახვებს (Immenkamp, 2021). ბირთვული შეკავება კვლავ რჩება უსაფრთხოების პოლიტიკის მნიშვნელოვან ასპექტად.

ბირთვული იარაღის მქონე სახელმწიფოებისა და მათი მოკავშირეების პოზიციები TPNW-სთან დაკავშირებით ახლოსაა რეალისტურ მიდგომებ-

თან, რადგან მათთვის პრიორიტეტულია მიიღონ სტრატეგიული უსაფრთხოების გარანტიები განიარაღებამდე, ხოლო TPNW-ის მხარდამჭერები უფრო კონსტრუქტივისტული მიდგომის ფარგლებში მოქმედებენ (რაც მათმა მცდელობამ აჩვენა) – შეცვალონ ბირთვული იარაღის მქონე სახელმწიფოების ინტერესები. სხვა სახელმწიფოთა მიმართ უნდობლობა ანარქიულ საერთაშორისო სისტემაში ართულებს მათ დარწმუნებას, უარი თქვან ბირთვულ იარაღზე. უსაფრთხოების კონტექსტის გაუთვალისწინებლობა საფრთხეს შეუქმნის კონსენსუსზე დაფუძნებულ მიდგომას, რომელიც გამოიყენება ათწლეულების მანძილზე NPT-ის წვლილის გასაძლიერებლად საერთაშორისო უსაფრთხოებაში და შეიძლება უარყოფითად იმოქმედოს NPT-ის სამომავლო კონფერენციებზე.

აღსანიშნავია, რომ ნატოს წევრებმა (კერძოდ კი, სამმა ბირთვულმა ქვეყანამ – საფრანგეთმა, გაერთიანებულმა სამეფომ და აშშ-მ) 2016 წლის ივლისში დაადასტურეს, რომ ბირთვული შეკავება არსებითად მიაჩნიათ უსაფრთხოებისა და თავდაცვისთვის და იგი დარჩება ნატოს საერთო სტრატეგიის ძირითადი ელემენტად (Immenkamp, 2021). უნდა აღინიშნოს ის გარემოებაც, რომ აშშ-ის ბირთვული არსენალი განლაგებულია ბელგიის, იტალიის, თურქეთის, გერმანიისა და ნიდერლანდების ტერიტორიაზე და იმ შემთხვევაში, თუ რომელიმე მათგანი ხელს მოაწერს კონვენციას, ბირთვული არსენალის განლაგება „არალეგალური“ იქნება. ასეთი მდგომარეობა კი მნიშვნელოვნად დააზარალებს ალიანსის სტრატეგიას საერთაშორისო საფრთხეების ზრდის ფონზე.

მიუხედავად იმისა, რომ ბირთვული შეკავება ამცირებს ბირთვული იარაღის მქონე სახელმწიფოებს, ან ალიანსებს შორის თავდასხმის ალბათობას, რუსეთის ომმა უკრაინის წინააღმდეგ გამოავლინა რეალური საფრთხე იმისა, რომ სახელმწიფოს შეუძლია თავის მფლობელობაში არსებული ბირთვული იარაღი გამოიყენოს არაბირთვული ქვეყნის მიმართ დაშინების ან იძულების მიზნით, თუკი ეს უკანასკნელი მის მიზნებს ემსახურება. უკრაინაში ომმა განაახლა დებატები ბირთვული იარაღის აკრძალვის მნიშვნელობასთან დაკავშირებით, რომლის ფარგლებშიც TPNW-ს ხელმომწერი ქვეყნები 2022 წლის ივნისში ვენაში შეიკრიბნენ და მიიღეს სამოქმედო გეგმა ბირთვული იარაღის უფრო ფართოდ სტიგმატიზების, დელეგიტიმაციის შესახებ და განსაზღვრეს კონკრეტული ნაბიჯები, თუ როგორ უნდა აღმოფხვრას იგი. კონფერენციაზე სახელმწიფო-

ები შეთანხმდნენ, რომ დააწესონ 10-წლიანი ვადა ბირთვული იარაღის აღმოსაფხვრელად, როდესაც ბირთვული შეიარაღებული სახელმწიფოები შეუერთდებიან TPNW-ს. ამასთან, მათი არგუმენტით ბირთვული ესკალაციის რეალურმა საფრთხემ კიდევ უფრო გაზარდა TPNW-ს ავტორიტეტი (Nuclear Weapons Ban Monitor, 2022).

ზემოთ აღნიშნული არგუმენტების საპირწონედ, TPNW-ს რეალური იმპლემენტაცია მნიშვნელოვანი გამოწვევების წინაშეა, რომლებიც შემდეგნაირად შეიძლება ჩამოყალიბდეს:

- (ა) უკრაინაში ომის ფონზე ბირთვული განიარაღებისა და ბირთვული იარაღისგან თავისუფალი სამყაროს ნებისმიერი იმედი შორეული პერსპექტივაა. გეოპოლიტიკური დაძაბულობა იწვევს, ერთი შეხედვით, შეუჩერებელ დინამიკას ბირთვულ იარაღსა და ბირთვულ შეკავებაზე კიდევ უფრო ძლიერი აქცენტისკენ;
- (ბ) ბირთვულ იარაღზე უარის თქმა პრაქტიკულად შეუძლებელია, როდესაც კონკრეტული სახელმწიფოები, თუნდაც ერთი მათგანი, მას უკანასკნელ იმედად განიხილავს საკუთარი სტრატეგიული მიზნების მისაღწევად;
- (გ) გარდა ამისა, ასეთ ქმედებას შესაძლოა ჰქონდეს „გადაღვრის ეფექტი“. რუსეთის მსგავსად, ბირთვულ დაშინებას შესაძლოა მიმართოს სხვა რევიზიონისტულმა სახელმწიფოებმაც (ირანი, ჩრდილოეთ კორეა) საკუთარი ინტერესების განსახორციელებლად, რაც საბოლოოდ უარყოფითად იმოქმედებს არსებულ ბირთვულ რეჟიმზე (Sinovets & Vicente, 2022);
- (დ) 2022 წელს ცხრა ქვეყანა ოფიციალურად შეუერთდა ხელშეკრულებას, თუმცა შეთანხმების ავტორიტეტი გაზრდილია არაბირთვული სახელმწიფოების მიერ TPNW-ს ხელმოწერისა და რატიფიცირების ფონზე;
- (ე) არსებული ომისა და ბირთვული დაშინების ფონზე დღის წესრიგში დადგა სამხედრო ალიანსებში გაწევრიანების საჭიროება. ფინეთმა და შვედეთმა გადაწყვიტეს გამხდარიყვნენ ნატო-ს წევრი ქვეყნები, რომელიც არა მხოლოდ კოლექტიური უსაფრთხოების ალიანსია, არამედ „ბირთვული ქოლგაცაა“ წევრი სახელმწიფოებისთვის, რაც ბირთვული შეკავების აქტუალობას კიდევ ერთხელ უსვამს ხაზს.

## დასკვნა

მოცემულ ნაშრომში განხილული იყო ბირთვული იარაღის აკრძალვის შესახებ კონვენციის ეფექტიანობის საკითხი. თემის თეორიული ახსნისა და შეფასებისთვის გამოყენებული იქნა რეჟიმების თეორია საერთაშორისო ურთიერთობებში. თეორიულმა ჩარჩომ გამოკვეთა ის ორი კრიტერიუმი, რეჟიმის სიძლიერე და მიღწეული შედეგები, რომელთა საშუალებითაც ფასდება რეჟიმების ეფექტიანობა. ზემოთ აღნიშნულმა ანალიზმა აჩვენა, რომ ხელშეკრულების რეალური მიზანია – აიძულოს ბირთვული იარაღის მქონე სახელმწიფოები, რომ განახორციელონ ფართო ბირთვული განიარაღება, თუმცა აკრძალვა არ არის ეფექტიანი ინსტრუმენტი ამ მიზნის მისაღწევად. მთავარ ხარვეზად მიგვაჩნია შეთანხმებაში არსებული ნორმატიული არათანმიმდევრულობა. კონვენცია ადასტურებს NPT-ის უზენაესობას, თუმცა გარკვეულ ასპექტებში ეწინააღმდეგება მას. ბირთვული იარაღის აკრძალვა, როგორც მიზანი, საბოლოოდ ბირთვული განიარაღების სახეს იძენს, რაც ეხმარება NPT-ის მიზანს. შესაბამისად, ნათლად გამოჩნდა, რომ კონვენცია ცდილობს შექმნას ახალი საერთაშორისო რეჟიმი უკვე არსებულის პარალელურად.

მნიშვნელოვანია აღინიშნოს, რომ შეთანხმებაში მკაფიოდ არ არის გამოკვეთილი ინსტიტუციური ჩარჩო; ის ორმხრივი ან გლობალური სააგენტოები, რომლებიც განახორციელებენ შემოწმებას, მონიტორინგსა და უზრუნველყოფენ შეთანხმების შესრულებას.

აკრძალვის იძულება უგულებელყოფს სახელმწიფოების სტრატეგიულ და უსაფრთხოების იმპერატივებსა და ბირთვულ შეკავებას. ჰუმანიტარული ინიციატივა ნაკლებად ორიენტირებულია გაანალიზოს იმ სახელმწიფოების უსაფრთხოების კონტექსტი, რომლებიც ეწინააღმდეგებიან აკრძალვას. ანარქიულ საერთაშორისო სისტემაში სახელმწიფოთა თანხმობის მიღება რთულია, როდესაც არ არსებობს უსაფრთხოების გარანტიები განიარაღების შემდეგ. ასევე, ჩრდილო-ატლანტიკური ალიანსი მიიჩნევს, რომ კონვენცია ეწინააღმდეგება მის მიერ შემუშავებულ უსაფრთხოების სტრატეგიას. რუსეთის ომმა უკრაინაში გამოავლინა, რომ ისევ არსებობს ბირთვული დაშინების საფრთხე და, შესაძლოა, მას სხვა ქვეყნებმაც მიმართონ თავიანთი მიზნების მისაღწევად. ამასთანავე, გამოკვეთა ბირთვული შეკავების

მნიშვნელობა. საბოლოო ჯამში, მთავარი სამიზნე (ბირთვული) სახელმწიფოების გარეშე, რომლებმაც არ მიიღეს მონაწილეობა მოლაპარაკებებში და არ მიუერთდნენ მას, კონვენცია წარმოადგენს მხოლოდ საერთაშორისო ორგანიზაციებისა და სა-მოქალაქო საზოგადოების იდეალისტურ ხედვას.

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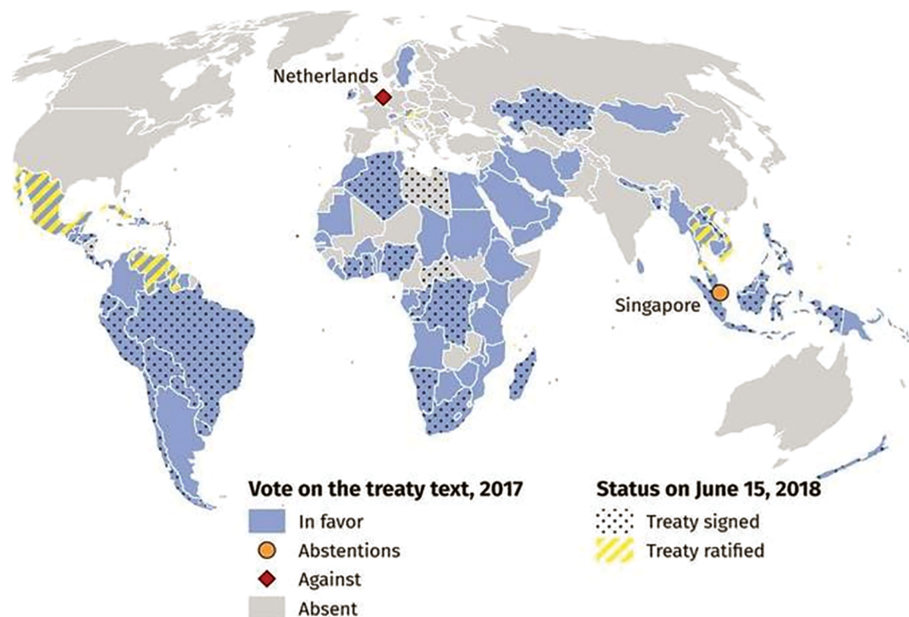
**დანართი ა) ბირთვული ძალები და ბირთვული მარაგები მსოფლიოში (2022)**

**World nuclear forces, January 2022**

Country	Deployed warheads <sup>a</sup>	Stored warheads <sup>b</sup>	Total stockpile <sup>b</sup>	Total inventory 2022 <sup>b</sup>	Total inventory 2021 <sup>b</sup>
United States	1 744	1 964	3 708	5 428	5 550
Russia	1 588	2 889	4 477	5 977	6 255
United Kingdom	120 <sup>e</sup>	60 <sup>f</sup>	180 <sup>f</sup>	225 <sup>f</sup>	225
France	280	10	290	290	290
China		350 <sup>g</sup>	350 <sup>g</sup>	350 <sup>g</sup>	350
India		160	160	160	156
Pakistan		165	165	165	165
Israel		90	90	90	90
North Korea	..	20 <sup>h</sup>	20 <sup>h</sup>	20 <sup>h</sup>	[40–50] <sup>h</sup>
<b>Total</b>	<b>3 732</b>	<b>5 708</b>	<b>9 440</b>	<b>12 705</b>	<b>13 080</b>

წყარო: SIPRI, ყოველწლიური გამოცემა, 2022. (<https://www.sipri.org/media/press-release/2022/global-nuclear-arsenals-are-expected-grow-states-continue-modernize-new-sipri-yearbook-out-now#:~:text=SIPRI%20estimates%20that%20the%20total,stockpile%20from%20225%20to%20260>)

**დანართი ბ) TPNW კონვენციის გლობალური სურათი**



წყარო: Treaty on the Prohibition of Nuclear Weapons, by Sciences Po, 2018. (<https://espace-mondial-atlas.sciencespo.fr/en/topic-insecuritypeace/map-4C29-EN-treaty-on-the-prohibition-of-nuclear-weapons-2018.html>)





**განათლება და ტექნოლოგიები  
გლობალიზაციის პირობებში**

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**EDUCATION AND TECHNOLOGY UNDER  
THE CONDITIONS OF GLOBALIZATION**





# LEARNING TO COLLABORATE: ANALYZING SPECIFICITY OF MANAGING COLLABORATIVE LEARNING IN HIGHER INSTITUTIONS OF LEARNING – A LITERATURE REVIEW

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**ABSTRACT:** The space in which higher education institutions thrive is fast changing, and the demands and expectations from society are rapidly increasing (Hazelkorn, 2015). A wide thirst for 21st-century skills, the connection between research and development, the need for innovation, knowledge transfer, and stakeholder networks have raised the interest in collaborative learning within HEIs. This is therefore propagating a desire to do more with less as public spending on the education sector continues to dip.

To this end, collaborative learning or otherwise referred to as cooperative learning, becomes a low-hanging fruit to explore in the circumstances satisfying both the needs of the institution (Knowledge generation) and of those that embrace it (innovators, employers, governments, etc.) to obtain the benefits of the valued life-transforming education. Through this study, three objectives, which include: – ascertaining the ability of lecturers to manage collaborative learning environments, establishing the need for institutional frameworks for collaborative learning management, and ascertaining the effectiveness of curriculum design and management in ensuring collaborative learning, are investigated. Literature on these aspects is elaborately reviewed to answer the research question.

The study makes a case for the need to build the capacity of lecturers to enable collaboration among learners. It also identifies a need for institutionalised practices to embed a collaborative learning atmosphere as well as an integrated curriculum design approach to make learning content more exploratory and time relevant.

**KEYWORDS:** COLLABORATIVE LEARNING, FUTURE OF LEARNING, 21<sup>ST</sup>-CENTURY SKILLS, INDUSTRY-UNIVERSITY RELATIONS.

## INTRODUCTION

Collaborative learning in higher learning institutions is fast attracting the attention of scholars and third parties, including communities, business players, and governments. The motivation ranges from the thirst to develop future-ready players, fast-changing dynamics in all fields of life, as well as the need to improve post-university collaboration through business and community initiatives in a world of diversity. The contribution towards a better tomorrow is partly a role. Universities can play through institutionalising collaborative learning while doing instruction.

The method is seen as a tool to inculcate the much-desired 21<sup>st</sup>-century skills, including critical thinking, communication, creativity, problem-solving, perseverance, and collaboration. Through University level group work, where students collectively work on assignments, projects, and initiatives and are tasked to make presentations in this direction, these could enable and inculcate collective responsibility and accountability among learners, which inadvertently builds abilities to collaborate for tasks and challenges outside the confines of the University. In addition to this is the connection between research and development, the need for innovation, knowledge transfer, and stakeholder net-

works, which raise the interest in collaborative learning within HEIs.

To this end, this paper seeks to analyse the specificity of managing collaborative learning in higher learning institutions by conducting a literature review. This views the readiness of the lecturer, available institutional frameworks, as well as the structures of laid-out curricula.

### Theoretical focus

Four distinctive theories influenced the study. These include: the social interdependence theory, which views a group as a dynamic whole; the cognitive-developmental theory, which underlines the importance of peer interaction in learning; the motivational theory, which addresses goals and rewards in group dynamics; and lastly, the behavioural learning theory that views the relationship between external reinforces and extrinsic rewards.

The inter-relatedness of these theories in developing this education management business decision-making model was pivotal to the success of the research offering viable attachment to the observations made through the study. The choice of multiple theories to focus this study on was largely based on the varied interpretation of collaboration, interests of stakeholders, and motivation factors.

### Methodology

The research analysed the specificities of managing collaborative Learning in Higher learning institutions. It used a literature review approach to identify, classify and interpret research on the subject matter. The review was made from a wide range of resources on the topic, both published and not published. Particular reference was made to thematic works explaining the researcher's philosophy and focusing on the keywords. In order to compile the literature, both Ebscohost and Google Scholar were deployed as the primary catalogues. It is after this that comprehension, analysis, synthesis, and evaluation were done to generate findings.

Three objectives were set to ascertain lecturers' ability to manage collaborative learning environments, establish the operational, institutional framework for Collaborative learning management, and ascertain the

effectiveness of curriculum design and management in ensuring collaborative learning.

Against these objectives, the following questions were set to guide the study.

R1: *Is professional training relevant for collaborative learning management?*

R2: *Are institutionalised guidelines instrumental in driving the goals of collaborative learning?*

R3: *How can collaboration be reflected in curriculum development?*

### Findings and discussion

*Understanding the concept of Collaborative learning.*

Laal and Ghodhsi (2011) define collaborative learning as an educational approach to teaching and learning that involves learners working together to solve a problem, complete a task or create a product. The term is often used interchangeably with cooperative learning, and the approach is widely considered a panacea to solving the problems of the world in which we live today by creating the right mindset amongst individuals for the common good (Johnson, Johnson, & Roger, 2014). The literature analysis was undertaken in a particular order as per the questions.

R1: *Is professional training relevant for collaborative learning management?*

Unlike lower levels of education across the world, oftentimes, university lecturers dive into their jobs without prior professional training in classroom management but on the merit of their academic performance in the fields of their specialisation. These are, however, at the forefront of the learning journey for their students throughout this level, ushering them into the world of work. As a result, lecturers deploy a multitude of teaching approaches based on their own past experiences (Evans & Kozhevnikova, 2011). While collaborative learning research suggests, it is very effective in preparing learners for the world of work where teamwork is a required skill and performance indicator (Slotte, 2004). Given the level of preparation required, lecturers prefer not to deploy it in their work methods.

Ordinarily, lecturers in the course of doing business and taking on multiple classes tend to take the conservative path characterised by individual workings through tests and examinations. These deprive learn-

ers of the opportunity to do peer interactions when attempting tasks, especially those that require deeper discussion and assessment of the environment in which they survive and have the liberty to interpret it variably and have a scale of unique positions on a common aspect. The situation is not helped when a subjective aspect of a study is assessed by a conservative lecturer who wouldn't tolerate open discussions, perceptions, and appreciation of the matter.

A multiplicity of challenges facing the world today requires diverse approaches with collaborative input. Peck and Tucker (1973) summarised a couple of earlier research on the subject of teaching, suggesting that teachers' attitudes and beliefs towards their learners and other people and the whole idea of learning greatly influenced their approach to teaching. Although later, interest moved to incorporate cognitive aspects to teaching, collaborative learning takes more of all aspects into perspective. Interdependence, individual accountability of both lecturers and students as well as interaction are key aspects to ensure effective learning (Johnson, Johnson, & Roger, 2014).

Therefore, changing times dictate that universities alter their way of teaching to what is considered more constructivist and collaborative (Garrison, 2016). This brings in the student-centred approach, which could as well focus the lecturer on special training for purposes of handling individuals in a class with a personal approach, especially in the current times of the information age (Jumani, Malik, & Akram, 2018). Universities have tended to undertake this role in standardising their teaching approach to position differently in a competitive space. However, going by Sloman's (2006) description of the training, it encompasses the need to get both hardware and software tools to perform workplace duties well. This obligation is much more demanding and extensive than a few tech software classes would provide.

The skillset needs, and the gap created by changing trends is placing compatibility pressure on the older generation of lecturers. Gillies & Boyle (2010) identify a couple of challenges in the way of management of the learning process, which include but is not limited to monitoring students' on-task behaviour, managing group work time, and providing relevant materials, among others. Ruys et al. (2012) cite the low level of attention given to the preparation of learning materials, as well as the grouping of learners without offering them the guidance required to collaborate effectively. Another study done among secondary and primary

teachers exhibited challenges with organising students to enable them to execute collaborative tasks successfully. This, too, points to multiple gaps (Blachford, Kutnick, Baines, & Galton, 2003). It is evident, therefore, that lecturers would require adequate training to register effective delivery and empower learners alike for both the foreseeable and unforeseeable future as a first step in learning to collaborate.

*R2: Are institutionalised guidelines instrumental in driving the goals of collaborative learning?*

Education institutions at various levels tend to institute acceptable and unacceptable standard operating procedures to ease implementation, monitoring, and evaluation. While as observed above, University lecturers tend to have the liberty to choose from an array of methods without specific limitations. The onset of interest in collaborative learning by Institutions of higher learning brings with it a need for restructuring toward the demands of the day, dropping the old-school tendencies for more competitive and dynamic ones that enable the wholesome development of human resources (Pijano, Scott, & Knight, 2014).

This raises the question as to whether education institutions can measure up to the demand for evolving needs of collaboration by instituting mechanisms that will see them serve optimally as expected by their stakeholders. Changes in operations and structure are key to this end to inform the new business models. The present times see greater expansion, new school profiles, wide scope of programs, a mix of student profiles, and uptake in technology advancement, internationalisation, administration, and instruction models, as observed by the sector feasibility study report by Trembley et al. (2012).

Johnson et al. (1990) stress foundational elements upon which structures can be built. These elements include positive interdependence, face-to-face that promotes interaction, individual accountability, interpersonal & small groups, as well as the group processing of the learning experience in which learners are exposed by their lecturers. To this end, a relatively new conceptualisation of education as has been known is embraced, pronouncing the integration of factors such as social interaction and socio-political aspects in the school environment, thus the institutional metacognition education management business model (Labarre, 2016). This change, however, must have an institutional dimension making them (HEIs) tend towards a

clear structure and norms to inform decision-making in the entire education community (Miranda, 2002).

The HEIs would have to strategically associate themselves with a cognitive process of problematisation, prioritisation, and design of improvement actions which different teams should be able to monitor. Some scholars refer to it as organisational learning (Senge, 1992). When schools view themselves as learning organisations, this helps them manage significant and transcendent changes in their patterns as well as actions for the clientele they serve, according to Gonzalez (2007). These clients have since changed with the times of digital transformation and globalisation, among other factors. Lessons would ultimately involve the entire school as an organisation and not only the individuals but also how the school can adopt close cooperation internally and externally (Bollen, 1997). It is only when we see the process of change from the perspective of shared metacognitive ability, thereby allowing for collective planning, performance, and monitoring, that HEIs will learn how to collaborate and give off the same seamlessly in the way of nature of education expected to create a global citizenry able to collaborate across different aspects of life for a common good.

*R3: How can collaboration be reflected in curriculum development?*

Changing learner needs dictate that curricula at HEIs are revised regularly to reflect the realities of the day and the future, both envisaged and unknown. The curriculum review process is not new to lecturers across the globe as it is often a minimum requirement by relevant Ministries of Education for universities to operate and have courses accredited. The success of curricula that embodies the reorientation of classroom management to collaborative learning rests entirely on the shoulders of the teachers (Huizinga, Handelzalts, Nieveen, & Voogt, 2014) but should be accommodative of learner and prospective employer interests and perspectives. Seeking changes in the direction of policy is easier said than done, and when it comes to teachers, the matter is worsened, as they are often conservative in their ways (Gorsuch, 2000).

Therefore, there is a need to understand that many education initiatives fail due to the lack of change in teachers' beliefs, necessitating that they, too, buy into the proposals, change their style, and fit into the new normal. This is not any different from other organisational change dynamics that require teams to embrace

change together. Why have HEIs not been considered part of organisation frameworks that subscribe to this common organisational change practice? Constant knowledge generation, questioning the status quo, and constant discovery should be normal in the learning space.

Therefore, just like in other entities, teachers require a consistent, intentional, sustained, and focused professional development agenda to bring them up to speed as the current times demand more than knowledge for practice from the traditional teacher (Cochran – Smith & Lyte, 1999). Promoting curriculum change via teachers can be attained while utilising teacher development and stimulating the collaborative design of the curriculum (Garet, Porter, Desimone, Birman, & Yoon, 2001). Creating organic think tanks at all times and allowing for scenarios of no answers is a learning process.

When teachers appreciate the reforms, become part of the process, and take the central seat in the entire process as agents of change, this implements an organic process that implements the new curriculum. When completed, these materials reflect the teachers' context and the aims and intentions of the reforms towards a common win-win goal. The teachers will then actively engage in implementing and evaluating the practices, thus offering continuous learning and modification, thus covering gaps between the ideals of collaborative learning and their classroom realities. These open instruction methods eliminate lecturer bias in the knowledge ecosystem allowing for continuous knowledge breeding.

## CONCLUSIONS

This paper comes to the following conclusions:

First, to meet the minimum expectations of collaborative learning, lecturers should undergo professional training in this approach if they have to consciously and subconsciously impress the expected outcomes upon the learners.

Secondly, it is observed that for institutions to position favourably in the changing space of education, practices such as collaborative learning need to be institutionalised and standard operating procedures instituted in order for institutions to position favourably in the changing space of education.

Thirdly, the development and execution of curricula need to be done collaboratively, with subject matter



experts taking the lead and cognizant of the interests of all stakeholders, i.e., learners and the wider industry.

#### Declaration of conflicting interests

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# SYNTHESIS OF CONTEMPORARY APPROACHES USED IN THE DEVELOPMENT OF THE CLIENT-SIDE IN TECHNOLOGICAL PROJECTS

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**ABSTRACT.** The advancement of modern technologies and the evolution of the web have led to a multitude of technological innovations. Concurrently, web projects have become increasingly diverse and iterative. The emergence of complex systems has presented challenges that existing approaches cannot adequately address, thereby necessitating the development of novel architectures, technologies, and methodologies. Notably, adopting micro-service architecture has effectively resolved issues encountered in large-scale projects and significantly enhanced their manageability and flexibility. Similarly, in response to the requirements of client-side applications, a demand for adopting a novel architectural approach has arisen.

The work presents the usefulness of using Monorepo and Micro Front-end architecture in technological projects and private web development in a single workspace. This method is suitable for the development of large-scale, complex projects. The architecture of client-side Angular and server-side NestJS technologies will be discussed in this article. Huge corporations such as Google, Facebook, and others employ these tactics. The paper clearly demonstrates why this architecture is the ideal answer for online projects and the benefits it provides developers over other existing and experienced alternatives. The work is useful both theoretically and practically.

**KEYWORDS AND PHRASES:** TECHNOLOGY PROJECT MANAGEMENT, PROJECT DEVELOPMENT ARCHITECTURE, WEB TECHNOLOGIES, CLIENT-SIDE TECHNOLOGIES.

## INTRODUCTION

Recently, the function of programming has been expanding as software products have become more complicated and large-scale. In this instance, practical project architecture is critical. The program performs much better with a properly chosen architecture, the software code is ordered, and the error resistance is great.

It is preferable to examine and design the project architecture ahead of time before beginning a new

project. In this situation, the project's complexity, scale, version control, and other elements should be defined so that future development is not hampered. After all of this, the architecture should be properly selected regardless of the project's aim.

Fortunately, numerous methods to project architecture are available today [2, 4]. It is pretty easy to distinguish between them, so we can easily select the suitable architecture for a certain project. The project's structure defines the architecture chosen, the future

development plan, the number of developers involved, and other elements that will contribute to the program's future development.

It should be remembered that as programming evolves, so does the project's architecture, which improves even more and becomes more aligned with the framework of a given direction. This enables us to start a new project with a carefully chosen programming language and an architecture tailored to it.

### **REVIEWING THE MONOLITH AND MICRO SERVICE ARCHITECTURE**

Companies are currently deciding between two service architectures: monolithic and micro-service architecture [1, 2, 3]. The first was a monolithic architecture because the services that were still being generated at the end of the twentieth century did not have a distinct structure; the majority of the software code was included in one project, and the service was implemented in accordance with the supplied project. In fact, such a configuration implies the substance of monolithic design. Later, programming development necessitated the creation of new designs, such as microservice architecture, service-oriented architecture, and others[7]. The primary principle of microservice architecture is to break the project into portions based on logic, which facilitates control, updating, and maintenance of independent services.

Correctly picked architecture is critical to the future development of the project. If we know that the service will not be burdened with several business logic and that the modification will be minimal, we should select a monolithic design because the development process will be much easier and faster, which will help us save resources. And, if we are dealing with a huge, dynamic, multifunctional project on which numerous teams are working concurrently, it is preferable to utilise a microservice design, which ensures stability against changes. It should also be noted that this design is connected with substantially higher expenditures in terms of server infrastructure, as well as a much more complex implementation procedure.

### **SYNTHESIS OF MONOREPO AND MIRCO FRONTEND**

Monorepo is a repository that houses all of the organisation's services, whether they are server-side or client-side. Rather than storing services independently, a single repository orchestrates all services. A developer can simply access all of their company's service code with the help of Monorepo. A developer can easily employ current software code in a task in another service using a similar approach. This strategy avoids developing the same software code many times; instead, it makes use of existing software code in the project.

To create Micro Frontend architecture [3, 5, 6], similar to the microservices architecture designed for the server, massive projects on the client side must also be compartmentalised. The creation and success of microservice architecture was critical in the evolution of this strategy. However, compared to microservices, the Micro Frontend design is significantly more complex because it is important to partition the visual component of the project in such a way that user integrity is not breached.

Although the Micro Frontend design provides many benefits to the development team and is handy for project development using rapid, flexible, and modern ways, several issues go against best practices. For example, having logic replicated in both a server-side service and a client-side application when both client-side and server-side modules utilise a corresponding project-wide common business logic model.

This issue can be adequately solved by integrating Monorepo with Micro Frontend architecture. This method enables us to join numerous services in one area, whether it's a web application or an api, and exchange codes and components that different services share. To do all of this, we must employ the NX system, which provides a synthesis of monorepo and Micro Frontend architectures, as well as shared libraries.

### **IMPLEMENTATION OF MICRO FRONTEND ARCHITECTURE**

Considering the Micro Frontend architecture, we can add distinct features in separate web apps. With the appropriate command, this strategy can be applied in the NX environment [4].

Considering the Micro Frontend design, we have

the ability to add numerous capabilities to specific web apps. With the appropriate command, this strategy can be applied in the NX environment.

```
npx nx g @nrwl/angular:host main --remotes=home,products
```

where **main** denotes the main project, which comprises all remote web apps, and **home** and **products** denote remote applications. When you run this command, the schematics in NX will automatically generate the relevant projects and connect them. In the case of remote apps, a `module-federation.config.js` file is created that contains the remote's name and project address.

```
module.exports = {
  name: 'products',
  exposes: {
    './Module': 'apps/products/src/app/remote-entry/entry.module.ts',
  },
};
```

Figure 1. Configuration in Dependent Files.

The names of the remote applications are already specified in the `module-federation.config.js` file for the `host`, the main application.

```
module.exports = {
  name: 'main',
  remotes: ['home', 'products'],
};
```

Figure 2. Configuration in Main File.

In terms of how Micro Frontend architecture works, remote applications are hosted on multiple servers alongside the main program and are loaded as needed. If the user navigates to the Products page in the following project example, the main project will load and visu-

alise the matching distant Products. To avoid complicating the development process, NX ensures that projects can be executed on different ports during development. The ports' configuration is provided in the `project.json` file of each remote project.

```
"options": {
  "port": 4201,
  "publicHost": "http://localhost:4201"
}
```

Figure 3. Port of Main Modules.

When starting the main project, which is begun after the `nx serve` command, the NX system starts the

main project on the default port first, followed by the remote projects on other ports.



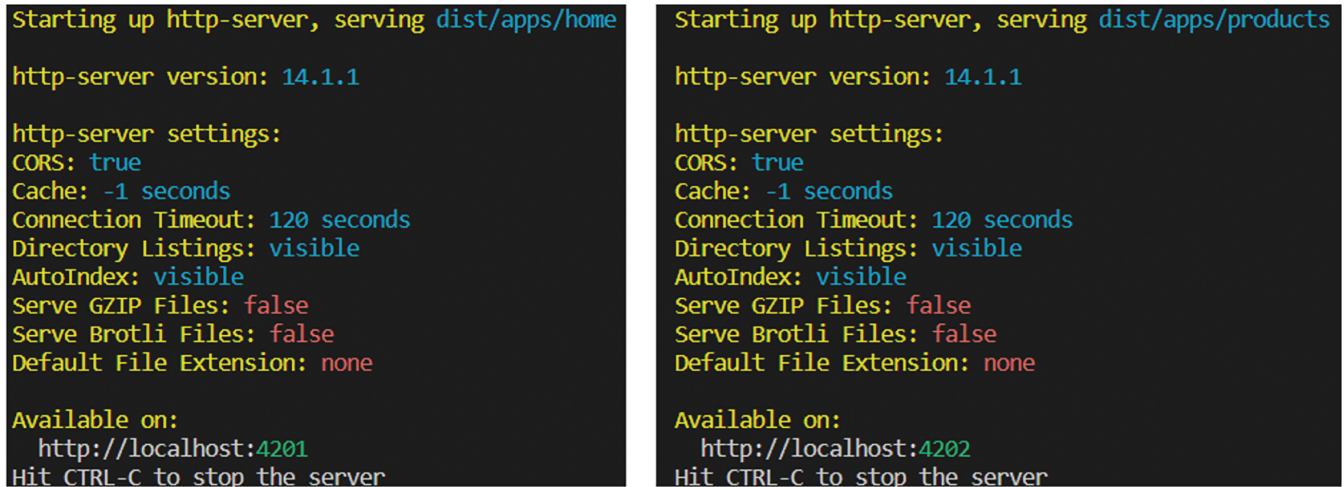


Figure 4. Ports of Dependent Modules.

These graphics demonstrate which projects are running on which ports. The remote Home project is running on port 4201, while the Products project is running on port 4202.

The web api connection in the monorepo is accomplished through the use of a proxy server; all requests

made from the web application are routed through the proxy server. A proxy.conf.json file is produced in the web project that uses the web api to obtain and process information. This file contains the corresponding configuration. /api is a header used in web projects to perform api queries, e.g. /api/auth/login.

```
{
  "/api": {
    "target": "http://localhost:3333",
    "secure": false
  }
}
```

Figure 5. Rout of Main API.

### CONCLUSION

The expansion of modern technology and the web space has resulted in numerous technological advancements in this field. Web projects have grown fairly broad and iterative, with the emergence of new paths that, in addition to the development of web apps, give developers and users the finest project management methodologies.

When complex systems appeared, traditional technologies and so-called frameworks could no longer do the intended tasks. Therefore, new architectures, technologies, and techniques emerged. Microservice design, for example, has easily solved challenges in large-scale projects and made their management much easier and

more flexible. Similar to the Microservice architecture developed for the server-side programming language, a new architecture was required for the client-side application. As a result of all of this, Micro Frontend architecture emerged, which played a pivotal part in the development of huge projects such as Upwork, IKEA, and others.

The existing methodologies can deal with the supplied projects now, although changes in the aforementioned structures and technologies are probable in the future.

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# POSSIBILITY OF IMPROVING THE TRAINING COURSE'S CONTENT BASED ON STATISTICAL ANALYSIS OF THE COLLECTED POINTS

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**ABSTRACT:** The research looks into the methods of visual representation of points accumulated by students in a single study course that are employed in modern data science. Statistical indicators and prospects for improving the subject based on them are discussed: which parts of the subject should be adjusted to increase the training course's quality. Data processing and display methods that the course instructor can employ effectively in the process of observing continuous visualisation of scores are discussed.

The article introduces a novel approach for enhancing the content of a training course through statistical analysis and visual representation of student scores, utilising React.js technology. The proposed platform empowers course instructors to incorporate various assessment methods such as quizzes, presentations, mid-term exams, and final exams and subsequently display students' grades based on each assessment method. The platform employs advanced statistical indicators and robust visual presentation capabilities to calculate and illustrate the points achieved. This enables instructors to easily identify desired evaluation methods, observe the distribution of points, and simultaneously track multiple evaluation methods to monitor the dynamic progression of the training course. Consequently, this holistic approach enables instructors to identify and address problematic sections within the course content, leading to meaningful improvements.

**KEYWORDS AND PHRASES:** MODERN TECHNOLOGIES IN EDUCATION, DATA PROCESSING METHODS IN EDUCATION, DATA VISUALISATION, DATA SCIENCE, STATISTICAL INDICATORS, STATISTICAL ANALYSIS.

## INTRODUCTION

Observing the points earned by students, processing relevant data, using visualisation tools and statistical methods of data, and conducting relevant analysis are all significant components of the flexible management system of the learning process [1, 2, 6]. Recently, automation tools in the education management process have been strengthened and diversified, and various modern data analytics technologies have become available, allowing the teacher to continuously monitor the learning process and de-

termine the strengths and weaknesses of the course content during the training course [1]. The employment of new technology in the process of observing the learning process optimises time and provides a definite result to the teacher.

The use of data visualisation tools in the aforementioned process yields an interesting and important result, allowing one to determine the quality of the training course, refine the content of the training course, and determine the level of the subject for each period of training by observing the available data [6, 7].

## USING THE STATISTICAL INDICATORS IN THE HIGHER EDUCATION EVALUATION SYSTEM

Higher education data-based decisions rely on the collection, analysis, and implementation of statistical information. These indicators provide an objective, empirical foundation for assessing student performance, recognising patterns, and modifying instructional techniques.

Statistical indicators convert qualitative characteristics of schooling into quantitative measures that enable objective evaluation and comparison. They contain measurements of central tendency (such as mean and median) as well as distribution (such as standard deviation and range). These metrics demonstrate students' academic performance in many ways.

The use of extensive statistical analysis in learning management system (LMS) platforms boosts their effectiveness. Professors may recognise trends, respond to student needs, and make data-driven curriculum and teaching method decisions. Statistical indicators are critical in evaluating course content, analysing student results, and determining the fairness and validity of assessment techniques.

Statistical indicators have a number of advantages. They provide objectivity, minimise prejudice, allow for comparative analysis, aid in data-driven decision-making, and increase transparency for stakeholders [4, 5].

## ROLE OF THE DATA VISUALIZATION IN MODERN SYSTEMS OF A COURSE MANAGEMENT

Data visualisation is significant in the process of reviewing and analysing educational data in higher education because it shows the gathered data in clear visual formats. It contains data on student results, teaching methods, and curriculum efficacy.

Modern course management systems (CMS) use data visualisation to improve course evaluation by visualising student results, monitoring learning progress, tracking course progress, and facilitating benchmarking.

Integration of visualisation tools, customisation, real-time data updates, user-friendly interfaces, data privacy, collaborative capabilities, integration with evaluation tools, and continuous analysis assistance is required for effective usage of CMS systems for course evaluation [3]. This is achievable by various visualisa-

tions such as bar charts, histograms, line charts, and scatter charts.

In higher education, data visualisation is a significant tool for understanding educational data. It allows for data-driven decision-making, better educational tactics, and better curriculum design.

## INCREASING THE TRAINING COURSE'S EFFECTIVENESS BY INCLUDING DATA VISUALIZATION TOOLS AND STATISTICAL INDICATORS

A web platform was created as part of the project to improve the evaluation process in the educational process by incorporating data visualisation tools and statistical indicators into the CMS platform. It focuses on assessing the effectiveness of the training course with real data from Georgian-American University. The project's goals include introducing data visualisation tools, using statistical indicators, analysing student results, and developing course enhancement plans.

The project effectively communicates student outcomes across evaluation methodologies by including visualisation techniques such as histograms and scatterplots, offering an overview of trends and indicating areas for improvement. Statistical indicators (for example, mode, median, and standard deviation) provide summary information regarding student results, reveal trends, and allow for more in-depth study.

Analysing students' results in various ways allows instructors to adapt their teaching methods. For example, if a dot chart reveals a substantial association between high quiz scores and overall performance, it may imply that quizzes are effective in the learning process. As a result, lecturers can employ this evaluation method more frequently during the learning process. If the scores have a high standard deviation, this indicates that the findings are dispersed and that more personalised actions are required.

The developed web platform exemplifies the use of visualisation tools and statistical indicators to better evaluate and teach in higher education. The application of these strategies helps to data-driven decisions, enhanced learning, and improved outcomes.

The platform includes built-in statistical indicators such as mode, median, and standard deviation. These indicators provide useful findings for assessing students' academic success. The mode displays the most frequent

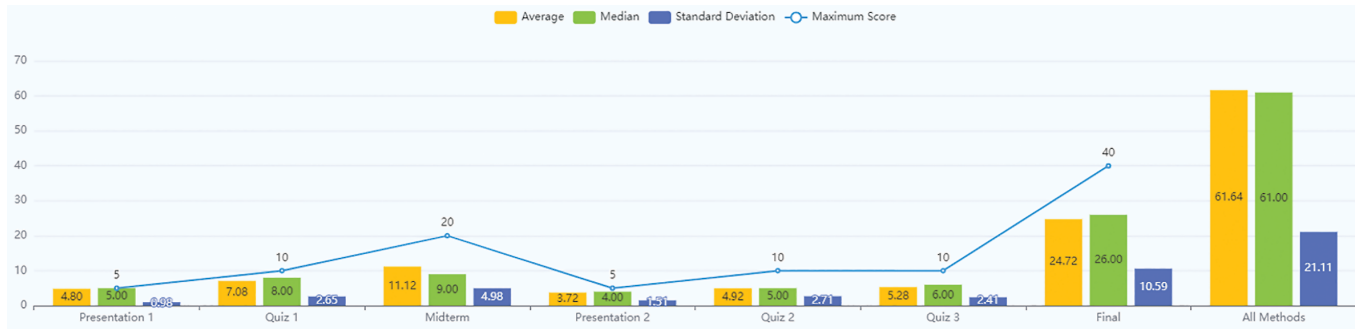


FIGURE 1. Statistical Indicators of Activities.

ly achieved scores for each evaluation method and gives data on the trend of improving student outcomes. The median is a measure of central tendency and, thus, the distribution's centre. Along with these statistical indications, the standard deviation provides a broader view of the scenario. A low standard deviation suggests that the findings are reasonably uniform, whereas a high standard deviation indicates that there are considerable variances in student academic performance (see Fig. 1.).

### CONCLUSION

The project developed in the study involves the use of data visualisation tools and statistical indicators to improve the evaluation process in educational courses.

University administrators can make informed decisions to improve the learning experience by examining student data from various evaluation methods. The project effectively displays the possibility of integrating various technologies into CMS platforms, as well as its numerous benefits in terms of increasing the learning experience.

It is confirmed within the context of the research that the integration of data visualisation tools and statistical indicators has great potential in the evaluation process of higher education courses. The adoption of new technologies greatly improves the assessment and evaluation procedures used in higher education. The combination of data visualisation and statistical indicators via ongoing research and observation enables designing the future of education and enhancing student results on a larger scale.

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# THE EFFECT OF INFORMATION TECHNOLOGY IN ACCOUNTING UNDER THE CONDITIONS OF GLOBALIZATION

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**ABSTRACT.** In the process of carrying out financial operations, modern technologies represent one of the most important challenges. World technological trends have influenced Georgia as well. Technologies play an important role in accounting. Nowadays, all transactions in accounting have an electronic form, which is securely stored in databases. Using fintech technologies in accounting helps save resources and reduce costs.

Accordingly, the paper presents the role of technology and its importance in enterprise activity. Effective capabilities of modern accounting computer programs are established, and their advantages and disadvantages are highlighted. Research has been conducted on the possibilities of companies' work on the RS portal in the direction of accounting activities. Conclusions and recommendations are formulated. In particular, simplifying the barriers to entering the technology market will increase the level of competition, and accordingly, the development of this sector will take place. Also, cooperation with successful foreign fintech companies and improvement of cyber security. Creation of an innovative hub and regulatory space, where enterprises will have the opportunity to create prototypes of their products and adjust the created application. as well as establishing effective tax incentives for investors, specifically in the direction of financial technologies. Strengthening the ability of professional accountants to move to the Net-zero model, all of the above, is a prerequisite for creating a healthy business environment in the country.

**KEYWORDS:** AGRICULTURAL OPERATIONS, ELECTRONIC SYSTEMS, FINTECH INDUSTRY, INNOVATIVE TECHNOLOGIES, MULTICURRENCY.

## INTRODUCTION

At the turn of the 20<sup>th</sup>-21<sup>st</sup> centuries, the development of technologies begins under the conditions of globalization. In today's world, the development of organizations significantly depends on the use of modern and innovative technologies. Adaptation to technological changes is the key to the company's success. The development of modern technologies has made a great contribution to finance as well as to other sectors. Organizations that use the latest technologies create efficient services with fewer costs and resources (Chiladze & Tofchishvili 2018, p.246).

Technological developments have changed operations in the business and financial sectors. Modern financial technologies do not exist without the fintech industry, which means combining finance and technology. The word Fintech is derived from the pairing of the direction: financial services and solutions based on advanced technologies. The general economic literature does not accept only one definition of this term because of the diversity of businesses in the market. The word Fintech is defined by the Oxford Dictionary as follows: computer programs and other technologies to support banking and financial services. (Nicoletti, 2017, p.12). Fintech is characterized by innovativeness in the technical direction, speed, simplicity and flexibility, which saves time and resources. Besides, it makes the activities of businesses comfortable and affects the development of operations and processes within the organization (Chiladze & Tofchishvili, 2018, p.246). The main goal of Fintech is to offer the financial sector the use of modern technologies in their activities. Fintech firms are mainly micro, small and medium-sized organizations that, although they do not have large capital turnover, however, they have a clear goal of how to present and develop existing services in the financial market. These are mostly fintech start-ups.

The role of innovative technologies is important in accounting. As of today, the complexity of accounting is caused by a number of fundamental legislative reforms that are being carried out in our country. However, in the background of all this, accounting in Georgia has improved significantly in recent years. It is obvious that modern accountants take care of all this due to the development of computer accounting programs. If only one such program was initially available for Georgian businesses, today, we count dozens of them. In addition, they are constantly being worked on and im-

proved, which strengthens the competition. All this is directly proportional to their quality improvement and indicates that more and more business entities are becoming their customers. The paper's research aims to discuss the possibilities of using modern technologies in accounting. Revealing positive and negative aspects of the influence of technology, it is important that through the development and popularization of technologies, healthy business environment conditions will be created, and it will be possible to attract more investments in Georgia.

## RESEARCH RESULTS

Accounting software is computer software that allows the user to keep track of finances much faster, easier, more visible and more efficient. E-Accounting in the electronic system consists of two main words. E stands for electronic, and all records are kept electronically and not on paper. Accounting, which refers to a set of transactions. In an electronic system, basic documents and records exist in digital format. It is the use of online and Internet technologies for business (Toshniwal, Balaji, & Mahavidyalaya, 2016, p.580). E-Accounting represents a new direction in the accounting field. Financial transactions are stored in online servers and databases. Electronic accounting offers data processing and various operations via the Internet. The electronic accounting system helps the company in the following areas: such programs have universal access, can implement large-scale business records, have access to various sites, are continuously improved by the service provider, and create a common database. The most important positive side that electronic accounting offers is speed, that is the time during which companies receive accounting data at any time and in any place. Programs allow managers to receive instant reports. There is less chance of making mistakes. The negative side of electronic accounting is that in case of damage to the hardware or software when using the computer, data may be lost. It is also possible to steal bases as a result of a virus or cyber attack. In addition, these systems require a continuous Internet connection, and this Internet dependence makes offline work more difficult (Hajera, 2016, p. 260-263). In accounting, the most time is spent on collecting and sorting documentation. This problem can be solved by Receipt Bank, through which the user can scan checks, invoices, and transfers, which will be auto-

matically transferred to the accounting module. Chaser and Satago are cloud technologies that enable faster payment and transfer reflection and credit control. It integrates with accounting software and notifies creditors of overdue invoices by sending automated emails. On the one hand, credit control accelerates settlement time and therefore has a positive effect on the company's cash flow. Payments received, on the other hand, make cash flow appear healthier. The advantages of computerized technologies are increased functionality – timely submission of financial information. Therefore accountants can produce various reports. It is with the computer system that financial reporting, in particular, cash flow, profit and loss reporting, is improved.

Increasing accuracy – computerized accounting systems generally have internal checking mechanisms. In particular, it establishes a trial balance through correct accounting procedures.

Increased speed – Computerized accounting systems allow accountants to process large amounts of financial information quickly. Fast processes allow for a reduction in the closing time of the accounting period (month or year closing) (Ghasemi, Shafeiepour, Aslani, & Barvayeh 2011 p.113-114).

In Georgia, both accounting programs for foreign products and those produced in Georgia are used. As time goes by, these programs improve more and more and become tailored to this or that business as much as possible. Common programs in Georgia are Balance, Fina, Oris, Info and 1C. Today, the most popular and popular accounting software is "Oris." "Oris" company was founded in 1992. It provides business and financial software services for various categories of organizations. That is why it has long maintained its leading position with the variety of manufactured products.

Consider the main effect of the system: Simultaneous work of many users (network) with the system – several users can work in the system at the same time, and each of them has certain functions. For example, some of them will make payroll; some will issue cards, and some will only do accounting. Functions can be both disabled and crossed.

Multicurrency – each account in the system is considered multicurrency. That is, the existence of a currency account is determined by the currency operations on the corresponding account. Therefore, it is possible to receive account balances, turnovers, and balances of each currency, as well as combined balances in GEL or other currency equivalents.

Means of changing the operational and analysis period – the system allows transactions or operations to be performed both in the selected rotation period, as well as in the past and in the future. Performing or correcting a past operation results in an automatic recalculation of the values corresponding to the action. Performance of future operations used for planning and future budgeting.

Chart of accounts management – the system is accompanied by the chart of accounts of accounting in Georgia. However, any other account structure can be opened or modified. For analytical accounting, it is possible to open sub-accounts for each account, the level of embedding of which is determined by the user and does not depend on the type or purpose of each account.

Accounting processes (possibility of connecting with other processes) – in order to perform the transaction, the system must specify the transaction execution date, memorial number, project name, debit and credit accounts, amount, currency, and transaction basis. Along with processing, it is possible to print any primary document, automatically inserting the necessary values into the print document. Each of these actions is recorded in the transaction log, which can be viewed, filtered and resolved for any period of the rotation.

The simplicity of economic operation – the system contains an instrumental tool for describing operations. As well as the generator of the output forms, it is also equipped with pictographic means of building operations (functional buttons) by means of which not only the description of the accounting operation can be achieved but also any algorithm. Standard business operations are built into the system, which allows us to perform enterprise activities more easily. However, the special effect of the system is manifested in the fact that it allows us to organize the desired economic operation with formulas and save it. For example, the program automatically performs salary accrual and withholding procedures for employees who are not included in the pension scheme. With existing formulas, we can set up and maintain all accruals and withholdings for employees involved in the pension scheme (including 2% pension withholding from employees' salaries and 2% withholding by the company for each employee).

Accounting of fixed assets and related operations (depreciation, valuation, write-off) – the system registers fixed assets, for which the inventory number is indicated, production and commissioning dates, balance

and residual values, depreciation and evaluation coefficients, department and responsible employee, etc. On the basis of this information, the system allows you to perform depreciation, valuation and write-off operations by automatically performing their respective transactions (<http://www.account.ge//>).

Despite the fact that the RS portal simplifies the production of accounting activities and makes the work of companies more efficient, specialists in the field often note that software errors cause delays in their activities. Our goal was to survey small businesses and identify current trends in information technology. One hundred small enterprises participated in the research, which was divided according to their activities: trade (45 enterprises), production (37 enterprises), and service (18 enterprises). The data was obtained from the database of contact emails.

**QUESTION 1.** How flexible is work in the technological system? The respondents answered as follows: very flexible and easy, 60%. Less flexible and easy 31%, not flexible and difficult 7%, easy but inflexible 1%; It is flexible, but it can be refined by 1%. The first two data are significant here, where 60% of respondents give the highest rating, and 31% believe that it is not a comfortable tool for their work but believe that the technology they have to work with is simple.

**QUESTION 2.** How much has the organization focused on the development of innovations in accounting technologies over the last three years? The answers of the surveyed respondents were distributed in the following order: no change – 45%, increased interest – 33%, decreased attention – 10%, introduced updated system – 12%.

**QUESTION 3.** What part of the time was necessary to devote to modern technologies to produce the work process? The answers were distributed as follows: 61-80% of the respondents interact with modern technologies 42% of the working time, 81-100% of the time-23%, 41-60% of the respondents spend their working time-22%, 21-40% of the respondents 10% of the time, 0 – 3% of 20% of the time is spent interacting with modern technologies.

**QUESTION 4.** What modern financial technology is used in accounting activities? The answers to the question were distributed as follows: accounting programs 50%, internet banking-30%, mobile payments-20%.

**QUESTION 5.** To what extent did the use of the RS.ge portal simplify the operations of the organization? Based on the mentioned data, we can conclude

that they face fewer problems in the production of accounting activities, which are carried out by companies with accounting directions.

**QUESTION 6.** What would be added to improve the RS.ge portal: online tax advisor-23%, online help-20%, mobile application-18%, chat bot-16%, online version of the cash register-12%, flexible report removal-8%, system enhancement-3%. From the mentioned question, it is established that there are some problems and initiatives in terms of improving the program.

**QUESTION 7.** How would you rate the functioning of the portal over the last five years? The answers were distributed as follows: positively – 76%, average – 23%, and negatively 1%. The mentioned questionnaire also reveals that a large number of users have a positive attitude towards the respective portal.

As a result of the conducted research, it is clear that there is still no proper attitude towards modern technologies in Georgia. Needs improvement in terms of service simplification.

## CONCLUSION

In carrying out financial operations, modern technologies represent one of the important challenges. World technological trends have influenced Georgia. Technologies play an important role in accounting. Nowadays, all transactions carried out in accounting have an electronic form, which is securely stored in databases. Fintech technologies are also used in accounting, which helps to save resources and reduce various expenses.

Accounting is a subject of great interest to all entities connected with the production, services, property management, financing, and investments. Each requires knowledge of the "international language of business" – accounting. It has the ability to act as an information system. Its target is business data processing, which allows the decision-maker to clearly assess the efficiency of the business under his control, see gaps and detect errors. Currently, Georgian business actively uses computer accounting programs. Despite this, accounting software developers and marketers must work hard to retain customers and interest representatives of various businesses, to show the positive aspects of the programs and to correct the shortcomings. On the other hand, small business representatives are trying to find the most flexible and efficient ways to run their own businesses. Most of them have created an account-

ing computer program tailored to their business based on the specifics and interests of the business. We confirm once again that the accounting software "Oris" is the leader in the Georgian market. The majority of small enterprises purchasing a new program will still choose "Oris" but with an improved new version.

In the future, in the direction of technology, it would be better to get more involvement from the government. For example, the simplification of the barriers to entering the technology market, which will increase the level of competition and, accordingly, the development of this sector will take place. Also, cooperation with successful foreign fintech companies and improvement of cyber security.

We believe such spaces should be created to support small enterprises in obtaining information and producing activities. For example, the creation of an innovation hub and regulatory space, where enterprises

will be able to create prototypes of their products and regulate the application created, as well as establishing effective tax incentives for investors, specifically in the direction of financial technologies.

More investments should be made in promoting cloud technologies, which will support the development of small businesses. Why companies do not implement technological changes may be due to risk and cost. For this, it is important for companies to know the risk and mitigate the costs.

Recently, green finance is becoming a hot topic in the financial profession, and green finance is cheap capital that can sustain the long-term sustainability of businesses (Dzadzamia, 2023, p.33). The ability of professional accountants to understand the green financing opportunities needed to move to a Net-zero model is a key element.

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**ტურიზმის გლობალური  
პროცესების მიმდინარეობა  
და საქართველოში ტურიზმის  
განვითარების ტენდენციები**

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**GLOBAL PROCESSES OF TOURISM  
AND ITS DEVELOPMENT TENDENCIES  
IN GEORGIA**



JEL Classification: F22, L83

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# ASSESSING THE VALUE CHAIN IMPACTS OF THE UKRAINE WAR ON THE TOURISM INDUSTRY OF GEORGIA

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**ABSTRACT.** This paper explores the effects of the Ukraine conflict on Georgia's tourism industry and its implications through a value chain analysis. The study examines various perspectives, including the effects of the war on Georgian tourism with and without migration and the subsequent effect of migration on the country's economy. The paper highlights the economic and safety-related effects that led to a slow recovery of visitors after the war. Additionally, the paper discusses the positive impact of migration on future tourism flows, stimulating domestic tourism and regional exploration. However, the influx of Russian migrants also increased short-term accommodation rental prices, affecting vulnerable groups and potentially contributing to inequality and poverty. Furthermore, the paper addresses the global implications of the Ukraine conflict on international tourism, with Georgia being vulnerable due to its dependence on Russian tourists. The analysis also identifies key findings regarding the effects of Russian migrants on various agents within the tourism value chain, including travel agencies, international transportation, accommodation, food and beverage, local transportation, culture, sports, recreation, and tourism-related products. The study concludes by outlining potential solutions to mitigate the negative impact of the conflict on Georgia's tourism industry, such as marketing campaigns, introducing new and more affordable flights, economy-related incentives, and improvements in service quality. This paper provides a comprehensive evaluation that offers valuable insights into the complex impacts of the Ukraine conflict on Georgia's tourism industry and its broader significance for the global tourism economy.

**KEYWORDS:** TOURISM AND MIGRATION, EFFECT OF UKRAINE WAR, VALUE CHAIN MODEL.

## INTRODUCTION

Tourism is one of the main contributors to the economic development of Georgia, with a complex value-creation system. Some authors call tourism the umbrella industry as it covers many sectors of the economy. In contrast, others define tourism as an economic activity related to several industries, which is the demand side definition. Tourism's vulnerability to external shocks is a critical issue in the field. External shocks, such as natural disasters, political instability, economic crises, pandemics, and wars, can severely impact the tourism industry. These shocks disrupt

travel patterns, decrease tourist demand, damage infrastructure, disrupt supply chains, and negatively affect the economy.

Due to the war in Ukraine, individuals from the conflicting sides sought refuge in Georgia for various motives, such as Ukrainian families seeking safety from the conflict and Russians evading military service. Migration generally has positive social and economic contributions to the country, including cultural enrichment, tourism industry enhancement, and labor provision for the travel, tourism, hospitality, and catering sectors. However, considering Russia's occupant status in Georgia and its experience of using economic tools to exert

political pressure on Georgia, migration from Russia poses several risks.

This paper investigates the effects of the Ukraine war and subsequent migration on Georgia's tourism industry. The study employs a combination of qualitative and quantitative research methodologies to provide comprehensive insights. Quantitative data is sourced from the statistics office of Georgia and private agencies, offering statistical perspectives. At the same time, qualitative Research involves conducting in-depth face-to-face interviews with 15 key stakeholders across the tourism industry's value chain. The study employs a value chain framework to analyze the wide-ranging effects of the Ukraine war and migration on different tourism industry sectors, including accommodation, transportation, travel agencies, and other hospitality services. The research findings aim to enhance the understanding of the specific consequences of the Ukraine war and migration and thereby support policymakers and industry stakeholders in devising strategies to mitigate risks, strengthen resilience, and ensure the long-term sustainability of the tourism sector.

UNWTO (2009) identifies two concepts, namely "Tourism-led Migration" (TLM) and "Migration-led Tourism" (MLT), to illustrate different scenarios where migration and tourism interact. TLM occurs when international tourism growth leads to migration, such as young people moving from central Europe to fill employment gaps in Western Europe. Conversely, MLT involves migration directly and indirectly stimulating tourism in both origin and destination countries, particularly in the "Visiting Friends and Relatives" (VFR) sector, and promoting the development of tourism infrastructure and transportation routes within and between countries. Georgia has already experienced migration-led tourism due to ethnic Azerbaijani and Armenian populations living in the Kvemo Kartli and Samtskhe Javakheti, respectively, where visits from friends and relatives have contributed to the tourism industry for years.

Most of the literature indicates that Migration and visiting friends and relatives (VFR) tourism are interconnected phenomena. Migration acts as a pre-condition for VFR tourism, and VFR tourism can be classified as a form of Migration-Led Tourism (MLT) (King & Dwyer, 2015). The researchers treat the benefits of the VFR segment differently. According to Munoz et al. (2017), the economic benefits of visiting friends and relatives positively affect the community's social and cultural development. This type of tourist not only engages in ac-

tivities such as attending festivals and exploring attractions and neighborhoods but also indirectly enhances the quality of life for residents, making the destination more appealing and authentic. Other authors argue that VFR tourism, characterized by unpaid accommodation and personal motives unaffected by marketing, is often perceived as having low market value. It may not contribute significantly to the financial aspects of the tourism industry (Backer, 2012).

Müller & Hoogendoorn (2013) emphasize the close connection and overlap between tourism and migration through the concept of the second home phenomenon. This phenomenon involves individuals or families owning a second property in a different location from their primary residence. It blurs the boundaries between tourism and migration by combining a long-term commitment to a specific destination, similar to migration, with leisure and recreational tourism elements. The second home phenomenon has implications for understanding the effects of migration, particularly in the context of Russia and its impact on Batumi. It is noteworthy that even before the war in Ukraine, many Russians were purchasing residencies in Batumi. Russians' ownership of second homes is essential when analyzing migration effects.

Another effect of migration is the tourism business related. Business opportunities may emerge through the communication of the immigrant and their business partners in the homeland, stimulating business travel to Georgia. According to Dwyer et al. (2014), permanent migrants who maintain or establish business connections with their country of origin can positively impact international trade and related business travel.

The various dimensions through which migration can impact tourism can significantly reshape Georgia's tourism landscape. Policymakers must remain vigilant of potential developments to adapt their strategies accordingly, especially considering the pre-war approach of the Georgian Tourism Strategy, focusing on high-value visitors and delivering quality services. Additionally, given the political situation and Russia's occupant status, it is crucial to differentiate between Ukrainian and Russian migrants when formulating policies to minimize negative impacts and maximize the benefits of migration-led tourism in Georgia.



TABLE 1: The Effects of the Ukraine War

THE EFFECT OF THE UKRAINE WAR ON TOURISM WITHOUT MIGRATION	THE EFFECT OF MIGRATION ON TOURISM	THE EFFECT OF MIGRATION ON THE ECONOMY OF GEORGIA
Slow Recovery	The expected increase in VFR and Business Visitors	Increased Prices on long-term Accommodation Rentals and Residential Flats
Worsened Economic Climate in the World Affecting MSMEs	Domestic Tourism Boosted	Effect on Exchange and Employment Rate
The short-term conflict resolution – boost in international visitor trips	Increased Prices on short-term accommodation rentals and short-lasting positive effects on Hotels	Increased Investment from the Conflict Zone Countries

### EVALUATING THE EFFECTS OF THE UKRAINE CONFLICT ON GEORGIA'S TOURISM INDUSTRY AND ITS GLOBAL IMPLICATIONS

To fully comprehend the impacts of the Ukraine war on Georgian tourism and the tourism-related economic sectors, it is essential to examine it from different perspectives, including considering the effects of the war on Georgian tourism without migration, the effects of the war on Georgian tourism with migration, and the subsequent effect of migration on the economy of Georgia (see Table 1).

The impacts of the Ukraine war on Georgian tourism without migration can be divided into economic and safety-related effects that led to slow visitors' recovery. The economic impact included reduced income for Russian residents due to sanctions, leading to a decline in Russian tourists visiting Georgia. Financial constraints during the war also affected the ability of visitors from Ukraine to travel, resulting in a decrease in tourist arrivals from Ukraine. Safety concerns emerged for tourists from distant countries due to the instability and proximity to the conflict zone, potentially deterring travel to Georgia. Additionally, the worsened global economic climate has put pressure on businesses in the travel industry, notably Micro, Small, and Medium Enterprises (MSMEs). Factors such as increased oil prices, inflation, and interest rates have contributed to higher travel costs for consumers, creating additional business challenges.

Moreover, it is essential to mention that a short-term resolution of the conflict may boost international visitor trips. If a conflict resolution occurs, people from

the conflict zone are expected to leave Georgia, increasing international visitor trips. Methodologically, "international visitor trips" refers to the number of foreign citizens residing in Georgia for less than 182 days who depart from the country within a given timeframe.

The inclusion of migration effects in the analysis provides valuable insights. Scientific papers reviewed above demonstrated that migration positively impacts future tourism flows as more visitors travel to Georgia to visit friends and relatives who have already settled there. Additionally, business tourism can be stimulated through communication between immigrants and business partners in their home countries. Moreover, immigrants from conflict zones who settle in Georgia eventually become residents and are classified as domestic visitors according to the international methodology. Their spending during travel to different regions contributes to stimulating domestic tourism. Research indicates a strong interest among newly immigrated individuals in exploring regional tourism offerings. At the same time, due to political reasons, the high concentration of Russian visitors may have negative implications for visitors from Europe, the USA, and Ukraine.

The immediate and significant adverse effect on tourism of migration was increased short-term accommodation rental prices due to high demand. The impact on the Airbnb market is evident from the surge in bookings and higher occupancy rates in March when the migration began. However, later data showed decreased occupancy rates and the number of listings as migrants moved to more traditional renting agreements and landlords opted for long-term rentals (Mackenzie, 2021). The shift of migrants to the long-term rental

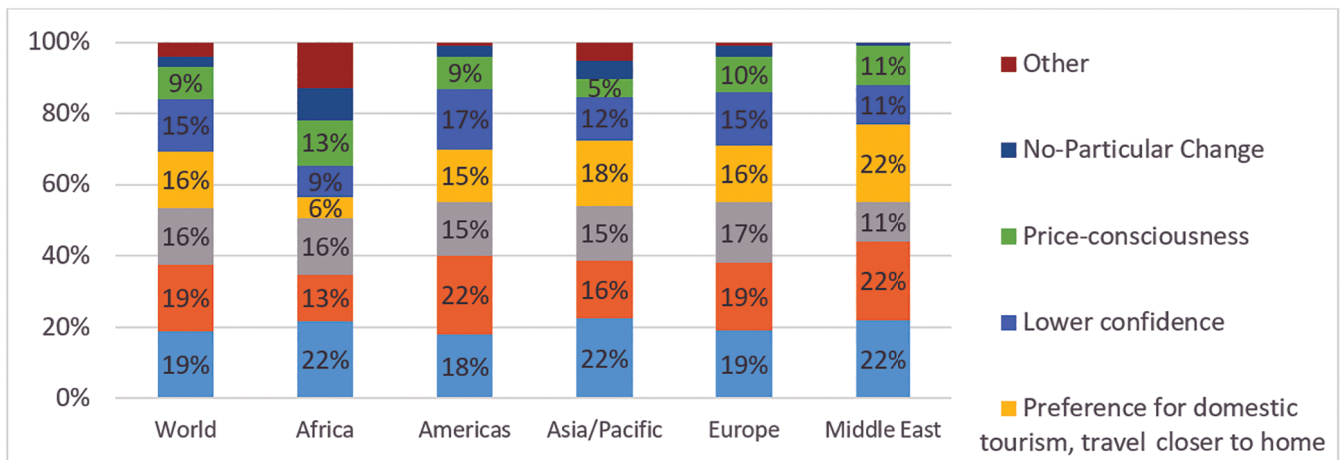


FIGURE 1: Changes in Consumer Behavior in the World

market has boosted rental prices, leading to negative implications for various segments of society. Particularly vulnerable groups include people without homes who rent apartments and students from regions studying in the capital. With the additional pressure of high inflation and increased oil prices, the rising cost of living in the capital becomes burdensome for these groups. The affordability of education, especially for regional students with limited budgets, becomes a concern. These negative impacts on Georgian society can contribute to increased inequality and poverty in the country. After experiencing high rental prices, several migrants were observed purchasing residential flats. Statistics from Colliers support this, showing a significant increase in the number of residential flat transactions in Tbilisi during 2022, reflecting a 21% year-on-year growth. The average prices of newly built and old flats also experienced notable increases.<sup>1</sup>

Migration and other factors (money transfer, Export) can be responsible for appreciating the GEL. Furthermore, it may impact the longer-term employment rate as more immigrants compete with the locals for vacancies. Moreover, migrants often bring their businesses to their new country of residence, stimulating investment.

UNWTO, in its series of publications, shows us a global perspective of the Ukraine war. Their publication "Impact of the Russian Offensive in Ukraine International Tourism" assessed the Ukraine war's impact on global tourism. As Russia and Ukraine represent the source markets of many countries, UNWTO estimates that the

prolonged conflict would lead to a loss of 14 billion for the tourism economy. UNWTO also stresses the importance of both markets for their neighboring and nearby countries. Georgia was the fifth most dependent country on Russian Tourism in 2019 and moved to the third in 2021/2022, making it more vulnerable to future provocations from Russia than other countries. According to Edgell (2018), visitors from other countries can create an economic reliance on the host country. This reliance can impact the foreign policy of the host country towards the countries from which tourists originate. This is particularly significant for nations that require foreign exchange or hard currency to foster economic growth.

UNWTO (2022) also surveyed experts from different countries to identify the impact of the Ukraine war on international tourism. Most of them replied that conflict in Ukraine would, by different sizes, affect international tourism in their destinations. One of the main questions that have important implications for Georgia was about the changes in consumer behavior triggered by the offensive in Ukraine. The high share of the response "fear of traveling to conflict areas" and "preferences for destinations perceived as safe" (from the main high-value source markets of Georgia – Europe, and the Middle East) has to be addressed seriously in the marketing efforts to position Georgia as a safe destination (see Fig. 1<sup>2</sup>).

The table below summarizes the main effects of the Ukraine War on international tourism identified by UNWTO and its impact on tourism and economic indicators (see Table 2).

1 Colliers. (2022 September) Number of Transactions and Weighted Average Prices retrieved from: <https://recov.ge/en>

2 UNWTO Panel of Experts survey of the impact of the Ukraine Conflict on international Tourism (April 2022).

TABLE 2: Assessment of the Impact on Tourism by UNWTO

Increased risk poses challenges to vulnerable markets and hinders the uneven recovery of the tourism industry	The outbound travel from Russia and Ukraine has been disrupted
Consumer confidence has decreased, especially in markets characterized by risk-aversion	Both traditional and emerging destinations have been impacted
Slower Economic Growth and High Inflation: Higher oil prices + inflation + interest rates = higher travel costs for consumers & pressure on businesses, especially MSMEs	The situation poses a threat to tourism-related jobs and businesses, impacting people's livelihoods

SOURCE: UNWTO Tourism Market Intelligence and Competitiveness Department Issue 4 · 16 May 2022

### VALUE CHAIN ANALYSIS OF THE TOURISM INDUSTRY OF GEORGIA

Value chain analysis is a strategic management tool that analyzes the various activities and processes that create value for a company or industry. When applied to the tourism industry, a value chain analysis helps identify the key components and stakeholders involved in the value creation process. The tourism value chain consists of related activities and participants working together to deliver tourism products and services.

The framework shown in Figure 2 overviews the tourism value chain of Georgia from various perspectives. From the functional perspective, value chain analysis identifies three types of agents. The agents in the first category indicated in blue directly add value to the tourism industry and include all the main businesses of tourism: accommodation, transportation, etc. Agents indicated in green help businesses generate value-added and comprise GNTA and DMOs. Finally, agents whose primary responsibility is not tourism but fulfill specific tourism-related functions include MRDI, MDF, Enterprise Georgia, APA, MRDC, etc.

The figure below also comprises visitor activities during their trip. The activities may include booking using a tour operator or without, arriving by international transport, moving around by local transport, staying at the accommodation, shopping, and engaging in cultural, rest, and recreational activities. Furthermore, it also shows the economic impact perspective distinguishing direct and indirect economic impacts.

The analysis from the different perspectives helps to understand the structures and processes of the value chain system in Georgia, leading to the development of specific projects focused on overcoming the recent chal-

lenges. The focus of the paper is the effects of Russian Migrants on the Georgian Tourism Industry (see Fig.2.).

For our paper, we will analyze the agents directly adding value to tourism, in other words, firm-level category. Unlike the other two levels, **the firm level** includes all functions that create direct value added through tourism. The firm-level comprises enterprises selling the products to visitors directly. They provide services to visitors to satisfy their needs during their trip. The qualitative study involving 15 tourism stakeholders of different tourism industries resulted in the following key findings:

**Travel Agencies and Reservation services** – Tour operators in Georgia are increasingly worried about the growing presence of Russian tour operators in the country. They fear that Russians will gain control over every aspect of tours, with minimal contribution to the Georgian economy. This shift could lead to lower spending per visit and a decline in service quality, compromising the reputation of Georgian tourism. The focus on the CIS market might also divert attention from Georgia's goal of offering exceptional service and decreasing the overall quality of the tourism experience and economic contribution.

**International Transportation** – The establishment of direct flights between Georgia and Russia, despite international sanctions, can have negative impacts on international transportation. It violates sanctions, weakens international norms, risks economic isolation, damages Georgia's reputation, and raises security concerns. These consequences extend beyond economic considerations and can affect diplomatic relations, global norms, and regional security.

**Accommodation** – The impact of migration on the hospitality sector can be seen through the lower Aver-

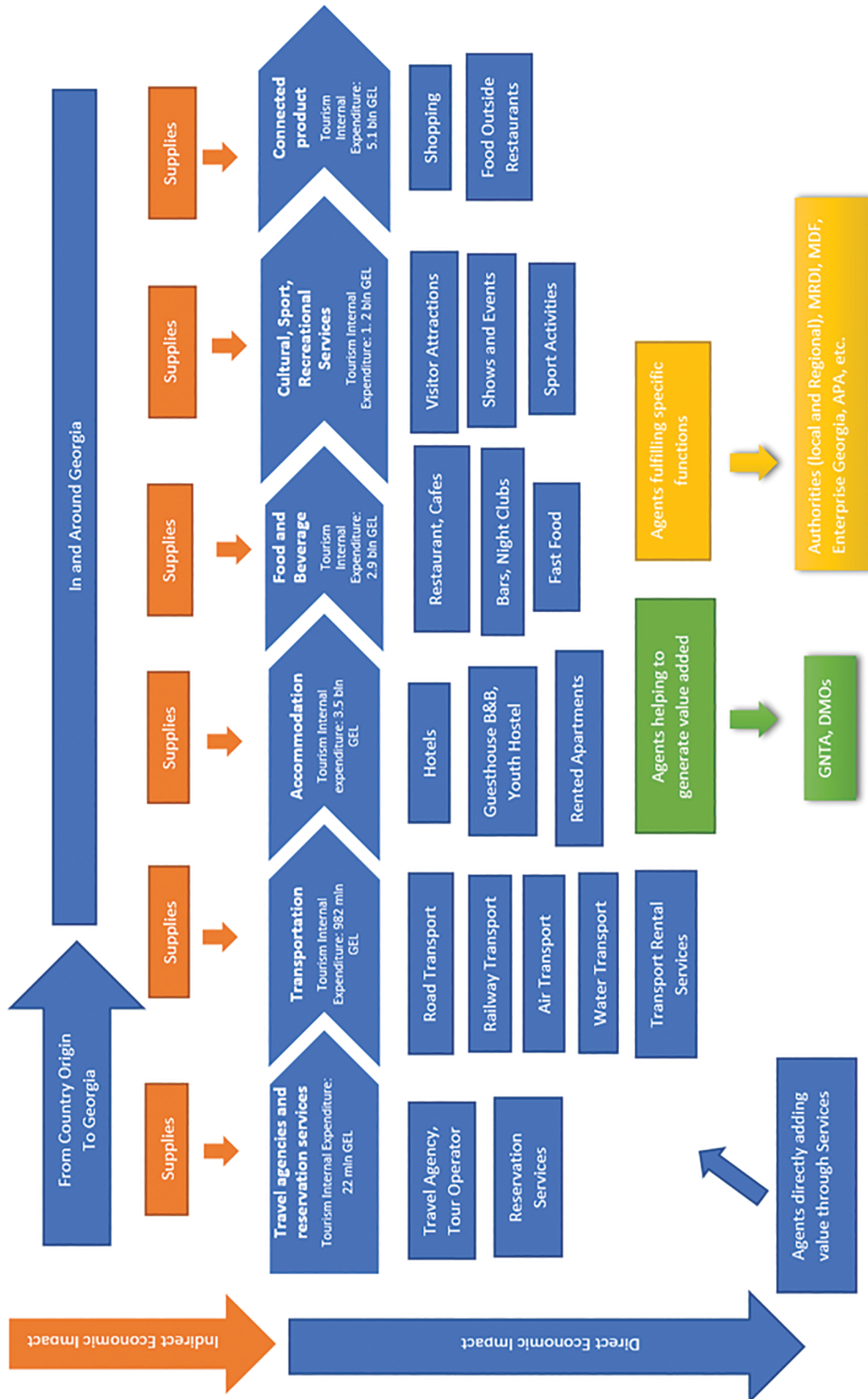


Table produced by the Author based on Reports – Sustainable Tourism for Development, (UNWTO 2013); Tourism Value Chain: Analysis and Practical Approaches for Development Cooperation Projects (GIZ, 2020), Experimental Tourism Satellite Account of Georgia, (Geostat, 2022).

FIGURE 2: Tourism Value Chain.

age Daily Rate (ADR). Despite a swift recovery of visitor numbers post-Covid-19, the demand for hotel services remains low. Representatives from the industry attribute this decline to the preference for migrants for alternative accommodation options such as long-term rental flats or staying with relatives and friends who already have apartments. Additionally, accommodations have observed an increase in input prices following Covid-19. Some attribute this rise to the high demand generated by migration. The rising costs, low demand, and intense market competition have compelled hotels to reduce their prices to maintain competitiveness.

**Food and Beverage** – Migration significantly impacts expenditure in the restaurant sector of the tourism industry. Migrants allocate a significant portion of their spending to dining out, as restaurant services are essential during their stay in Georgia. Data from the International Visitor Survey reveals a notable increase in food and beverage expenditure, amounting to 1.2 billion Georgian Lari (GEL) between 2019 and 2022. This rise can be attributed to the allure of Georgia's culinary traditions and diverse gastronomy, attracting migrants who wish to explore and indulge in local cuisine. Moreover, the convenience and accessibility of restaurant services make them a preferred choice

for migrants who may lack the means or inclination to cook their meals.

**Local Transportation** – Russian migrants in Georgia negatively impact local transportation, specifically causing traffic congestion. The increased traffic volume from migrants leads to longer travel times and delays, negatively affecting tourism experiences. Insufficient parking infrastructure arises as more migrants use private vehicles, making parking spaces difficult.

**Culture, Sport, and Recreation** – Immigrants from Russia who become residents of Georgia will soon be considered domestic visitors according to the international methodology. This means that their expenditure during travel to different regions within Georgia will be classified as domestic expenditure, stimulating expenditure on culture, sport, and recreation.

**Tourism-Connected Product**-Migration can positively and negatively affect shopping and other tourism-connected products in Georgia. On the positive side, it can increase consumer demand and boost sales and revenue. However, it can intensify economic competition, affect pricing and affordability, and impact local products.

The effects of migration on value chain players are summarized in the Table 3.

TABLE 3: Effect of Russian Migrants on Agents on Firm Level

VISITOR JOURNEY	EFFECT OF RUSSIAN MIGRATION
Travel Agencies and Reservation services	Concerns arise regarding the dominance of Russian tour operators in the market, which can result in lower spending by tourists and compromised service quality.
International Transportation	Direct flights to Russia violate sanctions, damaging Georgia's reputation and raising security concerns.
Accommodation	The Average Daily Rate experiences a decline as migrants increasingly choose alternative accommodations and input prices continue to rise.
Food and Beverage	Migrants allocate significant spending to dining out, boosting food and beverage expenditures.
Local Transportation	It has increased traffic congestion and parking issues due to more migrants using private vehicles.
Culture, Sport, and Recreation	Migrants become domestic visitors, stimulating cultural, sports, and recreation expenditure.
Tourism Connected Product	Migration impacts consumer demand, economic competition, pricing, and local products in shopping and tourism-related sectors.

SOURCE: Table produced by the Author based on Reports *Tourism Value Chain: Analysis and Practical Approaches for Development Cooperation Projects* (GIZ, 2020). The information regarding the problems was obtained from the 15 respondents in the tourism industries



TABLE 4: Identified Solutions to the Recent Challenges among the Respondents

<p><b>Marketing Campaigns</b></p> <ul style="list-style-type: none"> <li>• Emphasize and position Georgia as a secure and peaceful destination for travelers.</li> <li>• Increase advertising efforts targeting eastern-European countries to promote Georgia as an attractive tourist destination.</li> <li>• Implement continuous efforts and informational campaigns to spread the message worldwide that Georgia is a safe country, and the possibility of war is non-existent.</li> <li>• Focus on improving the international image of the country through various initiatives.</li> <li>• Implement non-stop marketing campaigns to promote Georgia as a desirable travel destination.</li> <li>• Take additional PR marketing steps in European countries to increase awareness and positive perception of Georgia.</li> </ul>	<p><b>New and Less Expensive Flights</b></p> <ul style="list-style-type: none"> <li>• Focus on recovering and establishing new direct flights to high-income destinations.</li> <li>• Address the high flight ticket rates, as they deter visitors from our target market. Introduce flights to new destinations to expand the reach of tourism.</li> <li>• Explore options to offer more affordable flight options for visitors.</li> <li>• Although it is currently not possible, work towards opening air travel to Ukraine in the future.</li> <li>• Simplify the visa regime with India and introduce new flights to cater to the increasing demand from this country.</li> <li>• Increase the number of flights from China to attract more visitors from this market.</li> </ul>
<p><b>Economy Related</b></p> <ul style="list-style-type: none"> <li>• Focus on stabilizing inflation and exchange rates to ensure a stable economic environment.</li> <li>• Implement measures to stabilize the overall price level, including goods and services relevant to tourism.</li> <li>• Exercise price control over government tourism service providers, particularly in museums and national parks, where prices have significantly increased.</li> <li>• Enhance and improve the infrastructure to support tourism.</li> </ul>	<p><b>Service Quality</b></p> <ul style="list-style-type: none"> <li>• Establish a visa regime for Russia as the quality of services has suffered, and European and high-spending markets knowing about Russian immigration may decrease demand for Georgia.</li> <li>• Enhance the service quality in hotels and wineries to ensure visitors' positive and satisfactory experiences.</li> </ul>

SOURCE: Statistics Office of Georgia.

The tourism value chain representatives were also asked about the activities to mitigate the negative impact of the Ukraine war in Georgia. We grouped the respondents' ideas into the following categories: Marketing Campaigns, New and Less Expensive Flights, Economy-Related incentives, and service quality (see Table 4.).

The tourism value chain framework offers an economic perspective for analyzing the impacts of the Ukraine war, mainly focusing on the direct effects of tourism. The System of National Accounts 2008 recommends using Tourism Satellite Accounts (TSAs) to measure the direct effect of tourism. TSAs provide an integrated system that separates and quantifies the demand and supply sides of tourism, enabling a comprehensive understanding of the economic aspects of tourism within the broader context of the economy (OECD et al., 2017). This framework was effectively used by Bregadze (2021), who, based on the experimental TSA tables 1-4, identified the most affected tourism sectors of Georgia from Covid 19 based on

three criteria structure of internal tourism expenditure, the share of internal expenditure in the total output and the share of domestic expenditure in internal expenditure (see Fig. 3).

The data comparison of inbound tourism expenditure shows a significant increase in consumption of Accommodation and food and beverage services. Furthermore, the international visitor survey indicates an increase in the length of stay from 4.1 in 2019 to 6.2 in 2022.<sup>3</sup> The tourism sector representatives during the interview were asked to comment on the improvement in tourism-related indicators. The tourism industry representatives agreed that two effects were in place – price and quality effects. However, they differed in their position on the size of these effects.

According to them, the above-increasing indicators could result from economic factors – inflation and exchange rate, in other words, the "Price Effect." On

3 Statistics Office of Georgia.

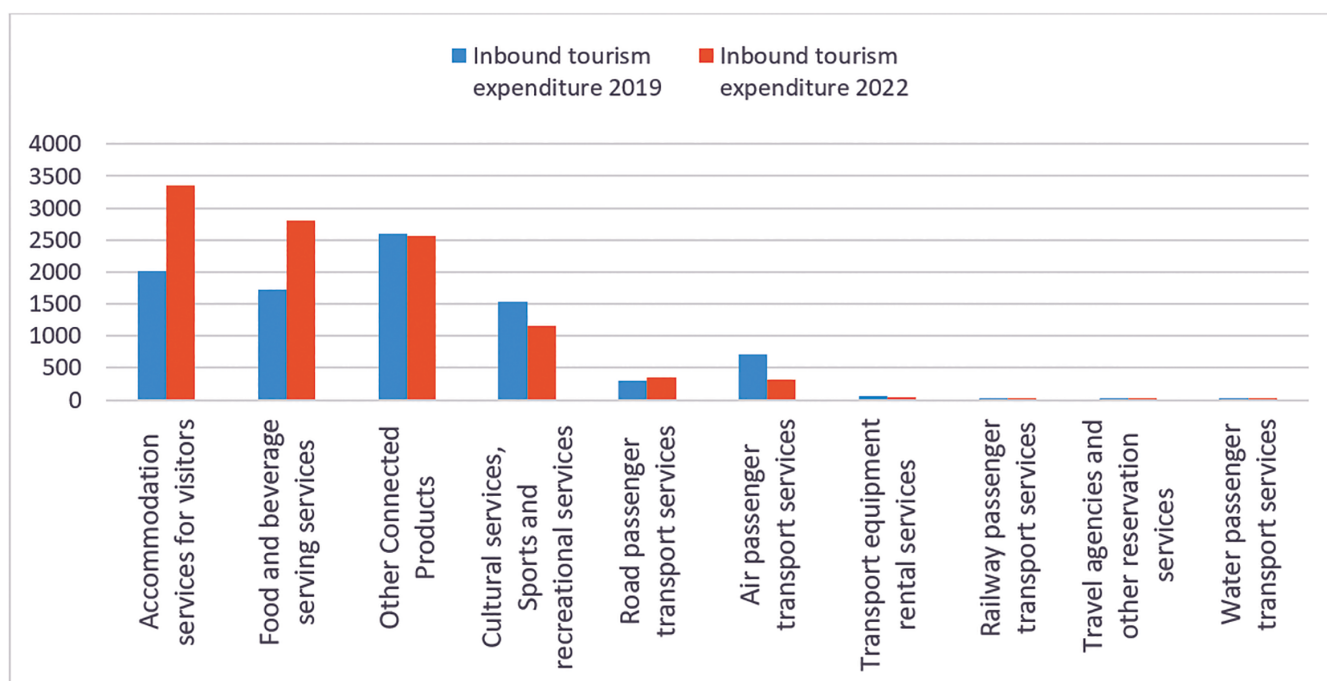


FIGURE 3: Internal Tourism Consumption By-products 2019 vs 2022 (Mil. GEL)

the one hand, the devaluated GEL could stimulate increased expenditure from Eurozone and USA. On the other hand, the high inflation might have increased visitor expenditure from all countries. The significant expenditure increase on food and beverage without quantity effect further supports the "price effect" argument. The hospitality industry representatives confirmed the increase in price in restaurants by 70-80%.

On the other hand, the increase in the average length of stay is the supporting argument for "Visitor quality improvement." To support this argument, industry representatives mentioned the changed behavior of some visitor segments. E.g., Gulf countries and Russians. Russia, a large country comprising different segments, including high spenders, was left with a limited choice of destinations to travel to. With the limited choice, many high-spending segments chose Georgia as a travel destination. Some respondents think the increase in airline prices led to a more extended stay of visitors, which later translated into higher spending.

Furthermore, tourism industry representatives report a sharp drop in business travelers as many meetings are now held online. As this segment stayed in the country for one or two days, their exclusion from visitors led to an increased average length of stay. Lastly, in their opinion, the foreign citizens from the conflict zone choosing to leave the country after the extended stay

in Georgia could be the essential driver of expenditure increase. The challenge is identifying which factors to "blame" more for increased expenditure, as both arguments seem logical.

## CONCLUSION

The paper investigates the effects of the Ukraine war and subsequent migration on Georgia's tourism industry. It combines qualitative and quantitative research methodologies to provide comprehensive insights. The findings reveal that the Ukraine war has significantly impacted Georgian tourism, both with and without migration effects. The economic impact includes reduced income for Russian residents, safety concerns for European tourists, and a worsened global economic climate, all leading to a slow recovery in visitor numbers. The inclusion of migration effects highlights the positive impacts on tourism, such as increased visits from friends and relatives and business tourism stimulated through communication between immigrants and their business partners. However, the concentration of Russian visitors in the country poses challenges for visitors from other regions. The paper also highlights the potential implications of the Ukraine war on international tourism, with decreased consumer confidence and slower economic growth being significant concerns.

Based on the research findings, we elaborated on several recommendations to mitigate the negative impacts and maximize the benefits of migration-led tourism in Georgia:

- **Conduct Research:** the research on immigrants will enable policymakers to understand their long-term plans and business goals, thereby minimizing potential risks from migrants from the occupant country in the different fields of the economy. The research will also aid in identifying potential sociocultural impacts and designing programs for social cohesion. By understanding the immigrant population comprehensively, policymakers can make informed decisions to maximize the positive economic impacts and mitigate potential risks.
- **Differentiate policies:** Given the political situation and Russia's occupant status, it is crucial to differentiate between Ukrainian and Russian migrants when formulating policies. This approach will help minimize the negative impacts of Russian Migrants on Tourism and the Economy and ensure policies are tailored to Ukraine migrants' needs.
- **Enhance marketing efforts:** In light of the changes in consumer behavior triggered by the Ukraine war, it is essential to invest in marketing efforts to position Georgia as a safe destination. Emphasize the country's safety measures, cultural offerings, and unique experiences to build confidence among potential visitors, particularly from key source markets.
- **Diversify visitor markets:** Reduce dependence on Russian tourism by diversifying visitor markets. Focus on attracting visitors from Europe, the USA, and other regions to balance the tourism market and reduce vulnerability to future provocations from Russia.
- **Strengthen quality control:** Monitor and regulate the presence of Russian tour operators in Georgia to ensure that they contribute to the economy and maintain high service quality. Collaborate with industry stakeholders to establish standards and enforce regulations that promote equal rights among stakeholders.
- **Improve affordability and accessibility:** Address the increasing rental prices by implementing measures to improve affordability and accessibility to accommodation for vulnerable groups, such as people without homes and students. Consider incentives for building student dorms to accommodate students with affordable rent prices.
- **Foster regional tourism:** Recognize the interest among newly immigrated Ukrainian individuals in exploring regional tourism offerings. Invest in developing and promoting regional tourism products and experiences to capitalize on this potential market segment and distribute the benefits of tourism more evenly across the country.
- **Monitor economic indicators:** Continuously monitor economic indicators, such as exchange and employment rates, to assess the impact of migration on the economy. Implement measures to address any adverse effects, such as supporting local businesses affected by increased competition from immigrants and ensuring fair employment opportunities for locals and migrants.
- **Collaborate with international organizations:** Engage with international organizations like UN-WTO to stay updated on global trends and best practices in managing the impacts of conflicts on tourism. Collaborate with neighboring and nearby countries to share knowledge, experiences, and resources to enhance resilience and overcome common challenges.

Implementing these recommendations will enable policymakers and industry stakeholders to mitigate risks, strengthen resilience, and ensure the long-term sustainability of Georgia's tourism sector in the face of the consequences of the Ukraine war and resulting migration.

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# IMPORTANCE OF GREEN INVESTMENTS FOR TOURISM DESTINATION DEVELOPMENT

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**ABSTRACT.** Climate change is a well-known global megatrend, a macroeconomic and geostrategic force affecting the present and future of the Earth, the global economy, tourism, business, heritage, society and individuals. Timely awareness of these threats by all states, taking responsibility and joint efforts to combat climate change is the only solution. Eco-innovations play a major role in ensuring sustainable development in the new era. The process of tourism growth poses new challenges for researchers. Our research object is related to sustainable challenges, green economic development, rate of sustainability of tourism resources in the tourism cluster. Eco-initiatives, green economy initiative, green investments in business, environmental protection and preservation of a safe environment for future generations are significant in the aspect of sustainable management of the destination. Environmental protection issues, green production, green skills detection, shadow side detection, widening possibilities and introduction of new perspectives are important tasks of research. The methodological basis of the work is qualitative research methods, interviews with selected focus groups, data analysis, and processing of analytical material presented in open sources.

**KEYWORDS:** GREEN, ECONOMY, SUSTAINABLE, ECO-INNOVATIONS.

## INTRODUCTION

Climate change is listed as one of the top five global threats and is "increasing much faster than expected". Today, the concept of a green economy as a new source of growth has become important. It has led to the creation of various quantitative indicators and ratings to determine the position and future directions in the global economic space. Within the framework of the 2008 UN Environment Protection Program, the Green Economy Initiative was created, which involves initiatives in several directions, the transition to renewable energy, increasing the production of vehicles, supporting organic agricultural production, and creating ecological infrastructure. And their common goal is to implement green investment policies. Today, the development of production and industry is developing at a fast pace, accompanied by negative changes in the

environment, which ultimately leads to ecological problems. The local economy should strive for sustainable growth and higher productivity. A significant part of the global investments in "green technologies" are public investments; venture capital and private investment companies remain the leading force in the development of this sector.

Human production activities cause major damage to nature. In humans, the instinct for material interest and the factor of financial interest is so strong that it covers the natural instinct of resistance and self-preservation. Focused on protecting the environment, the ecological footprint in production ensures a healthy future for both the environment and people. Nature's contribution to humanity is estimated at \$124 trillion per year, which is far greater than the world's gross domestic product (GDP) from economic activity.<sup>1</sup>

1 <https://medium.com/earthtokens/tapping-into->



Great importance is attached to the development of new-generation industries, including tourism and hospitality, in the format of the concept of sustainable development. Tourism affects the economy and, at the same time, in turn, affects the economy of the country. The economic nature of tourism is manifested not only in the fact that the product of economic activity is created in the sector but also in the fact that certain resources need to be spent to create it. Based on all of the above, an individual economic entity, country, region, or field should be considered from the perspective of a sustainable concept. The goal of our research is to study global challenges at the local level. We tried to find out the extent of the ecological footprint in local production, the focus of the facilities on ecological management, ISO standards in production, the share of enterprises in renewable energies, what is the control of sustainable development. The paper identified contemporary challenges related to green investments. The target groups were business-entrepreneurial organizations, the energy sector, banks, hotels, catering facilities, population using solar panels.

## RESEARCH METHODOLOGY

To achieve the goal and objectives of the research, we were guided by qualitative research methods, which means, on the one hand, the processing of analytical material presented in open sources, on the other hand, the survey of representatives of relevant professional circles, in-depth interviews with various parties of the tourism value chain. As part of the desk research, the literature and publications were analyzed (the Green Book of the Climate Change Law of Georgia-2023, "Green Entrepreneurship", "Green Alternative", "Standards in Tourism", legislative-policy documents and others).

## DISCUSSION AND RESULTS

If we consider the destination in the aspect of sustainable management development, eco-initiatives, such as green economy initiative, protecting the environment from consumerism and maintaining a safe environment for future generations are significant.

[a-120-trillion-natural-asset-market-one-token-at-a-timed843e53c0862](https://www.a120-trillion-natural-asset-market-one-token-at-a-timed843e53c0862)

According to many specialists, the green economy includes six main sectors:

- Renewable energy (solar, wind, geothermal, biogas);
- Green buildings (green products and materials);
- Sustainable means of transport (alternative fuel, public transport, hybrid and electric transport);
- Water management (water purification systems, water use);
- Waste management (utilization, use of municipal waste materials, improvement of soil fertility, cleaning);
- Land management (organic agriculture, urban parks).

Energy is a dominant factor in the field of climate change, as it accounts for 65% of global greenhouse gas emissions. The main task of the world energy market is the development of renewable energy, obtaining solar, wind, water, biomass, and geothermal energy, the main advantages of which are environmentally friendly, non-damaging and inexhaustible resources. According to the International Energy Agency, between 2019 and 2024, the installed capacity of renewable energy will increase by 50%, in which solar photo (PV) will play the main role.<sup>2</sup> According to the International Renewable Energy Agency, by 2050, solar photovoltaic systems will cover the electrical energy needs of a quarter of the world's population, making the sun the second largest generation source after wind. The socio-economic factor is worth noting, the global solar industry will employ approximately 18 million people by 2050.<sup>3</sup>

By 2050, solar devices will generate 45% of the world's energy demand, with virtually every sector of industry incorporating solar energy into the manufacturing process. According to the International Energy Outlook (IEO) 2019 report, by 2050, compared to 2019 data, global energy consumption will increase by 50% and in developing countries by 79%.<sup>4</sup>

As discussed, the transition to renewable energies is a priority in many countries of the world today. Howev-

2 International Energy Agency, 2019, Renewables 2019 – Market analysis and forecast from 2019 to 2024, <https://www.iea.org/reports/renewables-2019>

3 International Renewable Energy Agency, 2019, Future of solar photovoltaic – Deployment, investment, technology, grid integration and socio-economic aspects, <https://www.irena.org/publications/2019/Nov/Future-of-Solar-Photovoltaic>

4 World Energy Outlook 2019, <https://www.iea.org/reports/world-energy-outlook-2019>

er, the situation in Georgia is unfavorable in this regard. The first "Kartli Wind Power Plant" was financed with the support of the European Bank for Reconstruction and Development, the Green Growth Fund (GGF) and other international donors. The investment was 29.7 million USD, the capacity is 20.7 MW, and it will generate 84.1 million kW/h. energy,<sup>5</sup> which is 0.7% of the gross domestic product. At present, a memorandum of understanding has been signed for the construction of 21 wind farms with a total installed capacity of 1,204 MW and an annual output of 4,653 GWh. Work is underway to sign a memorandum for 3 wind farms (total capacity 150 MW, estimated annual output 554 GWh). Although one station is not enough, it is necessary to implement existing practices and develop sustainable energy. It is also a fact to consider that climate change means an increase in temperature, which reduces air density and reduces energy production. Solar power plants are found on a small scale in the region, as is known in Semek's "net metering" mechanisms. Georgia intends that by 2030, the share of renewable energies in the total final energy consumption will be 27.4%. Electricity consumption in Georgia is 1700 MW, of which 1300 MW is generated in Georgia, Georgian production, and 400 MW is imported, which we buy from neighboring countries. Along with the development of the economy, the demand for electric energy increases. Today, the share of solar energy that we get is less than 1%, and in most regions of Georgia, the annual duration of sunshine ranges from 255-280 days a year, which is about 1900-2200 hours a year and is effective for energy consumption.<sup>6</sup>

Analyzing two factors, wind speed and air density, is important in terms of climate change to generate electricity from a wind farm. Increasing the wind speed at certain limits positively affects the amount of electricity the turbines produce. There is a cubic dependence between the wind speed and the power generated by the station. 4 m/s is the lower limit of wind velocity at which large wind stations generate minimal energy. Georgia, with average wind speeds, is an attractive location for the development of wind stations for the period 2041-2070 and 2071-2100, including Mta Sabueti, Kutaisi, Paravani, Batumi and Goderdzi Pass, where the average wind speed is more than 4 m/s.

Extreme events caused by climate change may dam-

age the wind station infrastructure and endanger the operation of the stations. Consequently, it is important to carry out an in-depth study of current and planned wind power projects in the area of current and future climate and geological changes and to take into account the initial stages of adaptation.

We think the sun will really rise in this industry if more attention is focused on green investments like those that produce solar panels. Although the awareness of the population about solar systems is low, on the other hand, it is difficult for a large part of the population to buy solar electricity. Having made the initial investment in the stations, the public is generally open to new technologies, so they believe that if their awareness increases, their consumption practices will soon increase. According to the opinion of the respondents interviewed by us, it is necessary to solve similar issues at the local level for the development of sustainable tourism. For example, according to a representative of one of the solar systems companies, a 1-kilowatt plant generates an average of 100 kilowatt-hours of energy per month, less in winter and more in summer, although excess energy is stored through the net metering system and can be used in winter when the plant's output is less. 100 kilowatt-hours of energy is the minimum package for one average household, which separates the lighting, the operation of the refrigerator, washing machine and TV. "1-kilowatt station costs from 650 to 900 dollars. You can make a big station for \$650. 1 kilowatt gives you 1300 kilowatt-hours of electricity per year.

Due to its geographical location, the rate of solar radiation in Georgia is high. Some regions of the country are characterized by 250-280 sunny days annually, which is about 6,000-6,780 sunny hours per year. Solar energy potential varies from 1,250-1,800 kWh/m<sup>2</sup>, depending on the region. In terms of solar power usage in Georgia, there are mainly two technologies used for heat and electricity. The first is the solar collector, which is relatively widespread in Georgia and used for water heating. Second, solar photovoltaic generators, which are slowly being introduced in the country and used for electricity production.<sup>7</sup> Thus, the potential of solar energy is quite large, allowing the business sector to harness and absorb solar energy to become energy

5 <https://gedf.com.ge/project/4-qartlis-qaris-eleqtrosadguri>

6 Devidze M., Solar energy in Georgia.

7 MEPA (2021) Fourth National Communication, Georgia, under the United Nations Framework Convention on Climate Change, [https://unfccc.int/sites/default/files/resource/4%20Final%20Report%20-%20English%202020%2030.03\\_0.pdf](https://unfccc.int/sites/default/files/resource/4%20Final%20Report%20-%20English%202020%2030.03_0.pdf)

independent in terms of reducing utility costs and attracting various green investments.

"Green hotels" mean not only an ecologically clean environment but also 70% of all consumed electrical energy is produced using renewable energies. One of the most favorable facilities for installing solar panels is hotels and restaurants. Hotels and restaurants belong to those businesses where a large amount of electrical and thermal energy is consumed. Installing solar panels can reduce monthly costs by 70-80%. The research shows that there are only a small number of family-type hotels with solar panels in the region. Our country has more opportunities. In different countries of the world, 35% of the share of effectiveness is considered good, and in Georgia, there is a possibility of more than 40%. If we also consider the potential of hydro resources, the country has the opportunity to become energy independent and an exporter.

Green investment and development of projects in the country require a lot of financial support. Actually, it is difficult to accurately calculate the financial resources, which exactly means moving the country to the green rails. Bloomberg agency compiled a rating of banks that have recently made large investments in ecology and renewable energy. The Spanish bank Santander, Bank of America, and an Italian bank occupied the best positions. The Japanese Mitsubishi Financial Group turned out to be the most "green" among the Asian banks. Only those organizations whose investments in green technologies were less than 1 billion US dollars were included in this list.<sup>8</sup>

The Green Economy Financing Program (GEFF) operates in Georgia with financial resources and professional consultations, offering businesses to become more competitive and more economical. Green Economy Financing Facility (GEFF) is the product of the EBRD, designed to make businesses more competitive while minimizing their impact on the environment. GEFF provides finance and advice that can be used for various purposes, whether to invest in "green" technologies or finance "green" projects<sup>9</sup>. The program operating in Georgia was created by the European Bank for Reconstruction and Development (EBRD) and is supported by the Green Climate Fund (GCF) and the Austrian Federal Ministry (BMF). The purpose of the program is to sup-

port the green economy, and its fund in Georgia is 57.75 million USD, which is distributed through local financial institutions. Here are the predetermined investments, which are given in the table of contents of green technology.

A good example is the "Museum" hotel located in the historical building in the heart of Tbilisi, where the noble Orbelian family lived centuries ago. During its reconstruction, the main goal of the management was to equip the building with energy-efficient technologies. To do this, they applied to the EBRD credit line, which allowed them to purchase energy-efficient technologies. GEFF's highly qualified consulting group conducted a detailed analysis of the project, calculated potential energy savings, determined financial and technical parameters and provided recommendations to the hotel management. With an investment of \$237,000, energy use was reduced by nearly 90%. New energy-efficient technologies save 242,975 MWh of natural gas and 4,206 MWh of electricity consumption per year. The above-mentioned project is the best example of the EBRD's green investment support to the private sector. Such projects change energy consumption habits and protect the environment from pollution. The European Union and the Austrian Federal Ministry of Finance support the project.<sup>10</sup>

For banks, resource-efficient investments are becoming more and more important. For example, during interviews with representatives from TBC, Liberty, and Pro-credit Bank, it was revealed that the banks had implemented a system for monitoring energy and resource consumption to enhance energy efficiency and evaluate environmental impact. This system enables the banks to continually improve their environmental impact and strive for high-energy efficiency standards. In addition, it turns out that all the materials used for the construction of the headquarters meet the high standards of energy efficiency and quality requirements of the European Union. TBC and Pro-credit Bank aim to promote green financing. The eco-loans issued are confirmed, which means the financing of energy-efficient measures, renewable energy technologies and any activity friendly to the environment. Currently, with the support of the Renewable Energy Development Association (GREDA) and TBC Bank, private companies in the field of renewable energy, in cooperation with international financial institutions, are promoting access to financing.

8 <https://www.bloomberg.com/news/articles/2023-02-28/natwest-tops-ranking-of-banks-backing-green-energy-bnef-says#xj4>

9 <https://www.tbcbank.ge/web/en/geff-project>.

10 <https://ebrdgeff.com/georgia/projects/georgian-museum-hotel>

An important indicator for our research is the industrial sector, which has a major impact on air quality. The specific management decisions of the "Heidelberg Cement-Georgia" cement plant are interesting. According to their information, in terms of the social responsibility of green investing, eco-friendliness, elimination of ecology problems, and climate protection are important issues for reducing emissions and the impact of the enterprise on the environment. Every year, the company tries to protect and promote flora and fauna at its quarries and ensures biodiversity management, both during and after mineral extraction. Despite the observance of the standards, it should be noted that according to the population, the dust particles emitted from the factory are quite large, causing problems and constant dissatisfaction for the population.

A wide spread of international standards for business means that the manufacturer can develop and offer to customers products and services that meet internationally recognized requirements in the respective sectors. ISO standards are based on basic management requirements in the tourism sector and are integrated into existing quality management systems. International standards contribute to the development of trade between countries and make it fairer. ISO: a global network of national standards bodies. It could be about making a product, managing a process, delivering a service or supplying materials – standards cover a huge range of activities. Standards are the distilled wisdom of people with expertise in their subject matter and who know the needs of the organizations they represent – people such as manufacturers, sellers, buyers, customers, trade associations, users or regulators. By 2023, ISO has developed more than 6,000 standards that are closely aligned with the goals of sustainable development.

ISO 9001 sets out the criteria for a quality management system and is the only standard in the family that can be certified (although this is not a requirement). It can be used by any organization, large or small, regardless of its field of activity. In fact, there are over one million companies and organizations in over 170 countries certified to ISO 9001. This standard is based on a number of quality management principles, including a strong customer focus, the motivation and implication of top management, the process approach and continual improvement. These principles are explained in more detail in ISO's quality management principles. Using ISO 9001 helps ensure that customers get consistent,

good quality products and services, which in turn brings many business benefits.<sup>11</sup>

The object of our research is the enterprise "Kula", which has received the food safety certificate ISO 22000, confirming the production of international quality products. In this regard, it is also an interesting enterprise, a spice enterprise, which was created in 2020 during the pandemic and produces 18 types of spices. It is important that the European international standard, the system of hazard analysis and critical control points (HACCP) has been implemented in the enterprise. The ISO quality management certificate is primarily about trust and customer orientation, and it does not matter if this customer is in Georgia or abroad. Since the ISO standard is international, it often serves as a pass for the company to one or another international exhibition.

Businesses operating in any sector can use green technologies. In general, any business can make a green investment, regardless of its activity, whether it is a supermarket chain, a hotel, food production or a fitness center. The main thing is to evaluate the benefits in the long term.

Today, waste recycling is already a standard practice worldwide. Most people know that paper, metal, and glass can be recycled and reused, also materials such as oil batteries, "cell" phones, computers and even car parts. Not so few companies are working in this direction in the world. It is known that waste management is related to climate change in many ways. Greenhouse gases mainly consist of methane produced by the decomposition of organic waste. During waste processing and incineration, greenhouse gases, carbon dioxide and other pollutants are released. On the other hand, waste management may also play a positive role by generating energy and other indirect benefits from waste. A waste management code was developed in Georgia. The Waste Management Code is, in many ways, related to climate change issues. The sector's greenhouse gases mainly consist of methane produced by the decomposition of organic waste. However, in this regard, there are many issues to be resolved in the country.

When we talk about investing in green technology, there is a whole picture to consider. There are often cases where local businesses do not have enough information about the benefits that green technologies bring. For example, for the manufacturer, along with the reduction of production and operating costs, green tech-

11 <https://www.iso.org/iso-9001-quality-management.html>



nology means an increase in product quality, increased productivity and an expansion of the product range, as well as an increase in product reliability and an improvement in working conditions. We need successful projects, making green choices, a path to energy efficiency, energy-efficient buildings in accordance with local legislation, and preparing for future climate change.

## CONCLUSION

The direction of the country is important, with different approaches and green models, where it is considered that the economy is a part of society, and society is a part of nature. Tourism is an industry dependent on the environment. Today there are many challenges in terms of sustainable tourism development. It is necessary to develop a strategy that takes into account international standards, and it is necessary to facilitate the implementation of reforms in a way that positively affects the sustainable development of the economy. The green economy is not an abstract concept but a reality.

A model of economic development based on knowledge of sustainable development and ecological economy should be introduced. A green economy creates green jobs, ensures real, sustainable economic development and reduces environmental pollution, climate change, environmental degradation, and the threat of resource depletion. It encourages businesses to produce green products and services. "It's easy to forget,

but our existence depends on nature. Nature gives us the basic resources to build our society, healthy soil that gives us food and raw materials for buildings and clothes, clean water we drink and clean air we breathe. This is what we call "natural capital".<sup>12</sup>

Tourism should be considered in terms of environmental sustainability, with "eco-friendly" hotels, natural energy sources, protected areas, and responsible companies that control waste, water quality, and also inseparably consider environmental sustainability, sociocultural sustainability, and economic sustainability. The hospitality industry should set science-based carbon reduction targets. Green leasing, which removes barriers, will mutually create a new path to profitable, sustainable investment. Standardization, as a way to improve the quality of hotel and tourist accommodation services and support the economic development of the regional tourism industry, ISO Tourism and related services. Any business, regardless of its activity, can make a green investment. Taking measures in the industry, which will be adapted to the reduction of low-carbon industrial emissions adapted to the climate goals, should be encouraging innovative technologies and services, organizations that need a large amount of electricity, be it a hotel, an enterprise, the right solution would be a hybrid plant, the use of wind, solar plant, depending on their geographical location.

12 <https://csrgeorgia.com/ka/international-standards/20201204094030-un-global-compact>

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**გლობალური სოციალურ-  
ეკონომიკური და ბიზნეს  
გარემოს კვლევა**

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**RESEARCH OF GLOBAL SOCIAL-  
ECONOMIC AND BUSINESS  
ENVIRONMENT**



# GEORGIA'S ENERGY INDEPENDENCE

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**ABSTRACT.** Every country wants to be energy independent. It is quite difficult to achieve or sometimes practically impossible. Georgia has declared its desire to have energy independence so that external political or economic factors will have less influence on the country's domestic markets. Georgia was able to open up the energy trains of Russia as much as possible. Therefore, the ongoing war between Russia and Ukraine had less impact on Georgia compared to other European states. Achieving energy independence requires developing a well-thought-out plan and successfully achieving the milestones outlined in that plan. Georgia does not import electricity more than 8-10% each year, but thermal power plants that use natural gas as the main resource generate about 20-25% of electricity. Therefore, there is necessary to import natural gas from neighbouring countries for electricity generation. Today, there is a need to use renewable and abundant hydro resources, for which state support and appropriate measures are required.

**KEYWORDS:** ENERGY SECURITY, ELECTRICITY, ELECTRICITY IMPORTS, GENERATION, CONSUMPTION.

## INTRODUCTION

In general, energy security is one of the basis of the country's political independence and security, which cannot be achieved without energy independence. Energy security may play a core role in international relations. The energy security of Georgia is represented by the dependence on imported resources, as well as the socio-economic situation in the country.

The war between Russia and Ukraine has made even more clear the need for energy independence, not only for Georgia but also for many European countries. In this case, the above-mentioned war did not have a big influence on energy resources for Georgia because Russian energy (in terms of natural gas imports) is limited in Georgia as much as possible.

Ensuring the country's energy security is impossible without implementing regulatory instruments. In terms of energy security, we must consider a continuous supply of high-quality energy at an affordable price, which is painfully acceptable, considering the social condition of the country's population.

## ELECTRICITY MARKET ANALYSIS

Short-term energy security means that the energy system can promptly balance any disruption in the supply-demand equilibrium.

The demand for electricity in Georgia is increasing every year. From 2012 (9,379 mln.kWh) to 2022 (14,550 mln.kWh), consumption has increased by 55%. In the same period, generation capacity has increased by 48%, clearly showing the need for imported electricity to cover increased demand and investments in generation sources.

Diagram №1 shows the relationship between electricity production and consumption from 2012 to 2022. In addition, in 2021, the imbalance between production and consumption was 12%, and in 2022 – 4% (Commission, GNERC, 2022).

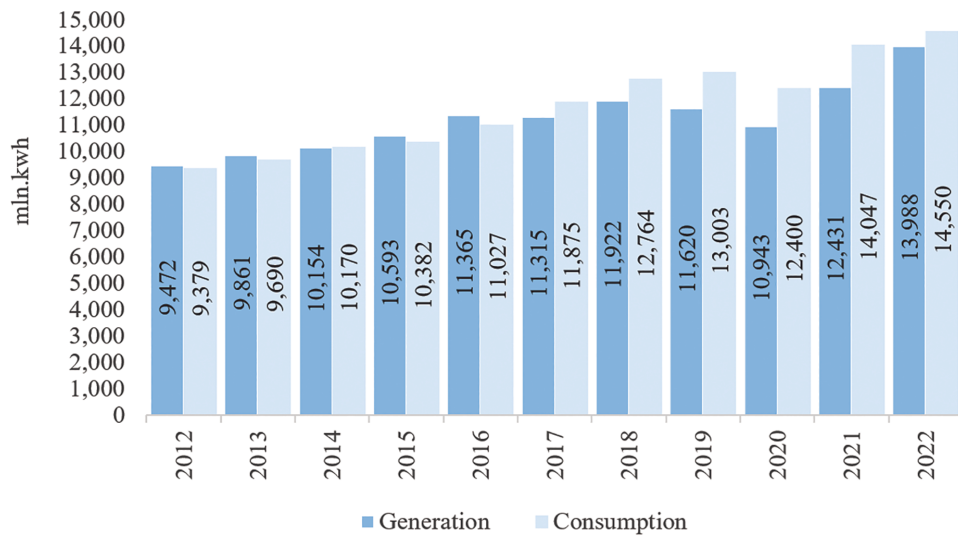


DIAGRAM №1. Electricity generation (delivery to the bus bar) and consumption.

SOURCE: (Commission, GNERC, 2022)

According to 2022 data, the share of local generation in the total amount of electricity delivered (18,681 GWh) was 76.26%, including electricity generated by thermal power plants – 23.8%, and imports – 8.21% (transit – 16.92%, losses – 1.38%) (Commission, GNERC, 2022). Similar data for 2021: the share of local generation in the total amount of supplied electricity (15,621 GWh) is 80.84%, including electricity generated by thermal power plants – 18.8%, and imports – 12.84% (transit – 7.58%, losses – 1.26%). The same data for 2020 were following (12,655 GWH) the share of local generation is

88.18%, including electricity generated by thermal power plants – 23.9%, and imports – 12.72% (transit – 0.8%, losses – 1.71%) (Commission, GNERC, 2022).

Diagram №2 shows the structure of electricity generated by thermal, hydro and wind power plants in 2012-2022.

In Georgia, generated and consumed electricity’s average of 20% is from electricity generated by thermal power plants, the main resource of which is imported natural gas (nearly 99% of total consumption). This part further increases the degree of energy dependence.

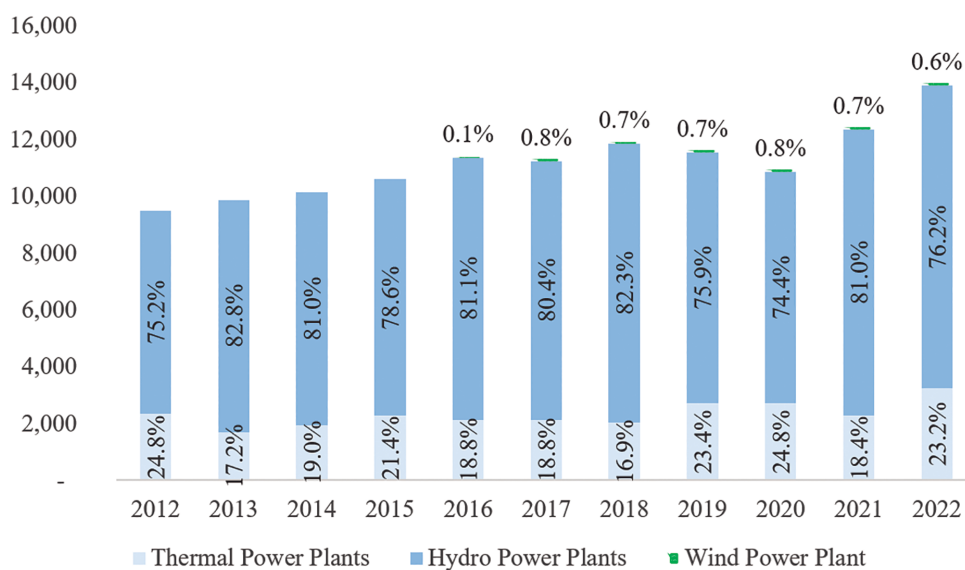


DIAGRAM №2. Structure of electricity delivered to the bus bar by power plants.

SOURCE: (Commission, GNERC, 2022).



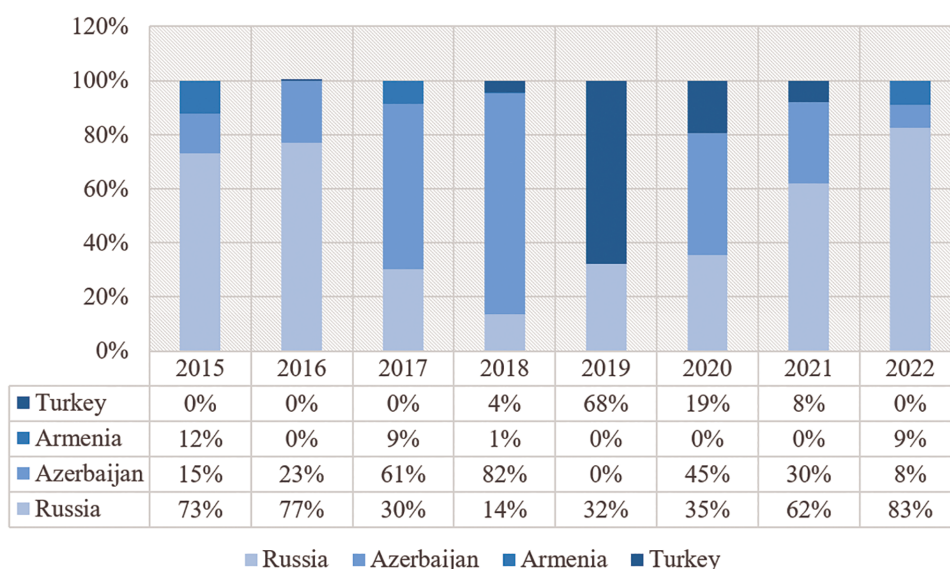


DIAGRAM №3. Electricity Imports by Countries (%).  
SOURCE: (Commission, GNERC, 2023).

Natural gas is a rather expensive energy since the country has to pay a gas price equivalent to the US dollar in GEL. The exchange rate of the US dollar against GEL was quite unstable, especially during the Covid-2019 period. Nevertheless, in the face of increasing demand for electricity, both in the short and long-term, the development of new generation sources and energy infrastructure, the availability of imports and the provision of optimal prices are impossible to ensure security.

Due to the transformation and modernization of the energy sector, Georgia uses foreign sources of energy resources. That is why it is required to do a detailed anal-

ysis of the import of different energy sources and assess their potential impact on the country's energy security. Although energy independence is a big challenge in the short or medium-term, the country needs to diversify its trading partners to achieve energy security.

Diagram №3 and Diagram №4 reflect the share and amounts of electricity imports in Georgia in 2015-2022 by country.

At the same time, our country exports electricity mainly during summer period, when production exceeds demand. According to the data of 2022, exports are distributed among the following neighbouring coun-

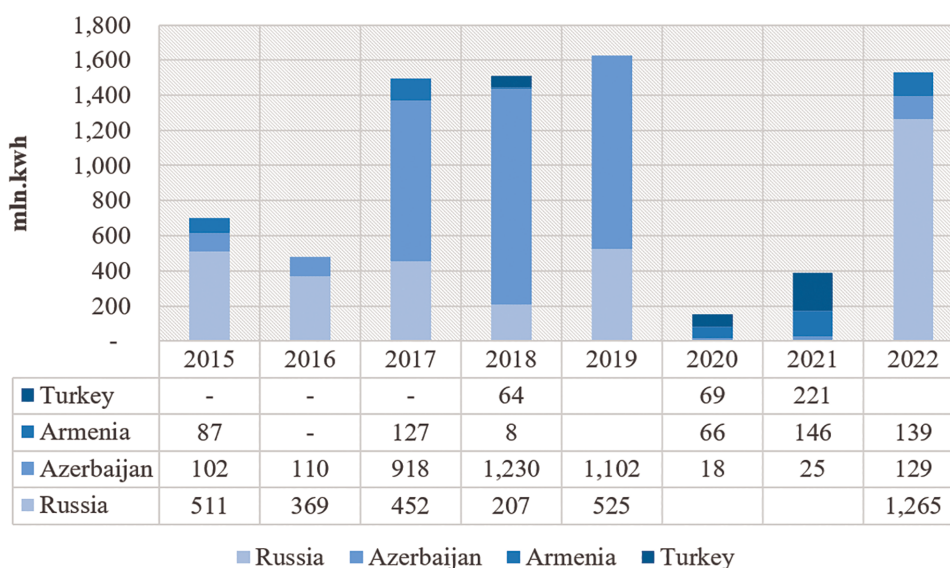


DIAGRAM №4. Electricity Imports by Countries (%). SOURCE: (Commission, GNERC, 2023).

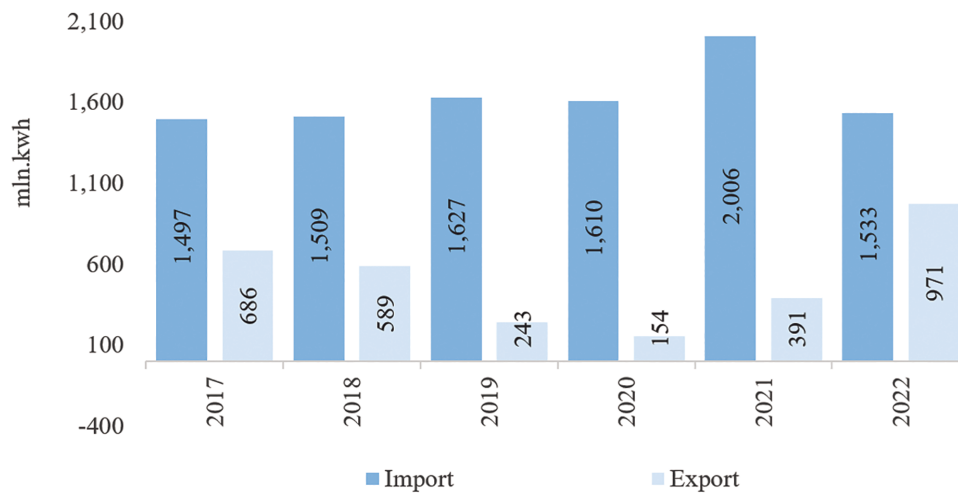


DIAGRAM №5. Electricity Import and Export.

SOURCE: (Commission, GNERC, 2023).

tries: Turkey (89%), Armenia (10%) and Azerbaijan (1%) (Commission, GNERC, 2023).

The annual electricity demand growth is ahead of local generation. Therefore it is necessary to ensure that Georgian society is well-informed about the energy sector dynamics. Importing energy from abroad in the short term can cover the difference between demand and generation. Increasing the generation of renewable energy in the country is necessary not only to reduce the gap between electricity consumption and generation but also to eliminate this gap in general and to ensure the country's energy security.

## CONCLUSION

In accordance with the current legislation in Georgia, the government of Georgia supervises the safety of electricity supply in cooperation with GNERC and other competent state bodies and takes measures to ensure the safe and reliable supply of electricity to the end user:

- Creating a transparent and stable regulatory framework – with clearly defined functions and responsibilities of electricity market participants;
- Electricity transmission and/or distribution networks maintenance and updating, if it is necessary;
- Promotion of renewable energy sources;
- Existence of sufficient reserve power of transmission and production for stable operation of the electric power system;

- The balance between the demand for electricity and the availability of production capacities;
- Encouraging the introduction of energy efficiency and new technologies, including demand-side management, renewable energy and smart metering technologies, and distributed generation of electricity;
- Encouraging energy-saving arrangements;
- Elimination of administrative barriers hindering investments in the electricity energy sector and minimization of administrative procedures.

The main mechanisms of regulatory support for energy security are the following:

- Authorization of energy activities and activity monitoring, which primarily means licensing of entities;
- Implementation of modern trade mechanisms and imbalance responsibility mechanisms on the energy markets, which will contribute to positive investment signals;
- Monitoring of energy markets – formation of a competitive environment, increase the market liquidity, prevention of abuse of market power;
- Processing of supply continuity indicators, setting their limits, implementing appropriate monitoring and ensuring improvement of indicators;
- Incentive tariff regulation based on reasonable-appropriate costs, which involves encouraging investments in the network and, at the same time, strict control of their implementation using regulatory audit methods;

- Annual agreement of network infrastructure development plans, taking into account energy security, integration of renewable energy into the network, and satisfaction of increased consumption;
- Regulatory support for energy efficiency and renewable energy development.

In conclusion, it should be mentioned that to achieve a country's energy security, it is necessary to implement regulatory instruments that require all parties' active involvement. Without additional investments, achieving energy security in the long term is practically impossible. In accordance with the tariff methodology (approved by the resolution №68 dated

December 15, 2020, of the Georgian National Energy and Water Supply Regulatory Commission), the pre-agreed investments by the Commission are reflected in the tariff in advance so that the company has the opportunity to gradually withdraw the spent funds in the form of the electricity tariff set by the Regulatory Commission. Consumers should have a proper understanding of what is ultimately best for them and the country. If we want an uninterrupted electricity supply in the long term at an affordable price and ultimate en-

ergy independence, it is impossible to make additional investments without reflecting it in the tariff.

Utilization of renewable energy resources remains one of the priorities for the future development of the electricity sector to use existing energy resources in Georgia efficiently, increase electricity security and sustainability, and fully meet the country's electricity demand.

Georgia is a rich country in various sources of renewable energy. While water resources have historically played a leading role in Georgia, alternative renewable sources are becoming increasingly popular (such as wind, solar, etc.).

The Commission has an important role in implementing RES and energy efficiency legislation. Furthermore, following the law, the Commission approved the Rules for Issuing Certificates of Origin of Electricity in 2021. (Commission, GNERC, 2022) The Commission plays a leading role in regulating and promoting micro power plants, for which the so-called net metering regulation has been adopted.

Georgia has a real chance to be an energy-independent country.

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# GAMBLING-RELATED RISKS AND THE ROLE OF RESPONSIBLE GAMBLING

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**ABSTRACT.** This article examines the problems related to gambling, particularly in the context of Georgia, while exploring global approaches that promote responsible decision-making. It discusses various forms of gambling, including lotteries, sports betting, electronic gambling machines (EGMs), and casino games, and their associations with problem gambling. The article highlights the link between high gambling involvement and problem gambling, emphasizing that the level of engagement in gambling activities has a greater impact on behavior than the specific type of game played. The role of advertising in promoting gambling is discussed, with a focus on the marketing strategies employed by the industry. Additionally, it provides an overview of the Georgian gambling market and the legislative provisions implemented to mitigate the adverse effects of gambling on society. Moreover, the article emphasizes the importance of broadcast media monitoring in academic research, particularly in assessing the effects of gambling advertisements on individuals' behaviors and attitudes. The article concludes by highlighting the importance of comprehensive analysis combining statistical indicators with social studies to assess the effectiveness of gambling regulations and reforms. It emphasizes the need for ongoing research to understand the complexities of gambling behavior and develop strategies to promote responsible gambling practices.

**KEYWORDS:** PROBLEM GAMBLING, GAMBLING-RELATED RISKS, RESPONSIBLE GAMBLING, LEGISLATIVE PROVISION.

## INTRODUCTION

Gambling has long been a contentious topic, with attitudes towards it varying across societies. While it contributes significantly to state economies under free market and liberal policies, many traditional communities consider it unethical. As the gambling industry continues to grow and attract more players, it raises important questions about why people become addicted to gambling and the associated risks. This article aims to examine the problems related to gambling, particularly in the context of Georgia, while exploring global approaches that promote responsible decision-making.

## FORMS OF GAMBLING

The realm of commercial gambling encompasses various activities rather than just one. It comprises

lotteries, horse and sports betting, EGMs, bingo, card games, and casino table games that rely on chance, such as craps and roulette. These forms of gambling are accessible online and have different variations and combinations available (Binde, 2017).

The reasons for engaging in different forms of gambling vary depending on individual perspectives, and as a result, it is reasonable to assume that different forms of gambling are linked to problem gambling to varying degrees (Balodis, 2014; Holtgraves, 2009). According to behavioral and addiction theories, games with a higher frequency of returns, such as Electronic Gambling Machines, have a stronger association with problem gambling than slower and less frequent activities like lotteries (Haw, 2008; Linnet, 2010). Cognitive theories suggest that multiple cognitive fallacies are more strongly linked to problem gambling than other forms of gambling (Goodie, 2013). Sociological theory suggests that excessive gambling is closely associated with gambling types that in-



volve subcultures in which participants adopt significant social identities. Neuroscientific research indicates that certain types of gambling have a greater impact on the neural substrates involved in decision-making, potentially increasing the risk of gambling addiction due to a complex interaction between the characteristics of gambling products and individual risk factors (Murch, 2016).

### **GAMBLING INVOLVEMENT (VERSATILITY)**

The link between certain types of gambling and problem gambling (PG) is well established, leading to a recent focus on examining participation in various gaming activities. Statistical analysis of demographic surveys and large datasets has revealed a positive relationship between heavy gaming engagement and PG (Holtgraves, 2009; Phillips, 2013). "Involvement" refers to participation in multiple gambling activities, with low involvement indicating limited participation and high involvement indicating participation in a wide range of activities. This engagement has been referred to as "versatility" in the literature (Welte, 2004).

Many studies have shown that the association between problem gambling and various types of gambling reduces or disappears when statistically controlled. However, it does not mean that all forms of gambling are equally harmful. Instead, problem gamblers tend to have a higher level of gambling engagement, which has a greater impact on their gambling behavior than the specific type of game being played. This suggests that it is not necessarily the type of game that is the problem but rather the level of involvement in gambling activities (LaPlante, 2013).

The connection between excessive gambling involvement and PG is not inherently causal. For instance, a recreational gambler may infrequently participate in various types of gambling for small amounts, while someone may have problematic gambling behavior with only one type of gambling. The link between PG and increased gambling involvement could explain why high gambling engagement is associated with PG. Intensity refers to the amount of time or money spent on gambling, with low intensity indicating relatively small amounts and high intensity indicating relatively large amounts. In some studies, "depth participation" has been used instead of "breadth involvement" to describe the frequency (i.e., intensity) of gambling. Gambling intensity is directly related to PG (LaPlante, 2013).

### **PROBLEM GAMBLING**

All types of gambling involve the possibility of winning more than the amount bet, but they vary in their structural characteristics and the experiences they provide to the gambler. Lotteries are attractive because they allow people to bet a small amount and potentially win a large sum of money. Bingo is often seen as a social activity. Sports betting has an element of skill involved, and electronic gambling machines enable players to engage in extended playing sessions where they can place small bets repeatedly in quick succession, potentially leading to a dissociative state of mind (Parke, 2017; Binde, 2013).

Demographic surveys have shown that problem gambling is common among individuals who participate in different forms of gambling (Binde, 2011). Binde's research found that problem gambling was frequently associated with interactive online gambling, casino gambling, and electronic gaming machines (EGMs), while sports pools, bingo, horse betting, and sports betting were only moderately associated with problem gambling.

A meta-analysis of Canada's legal gambling sector revealed that video lottery terminals (also known as EGMs in bars) were the gambling format most strongly linked to problem and compulsive gambling, according to researchers (Mazar, 2020).

The data from Sweden revealed a strong association between problem gambling and several types of gambling, including EGMs, casino gaming, bingo, and poker (Binde, 2017).

Various studies conducted on clinical populations and samples of people with gambling problems have investigated the relationship between different types of gambling and problem gambling. Grant and Kim's study of 78 patients diagnosed with compulsive gambling in the United States found that slot machines, cards, and blackjack were the most played types of gambling. Another study conducted in the United States on individuals seeking treatment for compulsive gambling found that video lottery terminals, slot machines, casino games, and lotteries were the most problematic forms of gambling. These findings may be related to neuro-marketing, as gambling games and casino venues are more complex than simple Pavlovian tasks performed by animals. They involve various stimuli, such as colors, lighting, reward-related visuals, music, and social cues. Some studies have attempted to demonstrate that psy-



chological interventions can alter gambling behavior by changing activity within the brain reward system. Therefore, an evolutionary neuromarketing approach involves investigating the ultimate causes of diverse brain activity patterns rather than just recording them. Establishing central neuroimaging data repositories can help in identifying universal marketing-related fMRI patterns.

The detection and screening of problem gambling is crucial for its treatment and prevention. Numerous studies have established cross-sectional or longitudinal correlates of problem gambling, including traits and behaviors associated with problem gambling. Research has shown that being male and young is strongly associated with online gambling. Men take more risks and have lower levels of impulsive coping compared to women, and those who take more risks but have lower levels of impulsive coping are more likely to gamble. Gender and gambling engagement, as well as problem gambling, have been studied through experiments, revealing that men gamble twice as much as women in terms of participation or frequency. Gender differences in problem gambling are also significant, with a higher percentage of male gamblers having gambling disorders compared to female gamblers. Researchers have used regressions to examine gender differences in gambling engagement and issues (Griffiths et al., 2009b; Ladd & Petry, 2002; Petry, 2006; Petry & Weinstock, 2007; Wong, 2010, 2013).

Engaging in risky activities is not only prevalent among adults but also among adolescents. According to global research, gambling is 2-4 times more common among teenagers than adults. Adolescent gamblers, like adult gamblers, are more likely to be male, and men are more likely than women to develop gambling problems (Derevensky, 2004). Peer group gambling is an important component, much like other elements of adolescent peer activities. Peers may introduce gambling as a shared social activity. However, when teenagers develop gambling issues, previous companions are replaced with gambling acquaintances, which can perpetuate or intensify the problematic behavior (Gupta, 2000).

Teenagers are at higher risk of developing gambling problems if they have parents with gambling issues, start gambling at a younger age, and exhibit more impulsive behavior. Furthermore, adolescents from families with gambling issues are more likely to gamble than those without such issues (Derevensky, 2004).

Research has suggested that risky behavior may be

related to the brain formation process, which can result in heightened sensitivity to rewards in certain regions of the brain. The amygdala, ventromedial prefrontal cortex, and other brain systems that are responsible for regulating harm avoidance may not be fully developed, which can contribute to the tendency towards risky behavior (Chambers, 2003).

## ROLE OF ADVERTISING

It is widely acknowledged that the media wields significant influence over people's actions and perspectives. In the realm of commercial advertising, the conventional approach aims to capture customer attention, foster positive sentiments towards the product, and promote the adoption of the advocated messaging. In modern marketing, an emotional component is added to create additional value for customers. The gaming sector, being highly attractive to marketers, applies various marketing techniques within one of the fastest-growing industries driven by new technologies. Gambling advertisements directly impact interest and accessibility by informing individuals about gambling opportunities through communicative strategies.

Analyzing the content of several gambling platforms in Georgia reveals that the advertising messages/slogans encourage individuals to believe they have favorable chances of winning or recouping their money. These advertisements emphasize luck rather than hard work or sensible investing, promoting the allure of luck, dreams, and free entertainment while exaggerating the probability of winning. Marketing campaigns that promote gambling as a means to secure an ideal, easy, and immediate future have proven highly appealing, albeit risky, for individuals who neglect other essential aspects of life, such as employment and education.

Different advertising and marketing strategies are employed to promote gambling products, including media advertisements that shape potential customers' perceptions through placements and direct promotion. Such strategies play on self-identity, social status, and sexuality, appealing to the cognitive aspects of advertising. Personal communication also triggers an emotional connection when individual gamblers are treated specially and made to feel valued within the company. Exceptional service, personalized communication, VIP benefits, participation in exclusive events, and other perks enhance gamblers' comfort and sense of unique-

ness, influencing their loyalty and behavior towards the company.

Digital advertising is widely utilized in Georgia, leveraging the rapidly growing direction of online marketing, which allows for data analysis and is both feasible and effective. Pop-up promotions for gambling sites are frequently encountered on various websites in the form of pre-rolls, static and animated banners, and even gambling-related emails. Internet advertising facilitates a swift online gambling experience as users can easily access demo versions and gain a better understanding of the nature of the site.

Prominent celebrities are increasingly employed by major operators to endorse and lend credibility to gaming brands. High-profile female celebrities, sports personalities, and influencers are used in promotions and advertisements targeting predominantly male audiences, enticing them to engage in gambling. Famous artists and sports figures endorse products by appearing in commercial media advertisements and wearing branded items available for purchase by consumers.

Sponsorship remains a prevalent form of indirect advertising that enhances the glamour associated with products and fosters public trust in the company. Sports sponsorship is emerging as a primary marketing platform for gambling firms, which is significant in Georgia, where sports development relies heavily on private-sector sponsorship.

## OVERVIEW OF GEORGIAN MARKET AND LEGISLATIVE PROVISIONS

Over the past twenty years, the gambling industry in Georgia has experienced substantial growth. This development has had a positive impact on the country's micro and macroeconomic indicators. However, it has also had societal implications and has given rise to various social issues. Presently, the Revenue Service is responsible for issuing permits in the gaming sector, which include permits for establishing gaming machine cabins, organizing gambling salons, setting up gambling clubs, operating totalizers, arranging lotteries, organizing bingo, conducting incentive raffles, and providing gambling and/or games with prizes.

In response to the societal context, the government took certain measures concerning the expansion of the gaming industry. As of March 1, 2022, new regulations regarding the gaming business were implemented

based on the initiative of the Prime Minister of Georgia. These regulations include a prohibition on online gambling for individuals under the age of 25 and for individuals listed as dependent or prohibited persons, such as socially vulnerable individuals and civil servants. Additionally, gambling operators are now required to record information about individuals entering gambling premises, following the rules established by the Minister of Finance of Georgia. Companies have been instructed to prevent players from transferring or depositing money into another player's gaming accounts (Legislative Herald of Georgia, 2022).

The aim of implementing legal regulations was to mitigate the adverse impact of gambling on society. In pursuit of this objective, amendments were made to Article 8 of the Law of Georgia "On Advertising". Consequently, the distribution of advertisements related to gambling and games of chance in any form or through any means, including electronic communication networks, was prohibited. However, there were two exceptions to this rule. Firstly, advertisements could be placed in real and virtual spaces only in areas where the lawful operation of gambling and/or totalizer facilities is permitted. Secondly, advertising placement was allowed in exchange for sponsoring sports events, sports competitions, and activities of sports organizations, as well as in designated areas such as international airports and border-customs checkpoints (Legislative Herald of Georgia, 2022).

It should be highlighted that the most recent update of statistical data in the gaming industry occurred in the first quarter of 2023, specifically during the months of January and February. The statistics from this period hold considerable significance as they represent the initial indicators following the implementation of the new regulations introduced by the government.

During the period from March 1, 2022, to March 2023, a total of 1,457,526 individuals were recorded in the list of prohibited persons in the database of the Revenue Service under the Ministry of Finance. Among them, 4,901 individuals were registered as dependents, with 34 individuals included based on a court order and 4,867 applications submitted by individuals themselves. These data demonstrate the effectiveness of the non-enumeration system established by the legislation, as it provides the necessary data for analysis across various domains (Revenues Service, 2023).

It is worth noting that there has been a 12% reduction in gaming business fees based on the January-February 2023 budget. The data from the state treasury

reveals that a total of 1,874,465.50 GEL from gaming business fees was allocated to the consolidated budget during the first two months of the current year, compared to 2,124,796.21 GEL received during the same period in the previous year.

A substantial decline of 81% was observed in the funds generated from the incentive lottery. The State Treasury data indicates that during the first two months of 2023, a total of 335,137.50 GEL was allocated to the budget from the incentive lottery, in contrast to the amount of 1,779,946.11 GEL received during the corresponding period in 2022 (State Treasure, 2023).

Conversely, there has been a significant rise of 160% in the funds contributed to the budget from gaming machines. During the months of January and February 2023, a total of 808,734.00 GEL was allocated to the budget from gaming machines, in comparison to the amount of 310,800.10 GEL received during the same two-month period in 2022.

The examination of statistical data reveals contrasting trends in the areas of licenses and incentive draws, suggesting a potential decrease in the number of participants. Conversely, there has been a notable surge in the contributions to the budget originating from gaming machines, implying a contrasting observation. This discrepancy highlights the need for a comprehensive analysis that combines statistical indicators with social studies to assess the progress made towards the intended objectives of the implemented reforms.

## BROADCAST MEDIA MONITORING

One of the essential aspects of academic research is the collection and analysis of quantitative data, which is also true for studying the field of gambling. However, in this area, there are several challenges that result in a lack of practical statistical data. These difficulties pose limitations to conducting empirical studies due to the unavailability of necessary data.

An important consideration for this paper is to define the extent of gambling in Georgia in order to address tangible and noticeable issues surrounding the topic. It is worth noting that the Statistics Office does not directly possess data on the number of players across the country. To determine the scope of the field based on official data, one can rely on the annual budget contributions from gambling companies. However, these statistics are not publicly accessible, and obtain-

ing them requires filing a public information request.

Given these circumstances and to understand the extent of the restrictive and obstructive factors, it was decided to analyze media data to gain insights into the scale of the gambling industry.

In collaboration with the media agency, data on the amount spent on gambling advertisements in the television space and the results obtained during 2020-2021 were made available for research. It is important to note that the agency utilizes the internationally recognized and licensed program "Kantar" for data collection. Kantar is a data and evidence-based organization that provides insights and practical recommendations to clients worldwide. They gather data digitally and disseminate real-time insights across more than 90 markets globally.

The summarized data for 2020 and 2021 reveals that the estimated total expenditure on gambling advertisements by television companies during this period amounted to GEL 371,457,788. It is important to acknowledge that the estimated value represents an initial figure reflecting the position of television companies in their pursuit of generating revenue from the gambling industry. This value is adjusted based on market conditions, pricing policies, and existing commercial contracts. According to the same data, in 2020, TV advertisements reached a total of 319,763 units targeted at the audience, while in 2021, the figure increased to 382,420 viewers. The statistics indicate that 99.6% of the target audience viewed the advertisements three or more times. The technical description encompasses the population of Georgia, with the target audience being individuals aged 18 years and above. The period of analysis spans two years, from January 1, 2020, to December 31, 2021. The status of the advertisements was live, and the viewing was on the same day as live (VOSDAL). The sample size for this analysis is 1,212,000 viewers (Havas Media Group, 2022).

Based on the information obtained through media monitoring, it can be inferred that most gambling companies in Georgia allocated marketing costs to advertise their products across multiple channels to reach a wider population.

A crucial subject of examination pertains to the monetary gains acquired by television stations during the timeframe spanning from 2020 to 2023. This particular period assumes significance as it signifies the influence of government regulations implemented in March 2022 upon the domain of television advertising enterprises.

As per the data provided by the National Communications Commission, the aggregate value of televisions, as reported by companies, amounted to 136.15 million GEL in 2020. In the subsequent year of 2021, this figure declined to 127.35 million GEL and further decreased to 119.68 million GEL in 2022. It is noteworthy that the market exhibited a general downward trajectory in revenues during the 2020-2022 period, potentially attributed to the repercussions of the pandemic. However, it is evident that the regulations imposed on the gaming industry played a significant role in the 6% reduction observed in the market in 2022 (Communications Commission, 2023).

To exemplify the aforementioned, a comparison can be made between the data from March 2021 and the corresponding indicators in 2022, which corresponds to the period when the prohibition on all forms of television advertising related to the gaming industry was implemented. In 2021, this metric stood at 6.59 million GEL, whereas in 2022, it decreased to 3.45 million GEL. The substantial decline of 48% serves as a testament to the influence of advertising restrictions imposed on the gaming sector on the advertising volumes within the television market (Communications Commission, 2023).

## RESPONSIBLE GAMBLING

Gambling is an activity that involves taking risks and relies on chance to determine its outcome. The frequency and intensity of gambling can vary among individuals, ranging from no involvement to high levels of participation. Recognizing the potential risks associated with gambling, many countries have implemented Responsible Gambling (RG) programs. These initiatives aim to promote safe and responsible gambling practices while mitigating the negative consequences that can arise from excessive or problematic gambling behaviors.

Responsible Gambling refers to a set of policies, practices, and initiatives designed to ensure that gambling activities are conducted in a manner that minimizes harm to individuals and society as a whole. The primary goals of RG programs are to prevent gambling-related problems, promote informed decision-making, and provide support and assistance to individuals who may be at risk or experiencing difficulties due to their gambling habits (Blaszczynski, 2004).

## KEY COMPONENTS OF RESPONSIBLE GAMBLING PROGRAMS:

*Public Awareness and Education:* Responsible Gambling programs emphasize the importance of informed decision-making and aim to increase public awareness about the potential risks associated with gambling. This includes educating individuals about the odds, probabilities, and potential negative consequences of excessive gambling.

*Player Protection Measures:* RG programs often include player protection measures such as age verification processes to prevent underage gambling, self-exclusion programs that allow individuals to voluntarily exclude themselves from gambling activities, and spending limits to help individuals maintain control over their gambling expenditures.

*Support and Treatment Services:* To address gambling-related problems, RG programs provide access to support and treatment services for individuals and their families who may be affected by gambling addiction or other gambling-related issues. These services may include helplines, counseling, and referral programs to specialized treatment centers.

*Collaboration with Industry:* Responsible Gambling initiatives often involve collaboration between gambling operators, regulatory bodies, and relevant stakeholders. This collaboration aims to develop and enforce responsible gambling policies and practices within the industry. It may include measures such as advertising regulations, responsible marketing practices, and staff training on identifying and addressing potential gambling-related problems.

Given the intricate nature of gambling, the responsibilities and obligations of various stakeholders such as industry operators, healthcare and welfare providers, community groups, customers, and government agencies are vast. In 2004, the initial proposal by Blaszczynski introduced the Reno Model, which serves as the pioneering strategic framework for guiding Responsible Gambling (RG) strategies. The Reno Model framework offers a structured approach for adopting, implementing, and evaluating scientifically validated initiatives and methods within RG programs. Through best practices, it has been determined that the Reno Model emphasizes the implementation of five key strategies: Self-exclusion; Study of gambling habits to create systems capable of detecting sensitive events; Limit Setting; Specific RG; Features Employees training.

Differentiating responsible gambling from rehabilitation programs targeting problem gamblers is essential. Professionals involved in public health programs, includ-



ing counseling and other healthcare services, retain the responsibility of addressing and providing treatment for individuals who have experienced harm because of gambling (Blaszczynski, 2004).

Responsible gambling is rooted in the principle of informed choice and regarding gambling as a personal decision. This principle aligns with human rights policies and emphasizes that individuals have the autonomy to decide whether to engage in gambling activities. These decisions are shaped by a series of choices made by individuals with access to pertinent information. Informed choice guarantees individuals the freedom to determine their participation in gambling based on accurate and unbiased information. By providing participants with relevant and evidence-based information, the aim is to assist them in making well-informed decisions (Blaszczynski, 2004).

While analyzing the strategies of Georgian gambling providers, the direction of RG is also starting to develop. However, only a limited number of companies embrace the principles of the Reno Model and recognize the significance of fostering positive customer attitudes towards gambling, even from a business or commercial perspective. It is crucial to note that the involvement in promoting responsible gambling extends beyond the industry itself, encompassing individuals and society.

## CONCLUSION

In conclusion, gambling-related risks and problem gambling are important issues that require attention from policymakers, researchers, and society. This article has explored various aspects of gambling, focusing on the context of Georgia while also drawing insights from global approaches to responsible gambling. Different forms of gambling, such as lotteries, sports betting, electronic gambling machines (EGMs), and casino games, have varying associations with problem gambling. However, it is the level of involvement in gambling activities that has a greater impact on behavior than the specific type of game played. This highlights the importance of considering the overall gambling engagement of individuals when addressing problem gambling. Advertising plays a significant role in promoting gambling and shaping people's perceptions. Marketing strategies employed by the industry often emphasize luck and the allure of winning, which can lead to unrealistic expectations and excessive gambling behavior. It is essential for regulatory authorities to closely monitor and regulate gambling advertising to ensure responsible

messaging and protect vulnerable individuals. In Georgia, the gambling industry has experienced significant growth in recent years. To mitigate the adverse effects of gambling on society, legislative provisions have been implemented, including restrictions on online gambling for certain groups and limitations on gambling advertising. These measures aim to promote responsible gambling practices and protect individuals from harm. Future research and analysis are crucial to understanding the complexities of gambling behavior and developing effective strategies for responsible gambling. Comprehensive studies combining statistical indicators with social research can provide valuable insights into the effectiveness of gambling regulations and reforms. Ongoing monitoring of the Georgian gambling market and its impact on society will help policymakers make informed decisions and implement targeted interventions. Furthermore, preventive measures should focus on early detection and screening of problem gambling, particularly among vulnerable populations such as adolescents and individuals with a family history of gambling issues. Education and awareness campaigns can play a vital role in promoting responsible gambling behaviors and reducing the stigma associated with seeking help for gambling problems. In summary, addressing gambling-related risks and promoting responsible gambling practices require a multifaceted approach that involves regulatory measures, responsible advertising practices, and comprehensive research. By understanding the complexities of gambling behavior and implementing evidence-based interventions, societies can minimize the harm caused by problem gambling and create a safer gambling environment for individuals.

## LIMITATIONS

Overall, while the article provides valuable insights, its limitations should be considered when interpreting the findings and considering their implications. Firstly, the research is based on a single study, which may limit the generalizability of the findings. Additional studies with larger sample sizes and diverse populations are needed to confirm the results and establish broader applicability. Secondly, the study design is cross-sectional, which limits the ability to establish causal relationships between variables. Longitudinal studies that track participants over time would provide a more comprehensive understanding of the dynamics and temporal associations involved.



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# BUSINESS LEGAL POLICY WITHIN THE SCOPE OF REHABILITATION REGIME OF A DEBTOR

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**ABSTRACT.** The presence of the business and a proper business environment is essential for the multifaceted development of our country. Therefore, its preservation has the same importance as well, that is provided by the insolvency law through the rehabilitation regime. The article discusses the importance of the rehabilitation regime for a business entity.

The article hereof provides the actions taken by various authorities through adopting laws, introducing international standards, etc. For example, on the Ministry of Justice of Georgia initiative, the Parliament of Georgia adopted the Law “On Rehabilitation and Collective Satisfaction of Creditors’s Claims” in 2020.

The work also discusses the judiciary and its role in saving the business based on a specific example. The work also reviews the place of Georgia in various ratings, such as those of “Doing Business” and “The Heritage Foundation”. Considering their importance and influence, the above-mentioned ratings and the place held by Georgia are a guide for foreign investors.

The place of the judiciary in the rating, which has experienced stagnation, should also be noted. This, of course, has a negative impact on both local and international levels for those interested in doing business in Georgia. Despite the presence of an appropriate legal framework within the scope of the issue under consideration, however, the numbers that are read in the ratings do not give us the opportunity to state that there is a sound environment for doing business in Georgia. For this, it is obvious that only the insolvency law's presence is insufficient.

**KEYWORDS:** INSOLVENCY, REHABILITATION, INSOLVENT DEBTOR, BUSINESS LEGAL POLICY.

## INTRODUCTION

The Law “On Insolvency Proceedings”, adopted in 2007, has left a significant trace in legislative and practical development and in scientific terms. Deepening of knowledge made us face the new legislative needs, which resulted in the development of the draft law by the Ministry of Justice and its subsequent adoption by the Parliament in the form of the Law “On Rehabilitation and Collective Satisfaction of Creditors’ Claims”. In addition to the above-mentioned important domestic news, which led to amendments to the legislation and development in the current direction, we should not forget that the “Association Agreement” was ratified by the Parliament of Georgia on June 26, 2014, which, *inter alia*, involves the approximation of the Georgian law

with the EU legislation, between the European Union and the European Atomic Energy Community (Euratom) and their Member States.<sup>1</sup> The obligation to adopt the new insolvency law was not directly derived from the Association Agreement, however it did not cause contradiction with the directives either. This can be considered as a manifestation of the country’s free will for the benefit of development and success, which has a positive reflection in favour of our country on a yearly basis. As an illustration, let’s discuss “Doing Business” ratings of the World Bank of recent years, where Georgia ranks 6<sup>th</sup> or 7<sup>th</sup> place in terms of ease of doing business. For example, as of 2019, Georgia was in 6<sup>th</sup> place,<sup>2</sup>

1 Association Agreement, Article 1.2 g. [last viewed on April 07, 2023].

2 A World Bank Group Flashing Report, Doing Busi-

where it left behind such leading countries of the world as Norway, USA, UK, etc. And according to the data of 2020, Georgia took 7<sup>th</sup> place<sup>3</sup>, after advancing over the USA. One of the components of this research refers to insolvency, in which we are ranked on the 64<sup>th</sup> place, and last year we were ranked on the 60<sup>th</sup> place.<sup>4</sup> Success in launching a business should be converted into business preservation (through rehabilitation), which, as we witness, is of great importance in the development of the insolvency sector. It is believed in economic science, that the state must create favourable conditions for the formation and development of business, in which, in addition to political stabilization, and creation of a competitive and favourable social environment, legal provision of business is also necessary,<sup>5</sup> which is one part of the creation of an investment climate along with economic, political and social factors that determine the attractiveness of country for foreign investments.<sup>6</sup> And in the science of law, a scientist in the field of insolvency – Roin Migriauli, pointed out the interest of the state in the law, in favour of the rehabilitation regime, for prevention of bankruptcy proceedings in his work back in 2017.<sup>7</sup> It is after this that Georgia starts to pay attention to the field of insolvency in the world ratings, which contributed to the change of legislation and giving priority to the rehabilitation regime therein. The article is interesting, as it discusses the actions of all three branches implementing the state governance, in terms of creation, adoption and proper introduction of the applicable insolvency law in practice.

During the fulfilment of the work, such types of research were used as descriptive, inductive, qualitative, comparative, data analysis, etc. The purpose of the research topic is to study the state's business legal policy of insolvency.

**The research topic** is the study of the Georgian legislation on insolvency, in particular, within the scope of the purpose and meaning of the rehabilitation regime.

**The research object** is the involvement of the state governance implementing branches and their role in implementing the rehabilitation regime.

## STATE AND LAW

Within the scope of the responsibility mentioned above in the introduction, the state, in parallel with the international arena, did its best not to lag behind the world economic pulse and developed the Law “On the State Budget of Georgia for 2020”, which clearly described the priority programs for the development of the state. The issues related to insolvency were included in the priority ranks, which were formulated as follows: “The insolvency system will be reformed for the purpose of improvement of the procedures related to insolvency proceedings. There will be more incentives for rehabilitation of enterprises, more guarantees to ensure the protection of creditors’ rights and legal interests.”<sup>8</sup> In fact, development of the draft Law “On Rehabilitation and Collective Satisfaction of Creditors’ Claims” by the Ministry of Justice of Georgia was a huge step forward for implementation of the reform. In addition to the Law “On Budget”, the government program of 2019-2020 focused on the reforms in the field of insolvency, where the greatest importance was given to the development of economy, which was considered to be ensured by the reform of the insolvency system. It was aimed at rehabilitation of the debtor and ensuring the rights and legal interests of creditors with more guarantees.<sup>9</sup> In the report on the above-mentioned program, we can find that the set goal was fulfilled, on the basis of which the Law “On Rehabilitation and Collective Satisfaction of Creditors’ Claims” was developed.<sup>10</sup>

Each branch implementing the state governance should contribute to the initiation and establishment of law-making within the scope of its own capabilities, afterwards its development and correct interpretation in practice, maximum application of all kinds of resources for business prosperity, etc. I believe that the success of the business is directly related to the success of the country. Its prerequisite is establishment of a

ness 2019, 16<sup>TH</sup> EDITION. Pg. 5.

3 Comparing Business Regulation in 190 Economies, Doing Business. 2020. Pg. 4.

4 Doing Business (2020), Ministry of Economy and Sustainable Development of Georgia, 2020.

5 G. Shubladze, M. Nanitashvili, (2011) Basics of Business. Publishing house: Universal, Tbilisi.

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7 R. Migriauli, (2017) Introduction to Bankruptcy and Insolvency Law. 3<sup>rd</sup> revised edition. Publisher: Lawyers’ World, Tbilisi. Pg. 233.

8 The Law of Georgia “On State Budget”, 2020 [last viewed on April 07, 2023].

9 Government Program 2019-2020, September, 2019 [last viewed on April 07, 2023].

10 Report on performance of the Government Program, 2019-2020. September, 2019 – May, 2020. Pg. 57. [last viewed on April 07, 2023].

legal framework. Even, according to the philosophy of law – “what is legal – is useful for people”.<sup>11</sup> To ensure this, the legislative and executive authorities have done everything within the scope of their competence, and now we have the Law “On Rehabilitation and Collective Satisfaction of Creditors’ Claims” in force. After all, the judiciary is of great importance, in particular, for acceptance of application in the proceeding, opening the rehabilitation regime, etc.

### IMPORTANCE OF THE REHABILITATION REGIME

Importance of the rehabilitation regime encompasses various fields and interests. In addition to the legal importance of preserving the existence of an entrepreneurial entity, continuing presence in the Registry of Entrepreneurs and Non-Entrepreneurial Legal Entities, rehabilitation has huge material importance – as in terms of continuation of the actual activity of its enterprise. The Constitution is the guarantor for protection of everyone’s rights. The Constitution of Georgia ensures freedom of entrepreneurship, prohibits monopolistic activities, except for the cases allowed by law, etc.<sup>12</sup> However, it is considered that the state itself creates a monopoly in certain cases due to individual characteristics of the field of law and activity,<sup>13</sup> for example, while granting the licenses and during the issues regulated within the framework of the intellectual law. Regardless of the topic’s specific, we have to remember that “free competition is considered as the best way to achieve the economic welfare, and the main goal of the legislation regulating competition is to increase the economic welfare of the society”<sup>14</sup> and it is considered to be of primary importance in the economy.<sup>15</sup>

As for international investments – whether it is launching a business in the local market, establishment of a branch, relocation of an enterprise or something

else, prior to making a decision, it is important for the investor/businessman to have the stability, favorability and compliance of domestic legislation with the international standards, because from the beginning, they determine in the contract which country’s tribunal must consider the case if a dispute occurs, they are guided by the norms of domestic law in general, in the process of action.<sup>16</sup>

In the end, we should not forget about the benefits of the welfare sector, in particular, the rehabilitation regime, and – “We are obliged to save those who are worth saving”.<sup>17</sup> Through rehabilitation, in preservation of the debtor, we should see the universal importance of continuing his/her existence, taking into account the above-mentioned or other reasons. If the debtor is not rehabilitated, the necessity of the bankruptcy regime will arise, which will be followed by the opposite actions of rehabilitation, in particular, withdrawal from the Registry of Entrepreneurs and Non-Entrepreneurial Legal Entities, and before that – realization of the bankruptcy mass for satisfaction of the creditors, etc. The rehabilitation regime serves to avoid all this, which is the best way to overcome the crisis and protect the interests of both the debtor and the creditor, that is a mean of prevention of disappearance of the bankruptcy – debtor from the civil circulation, that is called “the second chance”. It is believed that if there is a “second chance” and the rehabilitation process is successfully implemented, it will contribute to the development of the entrepreneurial activity.<sup>18</sup> As we can see, importance of the rehabilitation regime goes far beyond the scope of the insolvency sector. And, its use and implementation, in addition to the interests of the debtor, is of national importance, both inside and outside the country.<sup>19</sup>

### THE GOAL OF THE REHABILITATION REGIME

The goal is of great importance in any issue. The rehabilitation mode is no exception as well. The goal of the rehabilitation regime is realized in favor of several

11 G. Radbruch (2012), 5 Minutes of Philosophy of Law, Journal of Law: Table of Contents, N1-2 (3-4), Tbilisi, translated by Dimitri Gegenava.

12 Constitution of Georgia, Article 26. [last viewed on April 07, 2023].

13 Mankiw, N. G. (2009). Principles of Microeconomics, fifth edition, Harvard university. Pg. 318.

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18 International Monetary Fund: Orderly & Effective Insolvency Procedures.

19 M. Ketiladze (2023), “Sustainable Development Goals and Rehabilitation Regime”.

actors. For example: the state, the creditor, the debtor himself/herself, etc. Exactly the goal determines the direction of the regime and the interests of the parties. According to the Law “On Insolvency Proceedings”, satisfaction of the demands of the creditors were combined in the goal of rehabilitation – by improvement of the debtor’s financial and material-technical condition, perfection of the management system, increasing the success and profitability of the debtor’s commercial activities, as well as the possible optimization of the trustee’s property.<sup>20</sup> As we can see, according to the law, the goal was set not only towards the interests of the debtor, but also in the interests of the creditor. If the debtor’s goal was to save the enterprise through improvement of the situation, increasing the profits and other means, the creditor’s goal was to satisfy his/her interests. It is obvious, realization of the creditor’s goal went through the realization of the debtor’s goal. Accordingly, the creditor had no less interest in the debtor’s successful rehabilitation regime, because he/she would be able to satisfy the requirements only if the debtor’s rehabilitation goal was achieved.<sup>21</sup>

According to the applicable Law “On Rehabilitation and Collective Satisfaction of Creditors’ Claims”, the purpose of the rehabilitation regime is to approve the rehabilitation plan,<sup>22</sup> upon enforcement of which, the rehabilitation regime is carried out.<sup>23</sup> However, it will find continuation in the result of its approval. In particular, its implementation becomes binding for all parties involved in the plan, including for those creditors, whose demands were not recognized and for those creditors, who voted against the rehabilitation plan.<sup>24</sup> With this, the norm emphasizes the wording stated in the title and the purpose of the law – satisfaction of all creditors through rehabilitation is important for it.

In conclusion, that the goal of rehabilitation is not

focused on one side of the regime, thus it establishes the opinion that the rehabilitation regime is an effective tool for realization of participants’ interests in insolvency proceedings.

## THE HERITAGE FOUNDATION INDEX AND GEORGIA

One issue is a proper existence of the domestic legal framework in the country, based on the Constitution and other normative acts, and the other one is its implementation in practice. The Heritage Foundation is an authoritative research institution, which measures the level of economic freedom of more than 180 countries on annual basis, that is determined through evaluation of 12 components. These components are grouped into 4 main groups: 1. Rule of law (property rights, judicial effectiveness, government integrity); 2. Government size (fiscal health, government spending, tax burden); 3. Regulatory efficiency (business freedom, labor freedom, monetary freedom); 4. Market openness (freedom of trade, investment, finance). Each parameter is evaluated on a 100-point scale (0 – the lowest level of economic freedom, 100 – the highest level of economic freedom).<sup>25</sup> In the Index of Economic Freedom of The Heritage Foundation, Georgia’s economic freedom was assessed with 68.7 points in 2023. According to this index, Georgia is among the countries with a moderately free economy and ranks 35<sup>th</sup> place in the world. Compared to the previous year, Georgia’s position in the “Index of Economic Freedom” has decreased by 9 places, and the rating has deteriorated by 3.1 points. In addition, during the period of 2012-2023, Georgia received the lowest rating in 2023, however, achieved the highest rating in 2021 (77.2 points). According to the data of 2023 of The Heritage Foundation, the rating score of Georgia has worsened in 8 out of 12 components, these are: property rights, judicial effectiveness, government integrity, fiscal health, government spending, business freedom, monetary freedom, trade freedom. The evaluation score remained the same in 2 components: tax burden, investment freedom. The rating improved in only 2 components: labor and financial freedom.<sup>26</sup>

20 Law on Insolvency Proceedings, Article, 3.S. [last viewed on April 07, 2023].

21 M. Ketiladze, R. Migriauli (2022), “Active role of the insolvent debtor in the rehabilitation regime”, Caucasus International University, International Scientific Conference, Challenges of Modern Law, Tbilisi.

22 Law on Rehabilitation and Collective Satisfaction of Creditors’ Claims. Article 69.1. [last viewed on April 07, 2023].

23 Explanatory card on the draft Law of Georgia on Rehabilitation and Collective Satisfaction of Creditors [last viewed on April 07, 2023].

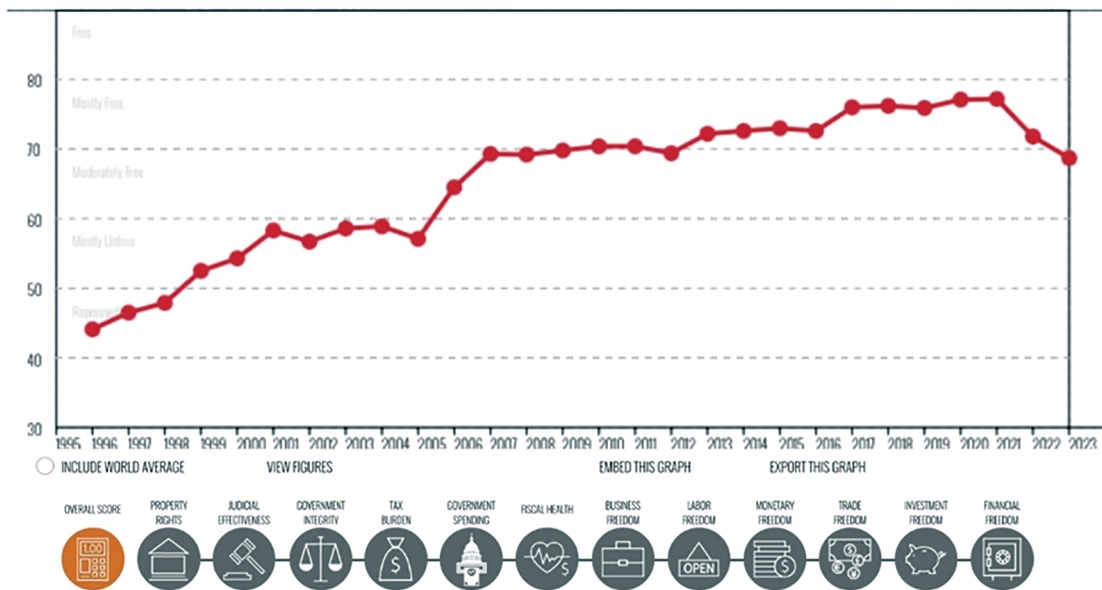
24 Law on Rehabilitation and Collective Satisfaction of Creditors’ Claims. Article 85.2 [last viewed on April 07, 2023].

25 <https://factcheck.ge/ka/story/41730--მთავრობის-კეთილსინდისიერების-ინდექსით-საქართველომ-10-წლიანი-პროგრესით-მნიშვნელოვანი-წინსვლა-აჩვენა-და-პოზიცია-31-ადგილით-გაიმჯობესა>

26 <https://factcheck.ge/ka/story/41730--მთავრობის-კეთილსინდისიერების-ინდექსით-საქართველომ-10-წლიანი-პროგრესით-მნიშვნელოვანი-წინსვლა-აჩვენა-და-პოზიცია-31-ადგილით-გაიმჯობესა>



## OVERALL SCORE



APPENDIX №1: OVERALL SCORE. SOURCE: Index of Economic Freedom.

This analysis reveals that it is not enough to settle the issue only at the legal level. Therefore, it is important to take various effective steps. First of all, giving the maximum freedom to business, which should preserve the existing capital and, in the future, attraction of international investments. Each component individually carries the greatest importance, which creates a common chain for preservation or launching a business (see Appendix 1<sup>27</sup>).

When we are talking about saving and recovery of business, proper action of judiciary is of great importance, of course within the scope of law. Taking the issue under consideration by bringing the insolvency into the scope of law. The research of The Heritage Foundation, shown in the chart below, makes it clear that judicial effectiveness is stagnating. Judiciary, which is an independent body and differs in nature from other executive authorities, bears their equal responsibility within the scope of its powers.

Therefore, the judiciary should ensure the increase of effectiveness in every way, implying the introduction

of legal norms in proper knowledge and application, the equality of parties and introduction of other rights in practice. The judiciary, as one of the branches of governance, both locally and internationally, should share its meaning, purpose and goals of existence, so that the current reality and assessments made in local or international researches can be changed with a positive indicator (see Appendix 2<sup>28</sup>).

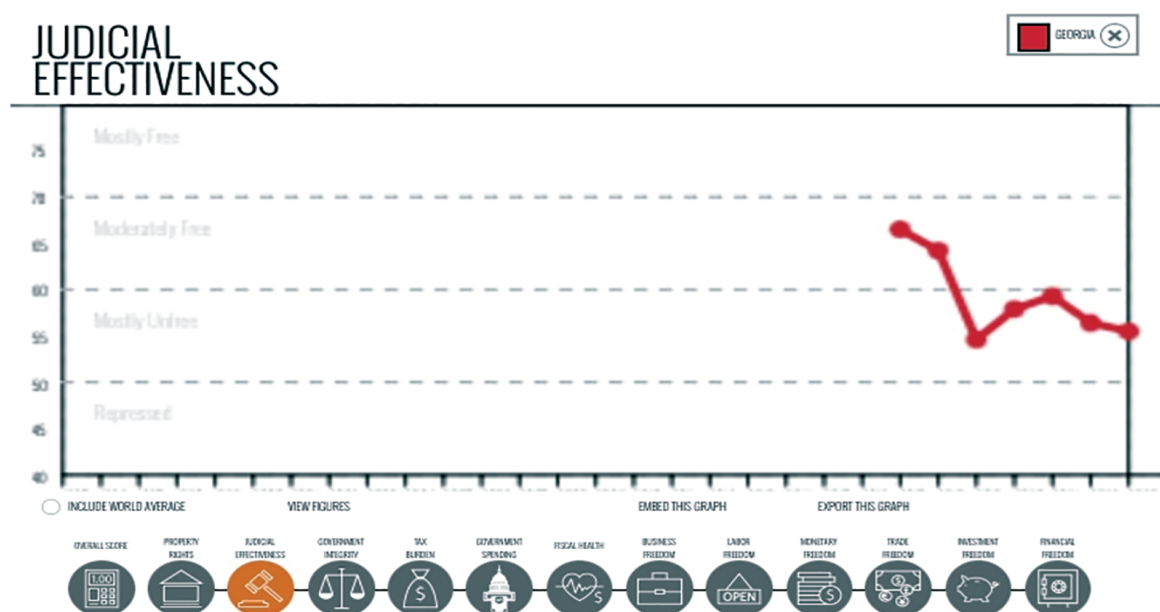
### JUDICIAL PRACTICE – ACCORDING TO THE EXAMPLE OF JSC „ELMAVALMSHENEBELI“

On December 30, 2022, the representative of JSC „Elmavalmskenebeli“ applied to the Civil Case Panel of the Tbilisi City Court with a request to open the rehabilitation regime. The court reviewed the application and appended documents, it considered that the application did not comply with the requirements of the Law “On Rehabilitation and Collective Satisfaction of Creditors’ Claims”, therefore the applicant was given a deadline to fill the gap. According to the Article 44(3) (a) of the Law of Georgia “On Rehabilitation and Collective Satisfaction of Creditors’ Claims”, if the debtor files an application for insolvency in the court, in addition to the information provided for in paragraphs 1 and 2 of

[ბის-კეთილსინდისიერების-ინდექსით-საქართველომ-10-წლიანი-პროგრესით-მნიშვნელოვანი-წინსვლა-აჩვენა-და-პოზიციას-31-ადგილით-გაუმჯობესა](https://indexdotnet.azurewebsites.net/index/visualize?cnts=georgia&type=9&fbclid=iwar3na3pvl7wzvrscnd95jakd9dkke16o6jzgvnqaduitwcuuyccxlzaca70)

27 <https://indexdotnet.azurewebsites.net/index/visualize?cnts=georgia&type=9&fbclid=iwar3na3pvl7wzvrscnd95jakd9dkke16o6jzgvnqaduitwcuuyccxlzaca70>

28 <https://www.heritage.org/index/visualize>



APPENDIX №2: judicial effectiveness. SOURCE: Index of Economic Freedom.

this Article, he/she must also submit the complete list of his/her creditors (names, titles, personal numbers, identification data) and the information on existing obligations.

The court set a 5-day timelimit for the debtor to eliminate the above-mentioned gap.<sup>29</sup> On January 18, 2023, the representative of JSC “Elmavalmshebeli” applied to the Civil Case Panel of the Tbilisi City Court with a request to fill the gap. However, the court refused to recognize the admissibility of the application for opening of the rehabilitation regime. As a basis for such refusal, the court explains that in the case under consideration, the applicant failed to provide a reasonable probability of achieving the goal of rehabilitation on high level, in particular, the fact that rehabilitation is achievable is not confirmed soundly. In relation to the above-mentioned, the debtor noted that – “It has a real possibility to achieve rehabilitation in approximately 8 years, which will fully satisfy all creditors, including the secured creditors.” Above-mentioned argumentation is based on the circumstances that in the regions of Transcaucasia and Central Asia there are huge demands for the relevant goods (products) of the debtor, in particular, the customers demand construction, modernization and overhaul of mainline and industrial electric locomotives of various modifications, as well as production of spare parts and nodes of mainline, industrial and quar-

ry electric locomotives, overhaul of a track-laying machine. Accordingly, the debtor has a properly equipped production base, which ensures the fulfillment of the works (services) specified below, in particular, during the rehabilitation period the debtor’s company will be able to: 1. manufacture 100 pieces of new quarry traction units, in the amount of 400,000,000 (four hundred million) USD; 2. carry out overhaul to 70 pieces of electric locomotives, in the amount of 70,000,000 (seventy million) USD; 3. manufacture spare parts corresponding to a wide nomenclature, in the amount of 35,000,000 (thirty-five million) USD. Therefore, during the rehabilitation period (approximately 8 years), the debtor can perform the works and the services worth 505,000,000 USD. According to the most pessimistic calculations, the estimated profit margin from fulfillment of the above-mentioned works is 15%, i.e. approximately 76,000,000 USD, which fully ensures the satisfaction of all creditors’ demands.<sup>30</sup>

On January 30, 2023, the representative of JSC “Elmavalmshebeli” filed a private lawsuit before the Civil Case Panel of the Tbilisi City Court and demanded for annulment of the ruling made on January 25, 2023. However, the court did not change its position and the ruling was left in force.<sup>31</sup>

29 Ruling of the Tbilisi City Court, dated January 9, 2023, case №2/39590-22.

30 Ruling of the Tbilisi City Court, dated January 25, 2023, case №2/39590-22.

31 Ruling of the Tbilisi City Court, dated February 15, 2023, case №2/39590-22.

As it was mentioned above, the debtor, based on the expected circumstances, believed it reasonable to satisfy the creditors' demands within the period of 8 years, this was guaranteed by its current capital and the prospect of future relations. Presence of the mentioned grounds and reference to it was sufficient for the court when the rehabilitation regime was opened at JSC "Gurjaani 1929". Unfortunately, the court did not properly consider the case of this insolvency. This is a clear example of the fact that when considering the cases, the court is not guided by the principle of equality, and selection took place. As for appealing to the court regarding the complete list of creditors and the obligations towards them, is unreasonable, because only the debtor is the person who has proper knowledge of the number of its creditors and the information related to them. Argumentation of the given issue by the court is pointless when it actually has no opportunity to know all this without the debtor. This raises the doubt that the court made a decision with a preconceived notion when it delivered the ruling on refusal to open the rehabilitation regime of JSC "Elmavalmshenebeli", especially in the case when the initial list of creditors is always being changed, i.e. a person cannot be recognized as a creditor until appropriate ruling is delivered by the court. Accordingly, the person on the initial list of creditors may not be recognized, and the person not mentioned in the application may be considered as a creditor of insolvency. In addition, the fact that the ruling on opening the regime is published and is available to any person should also be taken into account. Also, prior to drawing up the register of creditors, the manager/supervisor checks the demands of creditors and creates the register of creditors within the period of 60 days from recognition of the application of insolvency as admissible, based on the information received from the creditors and the debtor or/and the information sought by it. All this obviously indicate that the court had not properly "fought" for opening the rehabilitation regime for JSC "Elmavalmshenebeli". It did not/couldn't apply to the alternative ways provided for by the law, through which it would be possible to determine the identity of the creditor of insolvency. Here, it would be reasonable to assume that the 7-day period prescribed by law for the court for consideration of the application was not enough to study the factual circumstances mentioned in the application, especially the basis of insolvency provided for in the application, and to deliver appropriate decision, as previous legal practice has shown, 5 days

were not enough. It is pity that the new law did not take this problem into account, failed to assess those hazards which can be caused by unreasonable deadline and refused to make appropriate changes.<sup>32</sup> The judges of the Court of First Instance, who consider insolvency cases, must have the opportunity to elaborate more on the issues of the insolvency law in order to see insolvency in its broader scope and context.

## CONCLUSION

As the summary of the work, it might be said that we have a proper institution for saving the business, in the form of a modern rehabilitation regime, that is the merit of the branches of the legislature and executive authorities.

As it was mentioned above in the article, the rehabilitation regime is a tool for saving the debtor and improving his/her economic situation, and it is of great importance, not only for the debtor, but also for the creditor and the state, both inside and outside the country.

Consideration of the ratings of "Doing Business" and "The Heritage Foundation" clearly revealed that Georgia is experiencing significant setbacks in various directions, which creates an unfavorable environment for the business.

Based on consideration of the given example, it can be concluded that the judiciary is still the biggest challenge for our country within the scope of the applicable practice.

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# ბიზნეს-სამართლებრივი პოლიტიკა მოვალის რეაბილიტაციის რეჟიმის ფარგლებში

მერი კეთილაძე

ლექტორი, დოქტორანტი, კავკასიის საერთაშორისო უნივერსიტეტი, საქართველო

**აბსტრაქტი.** ბიზნესისა და სათანადო ბიზნეს გარემოს არსებობა ჩვენი ქვეყნის მრავალმხრივ განვითარებისათვის მნიშვნელოვანია. შესაბამისად, მის შენარჩუნებასაც იგივე მნიშვნელობა აქვს. რასაც ვალაუფალობის სამართალი უზრუნველყოფს რეაბილიტაციის რეჟიმის საშუალებით. სწორედ ამიტომ, ნაშრომში განხილულია, თუ რა მნიშვნელობა აქვს რეაბილიტაციის რეჟიმს ბიზნეს სუბიექტისათვის.

ნაშრომში წარმოდგენილია სხვადასხვა ხელისუფლების მიერ განხორციელებული ქმედებები, რაც გამოიხატა კანონების მიღებით, საერთაშორისო სტანდარტების დამკვიდრებითა თუ სხვ. მაგალითად, იუსტიციის სამინისტროს ინიციატივით, საქართველოს პარლამენტმა 2020 წელს მიიღო „რეაბილიტაციისა და კრედიტორთა კოლექტიური დაკმაყოფილების შესახებ“ კანონი.

ნაშრომში, ასევე, განხილულია სასამართლო ხელისუფლება და მისი როლი ბიზნესის გადარჩენაში კონკრეტული მაგალითის საფუძველზე. ნაშრომი, ასევე, მიმოიხილავს საქართველოს ადგილს სხვადასხვა რეიტინგებში, მაგალითად ისეთებში, როგორებიცაა, „Doing Business“-ი და The Heritage Foundation“-ი. მათი მნიშვნელობისა და გავლენის გათვალისწინებით, აღნიშნული რეიტინგები და მათში საქართველოს ადგილი უცხოელ ინვესტორთა სახელმძღვანელოს წარმოადგენს.

ასევე, აღსანიშნავია რეიტინგში სასამართლო ხელისუფლების ადგილი, რომელმაც სტაგნაცია განიცადა. ამას რასაკვირველია, უარყოფითი გავლენა აქვს როგორც ადგილობრივ, ასევე საერთაშორისო დონეზე, საქართველოში ბიზნესის კეთებით დაინტერესებულ პირთათვის. განსახილველი საკითხის ფარგლებში, მართალია, სათანადო სამართლებრივი ჩარჩო არსებობს, თუმცა, ამისდა მიუხედავად, ციფრები, რომლებიც რეიტინგებში იკითხება, არ გვაძლევს იმის თქმის შესაძლებლობას, რომ საქართველოში აბსოლუტურად ჯანსაღი გარემო არსებობს ბიზნესის კეთებისათვის. ამისათვის კი, ნათელია, რომ მხოლოდ ვალაუფალობის კანონის არსებობა არაა საკმარისი.

**საკვანძო სიტყვები:** ვალაუფალობა, რეაბილიტაცია, ვალაუფალი მოვალე, ბიზნეს-სამართლებრივი პოლიტიკა.

## შესავალი

„გადახდისუნარობის საქმის წარმოების შესახებ“ 2007 წლის კანონმა მნიშვნელოვანი კვალი დატოვა როგორც საკანონმდებლო და პრაქტიკული განვითარების კუთხით, ისე სამეცნიერო თვალსაზრისით. ცოდნის გაღრმავებამ, ახალი საკანონმდებლო საჭიროებების წინაშე დაგვადგინა, რასაც შედეგად მოჰყვა იუსტიციის მიერ კანონპროექტის შემუშავება და შემდგომ მისი პარლამენტის მიერ „რეაბილიტაციისა და კრედიტორთა კოლექტიური დაკმაყოფილების შესახებ“ კანონის სახით მიღება. გარდა აღ-

ნიშნული შიდასახელმწიფოებრივი მნიშვნელოვანი სიახლეებისა, რამაც განაპირობა კანონმდებლობის ცვლილება და არსებული მიმართულებით განვითარება, არ უნდა დაგვავიწყდეს, რომ საქართველოს პარლამენტის მიერ 2014 წლის 26 ივნისს რატიფიცირებულია „ასოცირების შესახებ შეთანხმება“, რომელიც სხვა საკითხებთან ერთად, ევროკავშირის კანონმდებლობასთან ქართული სამართლის დაახლოებას გულისხმობს, ევროკავშირს და ევროპის ატომური ენერჯის გაერთიანებასა და მათ წევრ სახელმწიფოებს შორის.<sup>1</sup> ვალაუფალობის ახალი

1 ასოცირების შესახებ შეთანხმება. მ.1.2 გ. [ბოლო



კანონის მიღების ვალდებულება ასოცირების შეთანხმებიდან უშუალოდ არ გამომდინარეობდა, მაგრამ დირექტივებთან წინააღმდეგობასაც არ იწვევდა. ეს შეიძლება მივიჩნიოთ ქვეყნის თავისუფალი ნების გამოვლინებად განვითარებისა და წარმატების სასიკეთოდ, რასაც ყოველწლიური დადებითი ასახვა აქვს ჩვენი ქვეყნის სასარგებლოდ. საილუსტრაციოდ განვიხილოთ ბოლო წლების მსოფლიო ბანკის „Doing Business“-ის რეიტინგები, სადაც ბიზნესის კეთების სიმარტივით საქართველო მე-6 ან მე-7 პოზიციებს იკავებს. მაგალითად, 2019 წლის მდგომარეობით საქართველო მე-6 ადგილზეა,<sup>2</sup> რითაც უკან იტოვებს მსოფლიოს ისეთ ქვეყნებს, როგორებიცაა: ნორვეგია, აშშ, დიდი ბრიტანეთი და სხვა, ხოლო, 2020 წლის მონაცემებით, საქართველო მე-7 ადგილზე<sup>3</sup> გადაინაცვლა, აშშ-ის დაწინაურების შედეგად. მოცემული კვლევის ერთ-ერთი კომპონენტი ვალაუვალობას ეხება, რაშიც 64-ე ადგილს ვიკავებთ, წინა წელს კი მე-60 ადგილზე ვიყავით.<sup>4</sup> ბიზნესის წამოწყებისას არსებული წარმატება უნდა იქცეს ბიზნესის შენარჩუნების წინაპირობად (რეაბილიტაციის საშუალებით), რაშიც, როგორც ვხედავთ, უდიდესი მნიშვნელობა აქვს ვალაუვალობის დარგის განვითარებას. ეკონომიკურ მეცნიერებაში მიჩნევა, რომ სახელმწიფომ უნდა შექმნას ბიზნესის ჩამოყალიბებისა და განვითარებისათვის ხელსაყრელი პირობები, რომელშიც, პოლიტიკური სტაბილიზაციის, კონკურენტული და ხელსაყრელი სოციალური გარემოს შექმნის გარდა, აუცილებელია ბიზნესის სამართლებრივი უზრუნველყოფა,<sup>5</sup> რაც საინვესტიციო კლიმატის შექმნის ერთ-ერთი ნაწილია ეკონომიკურ, პოლიტიკურ და სოციალურ ფაქტორებთან ერთად, რომლებიც განსაზღვრავს ქვეყნის მიმზიდველობას უცხოური ინვესტიციებისათვის,<sup>6</sup> ხოლო სამართლის მეცნიერებაში, ვალაუვალობის დარგის მეცნიერი – როინ მიგრიაული, ჯერ კიდევ 2017 წელს, თავის ნაშრომში მიუთითებდა სახელმწიფოს მხრიდან კანონით დაინტერესებაზე რეაბილიტაციის რეჟიმის სასარგებ-

ლოდ, გაკოტრების წარმოების თავიდან ასაცილებლად.<sup>7</sup> სწორედ, ამის შემდეგ იწყება საქართველოს მხრიდან მსოფლიო რეიტინგებში ვალაუვალობის დარგზე ყურადღების გამახვილება, რამაც ხელი შეუწყო კანონმდებლობის ცვლილებასა და მასში რეაბილიტაციის რეჟიმისათვის უპირატესობის მინიჭებას.

სტატია საინტერესოა, რადგანაც მასში განხილულია ხელისუფლების განმახორციელებელი სამივე შტოს მოქმედება – მოქმედი ვალაუვალობის კანონის შექმნის, მიღებისა და პრაქტიკაში სათანადოდ დანერგვის მხრივ.

ნაშრომის შესრულებისას გამოყენებულ იქნა კვლევის ისეთი სახეები, როგორიცაა: აღწერილობითი, ინდუქციური, თვისებრივი, შედარებითი, მონაცემთა ანალიზი და სხვა.

**საკვლევი თემის მიზანს** წარმოადგენს: ვალაუვალობის დარგში, სახელმწიფოს ბიზნეს-სამართლებრივი პოლიტიკის შესწავლა.

**საკვლევი თემის საგანია:** ვალაუვალობის ქართული კანონმდებლობის შესწავლა, კერძოდ, რეაბილიტაციის რეჟიმის მიზნისა და მნიშვნელობის ფარგლებში.

**კვლევის ობიექტს** წარმოადგენს: სახელმწიფო ხელისუფლების განმახორციელებელი შტოების ჩართულობა და მათი როლი რეაბილიტაციის რეჟიმის განხორციელებაში.

## სახელმწიფო და კანონი

სახელმწიფო, შესავალში აღნიშნული პასუხისმგებლობის ფარგლებში, საერთაშორისო ასპარეზის პარალელურად, ცდილობდა მსოფლიო ეკონომიკურ პულსს არ ჩამორჩენოდა და შეიმუშავა „საქართველოს 2020 წლის სახელმწიფო ბიუჯეტის შესახებ“ კანონი, სადაც მკაფიოდ იყო აღწერილი სახელმწიფოს განვითარებისათვის პრიორიტეტული პროგრამები. პრიორიტეტულ რიგებში ვალაუვალობასთან დაკავშირებული საკითხები შედიოდა. რომლებიც შემდეგნაირად ჩამოყალიბდა: „გადახდისუუნარობის საქმის წარმოებასთან დაკავშირებული პროცედურების დასახვეწად განხორციელება გადახდისუუნარობის სისტემის რეფორმა. გაჩნდება მეტი სტიმული საწარმოების რეაბილიტაციისათვის, მეტი გარანტია კრედი-

ნახვის თარიღი: 07.04.2023].

2 A World Bank Group Flashing Report, Doing Business (2019). 16<sup>TH</sup> EDITION. P.5.

3 Comparing Business Regulation in 190 Economies, Doing Business.2020. P.4.

4 ბიზნესის კეთება (2020), საქართველოს ეკონომიკისა და მდგრადი განვითარების სამინისტრო 2020.

5 შუბლაძე, გ., ნანიაშვილი მ. (2011) ბიზნესის საფუძვლები. გამომცემლობა: უნივერსალი, თბილისი.

6 Qoqiauri, L. (2017). Foreign Investment. Tbilisi. P. 71. <http://91.208.144.135/~grunistory/download.php?token=a0283cf715200960c1c4c3e3f83c41d3> [ბოლო ნახვის თარიღი: 7.04.2023].

7 მიგრიაული, რ. (2017). შესავალი გაკოტრებისა და გადახდისუუნარობის სამართალში. მე-3 გადამუშავებული გამოცემა. გამომცემლობა: იურისტების საზოგადოება, თბილისი. გვ.233.

ტორთა უფლებებისა და კანონიერი ინტერესების დაცვის უზრუნველსაყოფად“.<sup>8</sup> ფაქტობრივად, „რეაბილიტაციისა და კრედიტორთა კოლექტიური დაკმაყოფილების შესახებ“ კანონპროექტის შექმნა საქართველოს იუსტიციის სამინისტროს მიერ რეფორმის განხორციელებისათვის უდიდესი წინგადადგმული ნაბიჯი იყო. გარდა ბიუჯეტის შესახებ კანონისა, ვალაუვალობის დარგის რეფორმებზე ყურადღება მახვილდებოდა 2019-2020 წლის სამთავრობო პროგრამაში, სადაც უდიდესი მნიშვნელობა ენიჭებოდა ეკონომიკის განვითარებას, რომლის უზრუნველსაყოფად მიჩნეული იყო გადახდისუნარობის სისტემის რეფორმა. მის მიზანს წარმოადგენდა მოვალის რეაბილიტაცია და კრედიტორთა უფლებებისა და კანონიერი ინტერესების უზრუნველყოფა მეტი გარანტიით.<sup>9</sup> აღნიშნული პროგრამის შესახებ მოხსენებაში შეგვიძლია ამოვიკითხოთ, რომ დასახული მიზანი განხორციელდა, რის საფუძველზეც შეიქმნა „რეაბილიტაციისა და კრედიტორთა კოლექტიური დაკმაყოფილების“ შესახებ კანონი.<sup>10</sup>

სახელმწიფო მმართველობის განმახორციელებელმა თითოეულმა შტომ საკუთარი შესაძლებლობების ფარგლებში ხელი უნდა შეუწყოს კანონშემოქმედების ინიცირებასა და დადგენას. შემდეგ, მის განვითარებასა და პრაქტიკაში სწორად ინტერპრეტირებას, ბიზნესის კეთილდღეობისათვის ყველა სახის რესურსის მაქსიმალურ გამოყენებას და სხვ. ვფიქრობ, ბიზნესის წარმატება პირდაპირ კავშირშია ქვეყნის წარმატებასთან. მისი წინაპირობა კი სამართლებრივი ჩარჩოს ჩამოყალიბებაა. სამართლის ფილოსოფიაშიც კი მიჩნეულია რომ – „ის, რაც სამართლებრივია – სასარგებლოა ხალხისთვის“.<sup>11</sup> ამის უზრუნველსაყოფად, საკუთარი შესაძლებლობების ფარგლებში, საკანონმდებლო და აღმასრულებელმა ხელისუფლებებმა ყველაფერი გააკეთეს და ამჟამად გვაქვს მოქმედი „რეაბილიტაციისა და რედიტორთა კოლექტიური დაკმაყოფილების შესახებ“ კანონი. ყოველივეს

განხორციელების შემდეგ, უდიდესი მნიშვნელობა სასამართლო ხელისუფლებას აქვს. კერძოდ, განცხადების წარმოებაში მიღებაზე, რეაბილიტაციის რეჟიმის გახსნაზე და სხვ.

## რეაბილიტაციის რეჟიმის მნიშვნელობა

რეაბილიტაციის რეჟიმის მნიშვნელობა სხვადასხვა დარგსა და ინტერესებზე გადის. რეაბილიტაციას სამართლებრივი მნიშვნელობის, როგორც მეწარმე სუბიექტის არსებობის შენარჩუნების, მეწარმეთა და არასამეწარმეო იურიდიულ პირთა რეესტრში არსებობის გაგრძელების გარდა, უდიდესი მატერიალური მნიშვნელობა აქვს – მისი საწარმოს ფაქტობრივი საქმიანობის გაგრძელების მხრივ.

ყველას და ყველაფრის უფლების დაცვის გარანტიად გვევლინება კონსტიტუცია. საქართველოს კონსტიტუცია უზრუნველყოფს მეწარმეობის თავისუფლებას, კრძალავს მონოპოლიურ საქმიანობას, გარდა კანონით დაშვებული შემთხვევებისა და სხვ.<sup>12</sup> თუმცა, მიიჩნევა, რომ სახელმწიფო, გარკვეულ შემთხვევებში, თავად ქმნის მონოპოლიას სამართლის დარგისა და საქმიანობის ინდივიდუალური მახასიათებლების გამო.<sup>13</sup> მაგალითად, ლიცენზიების გაცემისას და ინტელექტუალური სამართლის ფარგლებში რეგულირებული საკითხების დროს. თემის სპეციფიკის მიუხედავად, უნდა გვახსოვდეს, რომ „თავისუფალი კონკურენცია ეკონომიკური კეთილდღეობის მიღწევის საუკეთესო საშუალებად არის მიჩნეული და კონკურენციის მარეგულირებელი კანონმდებლობის მთავარი მიზანია საზოგადოების ეკონომიკური კეთილდღეობის ზრდა“<sup>14</sup> და მიიჩნევა, რომ მას პირველადი მნიშვნელობა აქვს ეკონომიკაში.<sup>15</sup>

რაც შეეხება საერთაშორისო ინვესტიციებს – ეს იქნება ბიზნესის ადგილობრივ ბაზარზე დაწყება, ფილიალის შექმნა, საწარმოს რედომიცილება თუ სხვა, გადაწყვეტილების მიღებამდე ინვესტორის/ბიზნესმენისათვის მნიშვნელოვანია შიდა კანონ-

8 სახელმწიფო ბიუჯეტის შესახებ საქართველოს 2020 წლის კანონი. [ბოლო ნახვის თარიღი: 07.04.2023].

9 სამთავრობო პროგრამა 2019 – 2020. სექტემბერი, 2019. [ბოლო ნახვის თარიღი: 07.04.2023].

10 2019 – 2020 წლების სამთავრობო პროგრამის შესრულების შესახებ მოხსენება. სექტემბერი, 2019 – მაისი, 2020. გვ.57. [ბოლო ნახვის თარიღი: 07.04.2023].

11 რადბრუხი, გ. (2012). სამართლის ფილოსოფიის 5 წუთი, სამართლის ჟურნალი: სარჩევი, N1–2(3–4), თბილისი, თარგმანი: დიმიტრი გეგენავა.

12 საქართველოს კონსტიტუცია, მუხლი, 26. [ბოლო ნახვის თარიღი: 07 აპრილი, 2023].

13 Mankiw, N. G. (2009). Principles of Microeconomics, fifth edition, Harvard university. გვ. 318.

14 „კონკურენციის პოლიტიკა საქართველოში“ საერთაშორისო გამჭვირვალობა – საქართველო (2016). თბილისი. გვ.6.

15 ფეტელავა, ს. (2007). კონკურენციის თეორია და ანტიმოლოგიური რეგულირება საქართველოში, გამომცემლობა: ლოი, თბილისი. გვ.13.

მდებლობის სტაბილურობა, ხელსაყრელობა და საერთაშორისო სტანდარტებთან შესაბამისობა, რადგანაც ისინი ხელშეკრულებით თავიდანვე განსაზღვრავენ – დავის არსებობისას რომელი ქვეყნის ტრიბუნალმა განიხილოს საქმე, ჩვეულებრივ, საქმიანობის პროცესში კი, ხელმძღვანელობენ შიდასამართლის ნორმებით.<sup>16</sup>

საბოლოოდ, ვალაუფალობის დარგის, კერძოდ კი, რეაბილიტაციის რეჟიმის სახით არსებული სიკეთე არ უნდა დავივიწყოთ და – „ვინც ღირსია შველისა, მოვალენი ვართ ვუშველოთ“.<sup>17</sup> რეაბილიტაციის საშუალებით, მოვალის შენარჩუნებაში უნდა დავინახოთ მისი არსებობის გაგრძელების საყოველთაო მნიშვნელობა ზემოთ აღნიშნული თუ სხვა მიზეზების გათვალისწინებით. იმ შემთხვევაში, თუ მოვალის რეაბილიტაცია არ განხორციელდება, გაკოტრების რეჟიმის აუცილებლობა დადგება, რასაც რეაბილიტაციის საპირისპირო ქმედებები მოყვება. კერძოდ, მეწარმეთა და არასამეწარმეო იურიდიულ პირთა რეესტრიდან ამოშლა, მანამდე კი კრედიტორთა დაკმაყოფილებისათვის საგაკოტრებო მასის რეალიზაცია და სხვა. სწორედ, ამ ყოველივეს თავიდან არიდებას ემსახურება რეაბილიტაციის რეჟიმი, რომელიც, როგორც მოვალისათვის, ასევე, კრედიტორისთვის კრიზისის დაძლევისა და ინტერესთა დაცვის საუკეთესო საშუალებაა, რომელიც გაკოტრების – მოვალის სამოქალაქო ბრუნვიდან გაქრობის პრევენციის საშუალებაა, რომელსაც „მეორე შანსი“ ეწოდება. მიიჩნევა, რომ თუ იარსებებს „მეორე შანსი“ და რეაბილიტაციის პროცესი წარმატებით განხორციელდება ის ხელს შეუწყობს სამეწარმეო საქმიანობის განვითარებას.<sup>18</sup>

როგორც ვხედავთ, რეაბილიტაციის რეჟიმის მნიშვნელობა ვალაუფალობის დარგის ფარგლებს ფართოდ სცდება. ხოლო, მისი გამოყენება და განხორციელება, მოვალის ინტერესების გარდა, სახელმწიფოებრივი მნიშვნელობისაა როგორც ქვეყნის შიგნით, ასევე მის ფარგლებს გარეთ.<sup>19</sup>

## რეაბილიტაციის რეჟიმის მიზანი

ნებისმიერ საკითხში მიზანს უდიდესი მნიშვნელობა აქვს. გამონაკლისს რეაბილიტაციის რეჟიმშიც არ წარმოადგენს. რეაბილიტაციის რეჟიმის მიზნის განხორციელება რამდენიმე აქტორის სასარგებლოდ ხდება. მაგ: სახელმწიფო, კრედიტორი, თავად მოვალე და ა.შ. სწორედ, მიზანი განსაზღვრავს რეჟიმის მიმართულებასა და მხარეთა ინტერესებს. „გადახდისუნარობის საქმის წარმოების შესახებ“ კანონით რეაბილიტაციის მიზანში ერთიანდებოდა კრედიტორთა მოთხოვნების დაკმაყოფილება – მოვალის ფინანსური და მატერიალურ-ტექნიკური მდგომარეობის გაუმჯობესებით, მართვის სისტემის სრულყოფა, მოვალის კომერციული საქმიანობის წარმატებულობისა და მომგებიანობის ზრდა, აგრეთვე, სამეურვეო ქონების შესაძლო ოპტიმიზაცია.<sup>20</sup> როგორც ვხედავთ, კანონით მიზანი მიმართული იყო არა მხოლოდ მოვალის, არამედ, კრედიტორის ინტერესებისკენაც. თუკი, მოვალისათვის მიზნად განისაზღვრებოდა საწარმოს გადარჩენა, მდგომარეობის გაუმჯობესების, მოგების გაზრდისა და სხვა საშუალებებით, კრედიტორის მიზანი მისი ინტერესების დაკმაყოფილებაში გამოიხატებოდა. როგორც ვხედავთ, კრედიტორის მიზნის განხორციელება მოვალის მიზნის განხორციელებაზე გადაიდა. შესაბამისად, არანაკლები ინტერესი გააჩნდა კრედიტორს მოვალის წარმატებული რეაბილიტაციის რეჟიმის მიმართ, რადგანაც იგი მხოლოდ მოვალის რეაბილიტაციის მიზნის მიღწევის შემთხვევაში შეძლებდა მოთხოვნების დაკმაყოფილებას.<sup>21</sup>

მოქმედი „რეაბილიტაციისა და კრედიტორთა კოლექტიური დაკმაყოფილების შესახებ“ კანონით რეაბილიტაციის რეჟიმის მიზანი რეაბილიტაციის გეგმის დამტკიცებაა,<sup>22</sup> რომლის ძალაში შესვლისთანავე სრულდება რეაბილიტაციის რეჟიმი,<sup>23</sup> მაგრამ გაგრძელებას პოვებს

16 Dolzer, R., Dchreuer, Ch. (2008). Principles of international investment law. Oxford University Press. გვ. 265 და მომდ.  
 17 ერქომაიშვილი, გ., გიგაური, ლ., ტალახაძე, ნ. მეწარმეობის საფუძვლები. გვ.16. <http://www.bpa.ge/book/book01.pdf> [ბოლო ნახვის თარიღი 7.04.2023]  
 18 International Monetary Fund: Orderly & Effective Insolvency Procedures.  
 19 კეთილაძე, მ. (2023). „მდგრადი განვითარების მიზნები და რეაბილიტაციის რეჟიმი“.

20 გადახდისუნარობის საქმის წარმოების შესახებ კანონი, მუხლი, 3.ს. [ბოლო ნახვის თარიღი: 07.04.2023]  
 21 კეთილაძე, მ., მიგრიაული, რ. (2022). „ვალაუფალი მოვალის აქტიური როლი რეაბილიტაციის რეჟიმში“, კავკასიის საერთაშორისო უნივერსიტეტი, საერთაშორისო სამეცნიერო კონფერენცია, თანამედროვე სამართლის გამოწვევები, თბილისი.  
 22 რეაბილიტაციისა და კრედიტორთა კოლექტიური დაკმაყოფილების შესახებ კანონი. მუხლი. 69.1. [ბოლო ნახვის თარიღი: 07.04.2023].  
 23 რეაბილიტაციისა და კრედიტორთა კოლექტიური



მისი დამტკიცების შედეგში, კერძოდ, მისი შესრულება გეგმით გათვალისწინებული ყველა მხარისთვის შესასრულებლად სავალდებულო ხდება, მათ შორის, იმ კრედიტორებისთვისაც, რომელთა მოთხოვნებიც არ იქნა აღიარებული და იმ კრედიტორებისთვისაც, რომლებმაც რეაბილიტაციის გეგმის წინააღმდეგ მისცეს ხმა.<sup>24</sup> ამით ნორმა ხაზს უსვამს კანონის სათაურში და მიზანში ნათქვამს – რომ ყველა კრედიტორის დაკმაყოფილება არის მისთვის მნიშვნელოვანი რეაბილიტაციის საშუალებით.

დასკვნის სახით შეიძლება ითქვას, რომ რეაბილიტაციის მიზანი რეჟიმის ერთ მხარეზე ორიენტირებული არაა, რითაც იგი ამყარებს მოსაზრებას, რომ რეაბილიტაციის რეჟიმი ვალაუვალობის წარმოების მონაწილეთა ინტერესების განხორციელების ეფექტური საშუალებაა.

### THE HERITAGE FOUNDATION-ის ინდექსი და საქართველო

ერთია ქვეყანაში შიდასაკანონმდებლო ჩარჩოს სათანადოდ არსებობა, კონსტიტუციისა და სხვა ნორმატიული აქტების საფუძველზე და მეორე პრაქტიკაში მისი იმპლემენტირება.

The Heritage Foundation-ი ავტორიტეტული კვლევითი ინსტიტუტია. რომელიც ყოველწლიურად 180-ზე მეტი ქვეყნის ეკონომიკური თავისუფლების ხარისხს ზომავს, რომელიც 12 კომპონენტის შეფასებით ღგინდება. აღნიშნული კომპონენტები 4 ძირითად ჯგუფშია გაერთიანებული:

1. კანონის უზენაესობა (საკუთრების უფლება, სასამართლოს ეფექტიანობა, მთავრობის კეთილსინდისიერება);
2. მთავრობის ზომა (ფისკალური სიჯანსაღე, საბიუჯეტო დანახარჯები, საგადასახადო ტვირთი);
3. რეგულირების ეფექტიანობა (ბიზნესის თავისუფლება, შრომის თავისუფლება, მონეტარული თავისუფლება);
4. ბაზრის ღიაობა (ვაჭრობის თავისუფლება, ინვესტირების თავისუფლება, ფინანსური თავისუფლება).

დაკმაყოფილების შესახებ საქართველოს კანონის პროექტზე განმარტებითი ბარათი. [ბოლო ნახვის თარიღი: 07.04. 2023].

24 რეაბილიტაციისა და კრედიტორთა კოლექტიური დაკმაყოფილების შესახებ კანონი. მუხლი 85.2. [ბოლო ნახვის თარიღი: 07.04. 2023].

თითოეული პარამეტრი 100-ქულიანი სკალით ფასდება (0 – ეკონომიკური თავისუფლების ყველაზე დაბალი დონე, 100 – ეკონომიკური თავისუფლების ყველაზე მაღალი დონე).<sup>25</sup>

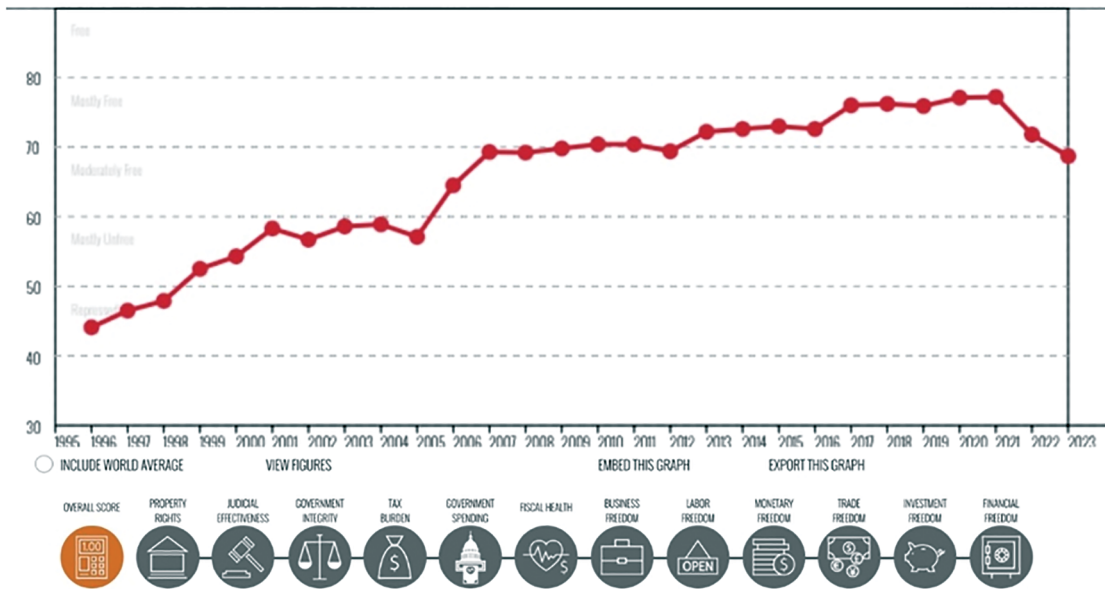
The Heritage Foundation-ის „ეკონომიკური თავისუფლების ინდექსში“ 2023 წელს საქართველოს ეკონომიკური თავისუფლება 68.7 ქულით შეფასდა. ამ მაჩვენებლით საქართველო ზომიერად თავისუფალი ეკონომიკის მქონე ქვეყნებშია და მსოფლიოში 35-ე ადგილს იკავებს. „ეკონომიკურ თავისუფლების ინდექსში“ წინა წელთან შედარებით, საქართველოს პოზიცია 9 ადგილით, ხოლო შეფასება 3.1 ქულით გაუარესდა. ამასთან, 2012-2023 წლებში ყველაზე დაბალი შეფასება საქართველომ სწორედ 2023 წელს მიიღო. „ეკონომიკური თავისუფლების ინდექსში“ საქართველოს ყველაზე მაღალი შეფასება 2021 წელს (77.2 ქულა) ჰქონდა. The Heritage Foundation-ის 2023 წლის მონაცემებით, საქართველოს შეფასების ქულა 12 კომპონენტიდან 8-ში გაუარესდა. ესენია: საკუთრების უფლება, სასამართლოს ეფექტიანობა, მთავრობის კეთილსინდისიერება, ფისკალური სიჯანსაღე, საბიუჯეტო დანახარჯები, ბიზნესის თავისუფლება, მონეტარული თავისუფლება, ვაჭრობის თავისუფლება. შეფასების ქულა იგივე დარჩა 2 კომპონენტში: საგადასახადო ტვირთი, ინვესტირების თავისუფლება. შეფასება გაუმჯობესდა მხოლოდ 2 კომპონენტში: შრომის თავისუფლება და ფინანსური თავისუფლება.<sup>26</sup>

მოცემული ანალიზი ცხადყოფს, რომ საკითხის მხოლოდ სამართლებრივ დონეზე მოწესრიგება საკმარისი არაა. ამისთვის მნიშვნელოვანია სხვადასხვა ქმედითი ნაბიჯების გადადგმა. უპირველეს ყოვლისა კი, ბიზნესისათვის მაქსიმალური თავისუფლების მინიჭება. რამაც უნდა უზრუნველყოს არსებული კაპიტალის შენარჩუნება და სამომავლოდ საერთაშორისო ინვესტიციების მოზიდვა. თითოეული კომპონენტი ინდივიდუალურად უდიდესი მნიშვნელობის მატარებელია, რაც ერთიან

25 <https://factcheck.ge/ka/story/41730--მთავრობის-კეთილსინდისიერების-ინდექსით-საქართველომ-10-წლიანი-პროგრესით-მნიშვნელოვანი-წინსვლა-აჩვენა-და-პოზიცია-31-ადგილით-გაიმჯობესა> [ბოლო ნახვის თარიღი: 07.04. 2023].

26 <https://factcheck.ge/ka/story/41730--მთავრობის-კეთილსინდისიერების-ინდექსით-საქართველომ-10-წლიანი-პროგრესით-მნიშვნელოვანი-წინსვლა-აჩვენა-და-პოზიცია-31-ადგილით-გაიმჯობესა> [ბოლო ნახვის თარიღი: 07.04. 2023].

## OVERALL SCORE



დიაგრამა №1: საერთო ქულა. წყარო: ეკონომიკური თავისუფლების ინდექსი.

ჯაჭვს ქმნის ბიზნესის დაწყებისა და შენარჩუნებისთვის (ის. დიაგრ. 1<sup>27</sup>).

მაშინ, როდესაც ვსაუბრობთ ბიზნესის გადარჩენასა და გაჯანსაღებაზე, უდიდესი მნიშვნელობა აქვს სასამართლო ხელისუფლების სათანადო მოქმედებას, რა თქმა უნდა, კანონის ფარგლებში, განსახილველი საკითხის გათვალისწინებით კი, – ვალაუვალობის სამართლის ჩარჩოში მოქცევით.

The Heritage Foundation-ის კვლევა, რომელიც ქვემოთ მოცემულ დიაგრამაზეა ასახული, ცალსახად ცხადყოფს, რომ სასამართლო ეფექტურობა სტაგნაციას განიცდის. სასამართლო ხელისუფლება, რომელიც დამოუკიდებელი ორგანოა და, იმისდა მიუხედავად, რომ თავისი არსით განსხვავდება სხვა ხელისუფლების განმახორციელებელ ორგანოთაგან, მათი ტოლფასი პასუხისმგებლობა აკისრია თავისი უფლებამოსილების ფარგლებში.

შესაბამისად, სასამართლომ ყოველმხრივ უნდა უზრუნველყოს ეფექტიანობის გაზრდა, რაც სამართლის ნორმების სათანადო ცოდნაში, გამოყენებაში, მხარეთა თანასწორუფლებიანობისა და სხვა უფლებების განხორციელების პრაქტიკაში დაწერგვას გულისხმობს. სასამართლო ხელისუფლებამ, როგორც მმართველობის განმახორციელებელ

ლმა ერთ-ერთმა შტომ, როგორც ადგილობრივი, ასევე, საერთაშორისო მასშტაბით უნდა გაიზიაროს მისი მნიშვნელობა, დანიშნულება და არსებობის მიზნები. რათა არსებული რეალობა და შეფასებები, რომლებიც კეთდება ადგილობრივ თუ საერთაშორისო კვლევებში, დადებითი მაჩვენებლით შეიცვალოს (ის. დიაგრ. 2<sup>28</sup>).

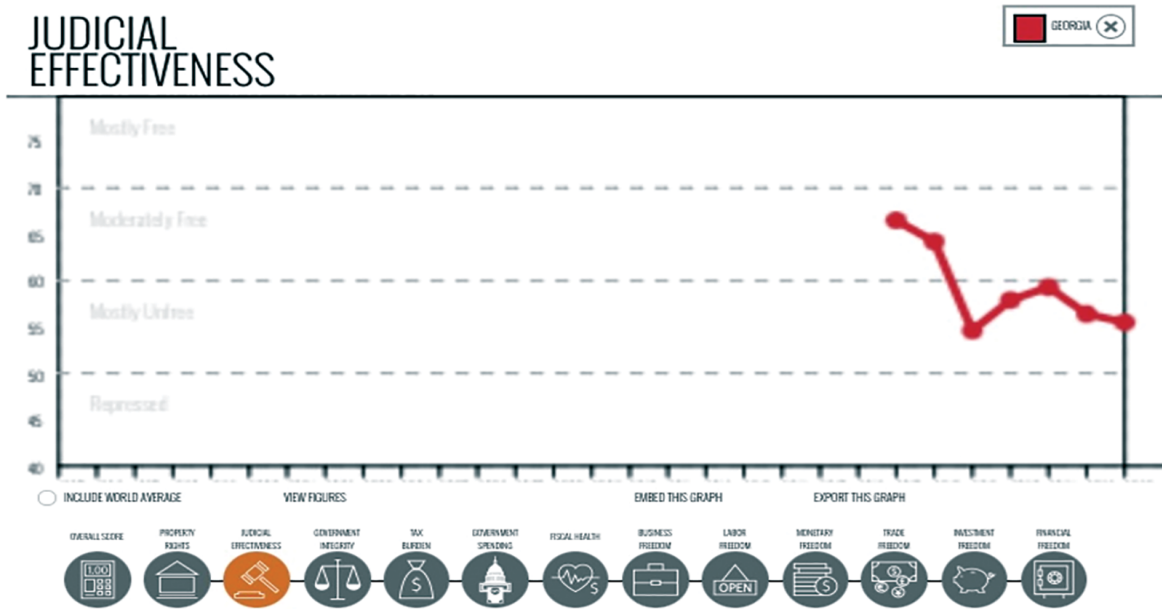
### სასამართლო პრაქტიკა – სს „ელმავალმშენებლის“ მაგალითზე

2022 წლის 30 დეკემბერს თბილისის საქალაქო სასამართლოს სამოქალაქო საქმეთა კოლეგიას განცხადებით მიმართა სს „ელმავალმშენებლის“ წარმომადგენელმა რეაბილიტაციის რეჟიმის გახსნის მოთხოვნით. სასამართლო გაეცნო წარდგენილ განცხადებას და თანდართულ დოკუმენტებს, მან მიიჩნია, რომ განცხადება არ აკმაყოფილებდა „რეაბილიტაციისა და კრედიტორთა კოლექტიური დაკმაყოფილების შესახებ“ კანონის მოთხოვნებს, რის გამოც, განმცხადებელს განესაზღვრა ვადა ხარვეზის შესავსებად. რეაბილიტაციისა და კრედიტორთა კოლექტიური დაკმაყოფილების შესახებ“ საქართველოს კანონის 44-ე მუხლის მე-3 პუნქტის „ა“ ქვეპუნქტის თანახმად, თუ გადახდისუუნარო-

27 <https://indexdotnet.azurewebsites.net/index/visualize?cnts=georgia&type=9&fbclid=iwar3na3pvl7wz-vrcsnd95jakd9dkke16o6jzgvnqaduitwcuuyccxlzaca70>

28 <https://www.heritage.org/index/visualize>





ღიაგრამა №2: სასამართლო ეფექტურობა. წყარო: ეკონომიკური თავისუფლების ინდექსი.

ბის შესახებ განცხადება სასამართლოში მოვალეს შეაქვს, მან, გარდა ამ მუხლის პირველი და მე-2 პუნქტებით გათვალისწინებული ინფორმაციისა, აგრეთვე, უნდა წარადგინოს თავისი კრედიტორების სრული ჩამონათვალი (მიეთითება სახელები, სახელწოდებები, პირადი ნომრები, საიდენტიფიკაციო მონაცემები) და არსებული ვალდებულებების შესახებ ინფორმაცია.

აღნიშული ხარვეზის გამოსასწორებლად, სასამართლომ მოვალეს 5 დღიანი ვადა განუსაზღვრა.<sup>29</sup> 2023 წლის 18 იანვარს თბილისის საქალაქო სასამართლოს სამოქალაქო საქმეთა კოლეგიას ხარვეზის შევსების შესახებ განცხადებით მიმართა სს „ელმავალმშენებლის“ წარმომადგენელმა. თუმცა, სასამართლომ უარი განაცხადა რეაბილიტაციის რეჟიმის გახსნის შესახებ განცხადების დასაშვებად ცნობაზე.

უარის თქმის საფუძვლად სასამართლო განმარტავს, რომ განსახილველ შემთხვევაში, განმცხადებელმა მაღალი ხარისხით ვერ წარმოადგინა რეაბილიტაციის მიზნის მიღწევის გონივრული ალბათობა, კერძოდ ის, რომ რეაბილიტაცია არის მიღწევადი სარწმუნოდ არ არის დადასტურებული. აღნიშულთან დაკავშირებით, მოვალე აღნიშნავდა რომ – „მას აქვს რეალური შესაძლებლობა მიაღწიოს რეაბილიტაციას დაახლოებით 8 წლის განმავლობაში, რითაც სრულად დაკმაყოფილდება ყვე-

ლა კრედიტორი, მათ შორის უზრუნველყოფილი კრედიტორები. აღნიშნული არგუმენტაცია ეფუძნება იმ გარემოებებს, რომ ამიერკავკასიისა და შუა აზიის რეგიონებში არსებობს დიდი მოთხოვნები მოვალის შესაბამის საქონელზე (პროდუქციაზე), კერძოდ, დამკვეთების მოთხოვნაა მაგისტრალური და სამრეწველო სხვადასხვა მოდიფიკაციის ელმავლების აგება, მოდერნიზაცია და კაპიტალური შეკეთება, აგრეთვე მაგისტრალური, სამრეწველო და კარიერული ელმავლების სათადარიგო დეტალების და კვანძების დამზადება, სარკინიგზო ლიანდაგდამგების ტექნიკის სარემონტო კაპიტალური შეკეთება. შესაბამისად, მოვალეს გააჩნია საკმარისად აღჭურვილი საწარმოო ბაზა, რაც უზრუნველყოფს ქვემოთ მითითებული სამუშაოების (მომსახურების) შესრულებას, კერძოდ, მოვალის საწარმოს შეუძლია რეაბილიტაციის ვადის განმავლობაში 1. დაამზადოს ახალი კარიერული წევის 100 ერთეული აგრეგატი, მოცულობით 400 000 000 (ოთხასი მილიონი) აშშ დოლარი; 2. კაპიტალური შეკეთება ჩაუტაროს 70 ერთეულ ელმავალს, მოცულობით 70 000 000 (სამოცდაათი მილიონი) აშშ დოლარი; 3. დაამზადოს ფართო ნომენკლატურის შესაბამისი სათადარიგო ნაწილები, მოცულობით 35 000 000 (ოცდათხუთმეტი მილიონი) აშშ დოლარი; ამდენად, რეაბილიტაციის ვადის (დაახლოებით 8 წელი) განმავლობაში მოვალეს შეუძლია შეასრულოს 505 000 000 აშშ დოლარის სამუშაოები და მომსახურება. აღნიშნული სამუშაო-

29 თბილისის საქალაქო სასამართლოს 2023 წლის 09 იანვრის განჩინება, საქმე No 2/39590-22.

ოების შესრულებიდან მოგების სავარაუდო მარ-  
ჟა, ყველაზე პესიმისტური გათვლებით არის 15%,  
ანუ დაახლოებით 76 000 000 აშშ დოლარი, რაც  
სრულად უზრუნველყოფს ყველა კრედიტორული  
მოთხოვნის დაკმაყოფილებას<sup>30</sup> 2023 წლის  
30 იანვარს თბილისის საქალაქო სასამართლოს  
სამოქალაქო საქმეთა კოლეგიას კერძო საჩივრით  
მიმართა სს „ელმავალმშენებლის“ წარმომადგე-  
ნელმა და მოითხოვა 2023 წლის 25 იანვარს მიღე-  
ბული განჩინების გაუქმება. თუმცა, სასამართლოს  
პოზიცია არ შეუცვლია და იგი ძალაში იქნა დატო-  
ვებული.<sup>31</sup>

როგორც აღინიშნა, მოვალეს (მოსალოდნე-  
ლი გარემოებების საფუძველზე) გონივრულად  
მიაჩნდა 8 წლის განმავლობაში კრედიტორთა  
დაკმაყოფილება. რისი გარანტიაც იყო მისი არ-  
სებული კაპიტალი და სამომავლო ურთიერთობე-  
ბის პერსპექტივა. აღნიშნული საფუძვლების არ-  
სებობა და მასზე მითითება სასამართლოსთვის  
საკმარისი იყო, როდესაც რეაბილიტაციის რეჟიმი  
გაიხსნა სს „გურჯაანი 1929“-ზე. სამწუხაროდ, სა-  
სამართლო მოცემული ვალაუვალობის საქმეს სა-  
თანადოდ არ მიდგომია. ეს კი ნათელი მაგალითი  
ხდება იმისა, რომ სასამართლო საქმეთა განხილ-  
ვისას არ ხელმძღვანელობს თანასწორობის პრი-  
ნციპით და შერჩევითობას აქვს ადგილი. რაც შე-  
ეხება სასამართლოს აპელირებას კრედიტორთა  
სრულ ჩამონათვალთან და მათ მიმართ არსებულ  
ვალდებულებებთან დაკავშირებით, არაგონივრუ-  
ლია, რადგანაც, მხოლოდ მოვალეა ის პირი, რო-  
მელსაც აქვს სათანადო ცოდნა მის კრედიტორთა  
რაოდენობასა და მათთან დაკავშირებულ ინფორ-  
მაციაზე. მოცემული საკითხის არგუმენტირება  
სასამართლოს მიერ აზრს მოკლებულია, როდესაც  
მას რეალურად არ აქვს ამ ყველაფრის ცოდნის შე-  
საძლებლობა მოვალის გარეშე. ეს ეჭვს აჩენს, რომ  
სასამართლო წინასწარი განწყობით იღებდა გა-  
დაწყვეტილებას, როდესაც განჩინებას იღებდა სს  
„ელმავალმშენებლის“ რეაბილიტაციის რეჟიმის  
გახსნაზე უარის თქმის შესახებ.

განსაკუთრებით მაშინ, როდესაც კრედიტორთა  
თავდაპირველი სია ყოველთვის განიცდის ფორ-  
მირებას, ე.ი სასამართლოს მიერ სათანადო გან-  
ჩინების მიღებამდე პირი ვერ იქნება აღიარებული  
კრედიტორად. შესაბამისად, თავდაპირველ კრე-

დიტორთა სიაში მყოფი პირი, შესაძლოა არ იქნას  
აღიარებული, და პირი, რომელიც განცხადებაში  
არ იყოს ნახსენები, ვალაუვალობის კრედიტორად  
მოგვევლინოს. ასევე, გასათვალისწინებელია ის  
გარემოება, რომ რეჟიმის გახსნის შესახებ განჩი-  
ნება ქვეყნდება და ნებისმიერი პირისთვის ხელმი-  
საწვდომია. გარდა ამისა, კრედიტორთა რეესტრის  
შედგენამდე, კრედიტორთა მოთხოვნებს ამოწმებს  
და კრედიტორთა რეესტრს ადგენს მმართველი/  
ზედამხედველი გადახდისუნარობის შესახებ გა-  
ნცხადების დასაშვებად ცნობიდან 60 დღის ვადა-  
ში, კრედიტორებისა და მოვალისგან მიღებული  
ინფორმაციის ან/და თავის მიერ მოძიებული ინ-  
ფორმაციის საფუძველზე. ყოველივე ნათლად მიუ-  
თითებს იმაზე, რომ სასამართლომ სათანადოდ არ  
„იბრძოლა“ სს „ელმავალმშენებლის“ რეაბილიტა-  
ციის რეჟიმის გახსნისთვის. მან არ/ვერ გამოიყენა  
კანონით გათვალისწინებული ის ალტერნატიული  
გზები, რომელთა საშუალებითაც შესაძლებელი  
იქნებოდა ვალაუვალობის კრედიტორის ვინაობის  
დადგენა. აქვე გონივრული იქნება, ვარაუდი იმისა,  
რომ სასამართლოსთვის განცხადების განხილვი-  
სათვის კანონით დადგენილი 7-დღიანი ვადა არ  
იყო საკმარისი განცხადებაში მოყვანილი ფაქტო-  
ბრივი გარემოებების, განსაკუთრებით, განცხადე-  
ბაში მოცემული გადახდისუნარობის საფუძვლის  
შესწავლისა და სათანადო გადაწყვეტილების  
მიღებისათვის. როგორც წინამორბედმა კანონის  
პრაქტიკამ აჩვენა, რომ 5 დღე საკმარისი არ იყო.  
დასანანია, რომ ახალმა კანონმა არ გაითვალისწი-  
ნა ეს პრობლემა და ვერ შეაფასა საფრთხეები, რო-  
მელთა გამოწვევაც არაგონივრულ ვადას შეუძლია  
და სათანადო ცვლილებაზე უარი განაცხადა.<sup>32</sup> პირ-  
ველი ინსტანციის მოსამართლეებს, რომლებიც  
ვალაუვალობის საქმეებს განიხილავენ, უნდა ჰქო-  
ნდეთ იმის „ფუფუნება“, რომ ვალაუვალობის სა-  
მართლის საკითხებზე მეტად დაფიქრდნენ, რათა  
ვალაუვალობის უფრო ფართო მასშტაბითა და მო-  
ცემულობით დანახვა შეძლონ.

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ინსტიტუტი გაგვჭირდება, თანამედროვე რეაბილიტა-

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იანვრის განჩინება, საქმე No 2/39590-22.

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თებერვლის განჩინება, საქმე No 2/39590-22.

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რეაბილიტაციის რეჟიმის საქმის წარმოებაში,  
ჟურნალი: სამართალი და მსოფლიო. გვ.123.

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როგორც ნაშრომში აღინიშნა რეაბილიტაციის რეჟიმი მოვალის გადარჩენისა და ეკონომიკური მდგომარეობის გაუმჯობესების საშუალებაა და მას უდიდესი მნიშვნელობა აქვს არა მხოლოდ მოვალისთვის, ასევე, კრედიტორისა და სახელმწიფოსთვის, როგორც ქვეყნის შიგნით, ისე მის ფარგლებს გარეთ. „Doing Business“-ი და The Heritage

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**ინტერნეტ წყაროები:**

1. <https://factcheck.ge/ka/story/41730--მთავრობის-კეთილსინდისიერების-ინდექსით-საქართველომ-10-წლიანი-პროგრესით-მნიშვნელოვანი-წინსვლა-აჩვენა-და-პოზიცია-31-ადგილით-გაიუმჯობესა> [ბოლო ნახვის თარიღი: 7.04.2023].
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# STRATEGIC MANAGEMENT PROCESS IN HOSPITALS

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**ABSTRACT.** The purpose of the research is to study the strategic management process in Georgia's hospitals. As part of the quantitative research, a survey of managers of hospitals was conducted using a pre-structured questionnaire. A relatively small number of hospitals attended strategic planning lectures and pieces of training (13%), Only one hospital had a strategic planning committee (4.3%), 87% of hospitals had a documented strategic plan; Strategic planning was primarily engaged by the management board (69.6%), with doctors participating to a lesser extent (30.4%). Only 34.8% of hospitals develop their budget according to the strategic plan. Resources (43.5%), allocation of budget funds (47.8%) and identification of additional financial resources (47.8%) are not made in accordance with the goals of the strategic plan. Most hospitals are less likely to compare the evaluation results of goal achievement indicators with other hospitals (52.2%), and 43.5% report the values of actions taken to accomplish the strategic plan's goals to the hospital. Most of the hospitals rarely do benchmarking of other hospitals' goal-achieving measures (78.3%).

Small number of clinics have a strategic management process that, as a consequence, affects their success in the healthcare market. Hospitals develop a strategy plan, but its implementation is poorly monitored and not based on scientific methods.

It is reasonable for the state to impose a legal requirement that hospitals produce a written strategic plan. Providing educational training on the strategic management process in hospitals is essential.

**KEYWORDS:** STRATEGIC MANAGEMENT, STRATEGY PLANNING, STRATEGY ASSESSMENT, HOSPITAL, TBILISI.

## INTRODUCTION

Strategic planning is a set of activities that enable an organisation to identify its intended future and develop actions that will lead to it. An organisation creates a document that serves as a guide for the company over an extended period and outlines its strategies for getting from the current situation to the desired future one. Strategic planning involves taking long-term measures and helps the organisation to anticipate and avoid expected risks (Huebner & Flessa, 2022). A well-planned strategy can anticipate environmental changes and allocate resources appropriately (Buchbinder & Shanks, 2016). Strategic management integrates the organisation's common goals and values, improves the financial condition, and simplifies decision-making, reforms, and innovations.

The strategic planning process consists of four main stages: assessing external circumstances (political, economic, sociocultural, technological, and legal); evaluating its internal setting (SWOT analysis), determining its strategic goals and objectives; putting the strategic plan into action; evaluating its intermediate and final results; and making changes and corrections. The strategy modification process is ongoing and always updated (Harrison, 2020).

Medical organisations operate in dynamic global and local environments affected by demographic, economic, political, legislative, technological, and other societal developments. These changes have led to a complicated and unstable competitive environment. In order to better adapt to the continually evolving environment, the key priority of the healthcare system is



TABLE 1. Characteristics of hospitals

		N	%
Type of the hospital	General	18	78%
	specialised	5	22%
Number of beds	Less than 100	3	13%
	100-200	11	49%
	More than 200	9	38%
Number of employees	Less than 200	6	26%
	More than 200	17	74%
managers' level of education	Bachelor	5	21.7%
	Master	14	60.9%
	Doctor	4	17.4%
The field of managers' education	Healthcare management	8	34.8%
	Business Administration	15	65.2%

the smooth operation and stable condition of the hospital sector, which will respond to the complex daily challenges. It is essential to consistently practice efficient strategic management processes in hospitals to build a stable and profitable environment (Ginter et al., 2018).

In some countries, according to the legislation, medical organisations are required to have a written strategic plan for accreditation, as well as they are obliged to create a strategic planning department, which defines the medium and long-term strategy of the organisation. In Turkey, the health system has achieved impressive results through a healthcare reform program based on strategic planning (Johansen, 2015).

Studies indicate that hospitals develop a strategic plan due to the requirement of the established regulatory rule in the country. Developing a strategic plan was a motivation to achieve organisational success only for a limited number of hospitals. According to research, there is a strategic plan in hospitals. However, it cannot be defined in detail by the people in charge (Naamati-Schneider, 2020). Due to the external environment's risks, which are mostly of a political-legal and financial nature, medical organisations' strategic management processes lag behind those in other business sectors.

Political factors have a huge influence on the strategic management process; particularly, unpredictable strict regulations of the state represent a significant threat. However, researchers claim that the stability of hospitals, which necessitates the efforts of all stakeholders, should be the state's top priority (Pascuci et al., 2017).

There are numerous problems with strategic hospital management in different countries worldwide. In this regard, it is essential to comprehend the current condition of the strategic management process in Georgia's hospital sector. The research aims to study the process of strategic management in the hospital sector. This will help to improve the understanding of strategic planning as a critical issue in healthcare management.

## METHODOLOGY

The quantitative research method is used in the paper. The study included ten large Tbilisi hospitals. Hospitals were chosen based on size, location, bed count and ownership. Key figures of the hospitals participated in the study, including the general director, financial director, technical director, head of the quality management service, director of public relations, clinical director, head of research and development of the hospital, as well as heads of various departments (surgery, gynaecology, obstetrics, paediatrics). The research included 23 hospital managers, and they were chosen as respondents since they are in charge of developing the organisation's strategy.

The research tool was a pre-structured questionnaire based on a literature review and expert opinions. The surveys were conducted from 01.11.22 to 10.12.22.

The Research Ethics Committee of Caucasus University approved the study. The survey was conducted following the principle of informed consent. Respondents were provided with information about the study.

TABLE 2. Strategic plan development and implementation process in Hospitals

		N	%
Strategy management consultant	Yes	0	0%
	No	23	100%
Strategy management committee	Yes	1	4.3%
	No	22	95.7%
A documented strategic plan	Yes	18	78.3%
	No	5	21.7%
Participation in strategic planning lectures and training	Yes	3	13%
	No	20	87%
things involved in strategic planning	Governing Board	16	69.6%
	personnel	7	30.4%

### RESEARCH RESULTS

Of the studied hospitals, 18 (78%) were general profile, and 5 (22%) were specialised. The number of beds in half of the hospitals participating in the study (49%) was between 100 and 200; the majority of hospitals (74%) had more than 200 workers. Most of the managers interviewed (60.9%, n= 14) hold a master's degree. Most managers (65.2%, n= 15) had a background in business administration. Table 1 shows further hospital demographic data (see Table 1).

For strategic planning, none of the hospitals used external consultants. Very few hospitals participated in lectures and pieces of training on strategic planning (n=3, 13%), only one inpatient had a strategic planning committee (n=1, 4.3%), and most of the inpatients interviewed (n=18, 87%) had a documented strategic plan. The management board (n=18, 69.6%) was mostly

involved in strategic planning, and doctors were partially involved (n=7, 30.4%). (see Table 2.)

In the initial phase, we examined how the hospital budget is determined in accordance with strategic priorities. According to the survey, only a third of hospitals (n=8, 34.8%) base their budgets on priorities and strategic objectives. Almost half of the hospitals reported that the hospital budget is not reviewed according to the hospital's strategic goals. The budget is developed according to the strategic plan in one-third of hospitals (n=7, 30.4%). However, the distribution of resources (n=10, 43.5%) and budget funds (n=11, 47.8%), as well as the identification and acquisition of new financial resources (n=11, 47.8%), are not in accordance with the goals and priorities of the strategic plan (see Table 3).

Following that, we investigated the extent to which hospitals operate according to a predetermined strategic plan. Most hospitals integrate project imple-

TABLE 3. Budget distribution in hospitals according to strategic priorities

	weak	medium	good
	n/%	n/%	n/%
The budget is set based on priorities and strategic goals	10 (43.5%)	5 (21.7%)	8 (34.8%)
The budget is updated in accordance with strategic goals.	12 (52.2%)	6 (26.1%)	5 (21.7%)
The budget is developed according to the strategic plan	11 (47.8%)	5 (21.7%)	7 (30.4%)
Resources are allocated according to the strategic goals	10 (43.5%)	9 (39.1%)	4 (17.4%)
Allocation of budget funds according to the priorities set by the strategic plan	11 (47.8%)	5 (21.7%)	7 (30.4%)
New financial resources are identified and acquired to accomplish strategic goals	11 (47.8%)	3 (13%)	9 (39.1%)

TABLE 4. Project implementation process in hospitals according to the strategic plan

	weak	medium	good
	n/%	n/%	n/%
Projects are carried out according to the strategic plan	3 (13%)	4 (17.4%)	16 (69.6%)
The set goals are in line with the hospital's strategic plan	3 (13%)	5 (21.7%)	15 (65.2%)
Managers are evaluated annually depending on their achievement of strategic goals.	16 (69.6%)	4 (17.4%)	3 (13%)
An annual reward system is established based on the level of employee participation in the implementation of strategic goals	18 (78.3%)	2 (8.7%)	3 (13%)
Annual evaluation of the performance of the hospital manager according to the level of achievement of strategic goals	17 (73.9%)	2 (8.7%)	4 (17.4%)

mentation and goals with the hospital's strategic plan. However, the annual evaluation of managers and the establishment of an annual reward system are not done according to the level of achievement of strategic goals (see Table 4.).

In terms of reviewing the strategic plan, the survey discovered that most hospitals regularly evaluate the results of programs centred on strategic goals using pre-defined target achievement indicators. In addition, hospitals evaluate target performance rates throughout certain periods. However, the majority of hospitals are less likely to compare the results of the evaluation of the performance indicators with those of other hospitals (n=12, 52.2%), regularly report the values of the measures to achieve the strategic plan goals to the hospital (n=12, 43.5%) and the public and stakeholders (n=17, 73.9%), they are also less likely to benchmark other hospitals' performance measures to ensure the effectiveness of strategic projects. (n=17, 78.3%) (see Table 5.).

## DISCUSSION

The process of developing and implementing a strategic plan in 23 prominent hospitals in Georgia was examined in the previous study. According to research, the governing board is the most involved in strategic planning, while physicians are relatively less involved. Furthermore, very few hospitals participate in strategic planning lectures and training. A lack of strategy understanding limits the proper implementation of a strategic plan.

Even though the vast majority of hospitals (n=18, 87%) had a documented strategic plan, a significant number of hospitals rarely develop or modify hospital

budgets in accordance with the strategic plan, goals and priorities. Furthermore, the allocation of resources and budget funds, as well as the identification and acquisition of new financial resources, are not in accordance with the strategic plan's goals and priorities. This indicates that strategic planning has not yet found its place in the healthcare system. Strategic management is only implemented by a tiny percentage of clinics, impacting their success and position in the healthcare industry.

Although hospital managers are responsible for achieving strategic goals, their performance is not assessed annually. Additionally, the annual reward system of hospitals does not consider employees' participation level in implementing strategic goals.

According to the report, most hospitals regularly evaluate the outcomes of projects that focus on achieving strategic goals using pre-established goal achievement indicators. Hospitals also analyse target achievement rates at specified periods or as needed. However, the evaluation results are not properly analysed. The results of examining the goal-achievement indicators are rarely compared to those of previous analyses, predetermined standards, or outcomes obtained in other hospitals. Additionally, neither the hospital nor the community or other stakeholders are regularly informed of the costs of the measures taken to accomplish the strategic plan's goals. Less emphasis is put on benchmarking measures to achieve the goals of other hospitals in order to ensure the effectiveness of strategic projects.

According to research, establishing quality management standards and tools (e.g., Joint Commission International, KTQ-Accreditation, ISO 9001) in hospitals enhances the development of strategies, which raises the hospital's evaluation status as well. As a result, ad-

TABLE 5. An evaluation of how well hospitals performed in terms of their strategic goal

	weak	medium	good
	n/%	n/%	n/%
Evaluation of the results of projects related to the strategic plan using indicators of goal achievement	2 (8.7%)	5 (21.7%)	16 (69.6%)
Use of target achievement indicators at both hospital and department level	3 (13%)	6 (26.1%)	14 (60.9%)
Considering the balance between them when developing indicators of goal achievement	4 (17.4%)	6 (26.1%)	13 (56.5%)
Regular evaluation of indicators of goal achievement	5 (21.7%)	6 (26.1%)	12 (52.2%)
Analysis of target achievement indicators throughout certain periods	6 (26.1%)	7 (30.4%)	10 (43.5%)
Comparison of the results of the examination of the target accomplishment indicators with prior evaluations	8 (34.8%)	6 (26.1%)	9 (39.1%)
Comparing the results of the evaluation of the indicators of the achievement of the goals with the predetermined standard	9 (39.1%)	4 (17.4%)	10 (43.5%)
A comparison of the results of the evaluation of the achievement of the objectives with the results of other hospitals	12 (52.2%)	4 (17.4%)	7 (30.4%)
After assessing and comparing the results of the evaluation of measures to accomplish the goal, developing and implementing appropriate interventions	9 (39.1%)	8 (34.8%)	6 (26.1%)
Regularly report to the hospital the values of measures to achieve the goals of the strategic plan	10 (43.5%)	7 (30.4%)	6 (26.1%)
Regularly reporting to the public and stakeholders the value of measures to achieve strategic plan goals	17 (73.9%)	3 (13%)	3 (13%)
Benchmarking measures of other hospitals' goal achievement in order to ensure the effectiveness of strategic projects	18 (78.3%)	3 (13%)	2 (8.7%)

equate integration of quality management standards into strategic planning is required.

Based on the research, hospitals in Georgia create a strategic plan and fail to implement it. Other research with similar findings concluded that while medical organisations create good strategic plans, the control of their execution is very poor and not based on scientific principles (Naamati-Schneider, 2020).

Research also shows that hospitals should use the most up-to-date science-based methodologies and tools to implement and evaluate their strategic goals more successfully than they currently do.

In most studied hospitals, aspects such as clearly defining the hospital's mission, purpose and values,

employee qualifications, training and development, defining customer needs and offering high-quality services are considered the most important points of management. Strategic management issues, on the other hand, receive less attention.

In general, ideally, the strategic planning process involves all managerial and operational levels of the organisation. Our research showed that top managers and heads of various departments participate in the strategic management process, but other stakeholders, such as doctors, have a low level of participation. Studies confirm that the skills of doctors in strategic planning are at a low level, which can be attributed to improper competence, a lack of knowledge, wrong perception of

strategic importance. To master such skills, it is necessary to conduct systematic training.

Hospitals in Georgia are not required to develop a strategic plan. In this regard, medical organisations in some countries must develop a strategic plan. For example, the Iranian Ministry of Health requires hospitals to have a written strategic plan to receive accreditation points. According to Turkish state law, all government organisations must have a strategic planning department and a strategy plan, the execution of which is monitored in accordance with predetermined guidelines (Johansen, 2015). In Georgia, neither the state nor the Ministry of Health's role is defined in this regard.

## CONCLUSION

The significance of strategic management for the continuing development of medical organisations is ex-

panding as a result of the increased competitiveness in the medical industry. The state should pass legislation that the medical organisations must develop documented strategic plans and employ strategic management managers. In this regard, Georgia has a similar practice of state intervention. For instance, the legislation mandates that an inpatient medical institution have a quality management system and that the facility have a clinical manager in charge of the inpatient service. Conducting educational training about the strategic management process with inpatients is crucial. For example, the legislation requires a hospital to have a quality management system in place, as well as a clinical manager who is responsible for the hospital's services. Providing educational training on the strategic management process in hospitals is essential.

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# სტრატეგიული მენეჯმენტის პროცესი საქართველოს საავადმყოფოებში

## თენგიზ ვერულავა

მედიცინის მეცნიერებათა დოქტორი, პროფესორი,  
მედიცინისა და ჯანდაცვის მენეჯმენტის სკოლა, კავკასიის უნივერსიტეტი

**აბსტრაქტი.** მუდმივად ცვალებად გლობალურ და ადგილობრივ გარემოში უკეთესად ადაპტაციისთვის ჯანდაცვის სისტემის მთავარი პრიორიტეტია სტაბილური ჰოსპიტალური სექტორის ფუნქციონირება, რისთვისაც აუცილებელია ეფექტური სტრატეგიული მენეჯმენტის პროცესების მუდმივი განხორციელება. კვლევის მიზანია საქართველოს ჰოსპიტალურ სექტორში სტრატეგიული მენეჯმენტის პროცესის შესწავლა.

რაოდენობრივი კვლევის ფარგლებში ჩატარდა თბილისის მსხვილი საავადმყოფოების მენეჯერების გამოკითხვა წინასწარ სტრუქტურირებული კითხვარის საშუალებით. საავადმყოფოების ძალიან მცირე ნაწილი იღებდა მონაწილეობას სტრატეგიული დაგეგმვის კუთხით ჩატარებულ ლექციებსა და ტრენინგებში (13%), გამოკითხულთაგან სტრატეგიული დაგეგმვის კომიტეტი ჰყავდა ერთ სტაციონარს (4.3%), გამოკითხული სტაციონარების უმრავლესობას (87%) ჰქონდა დოკუმენტირებული სტრატეგიული გეგმა; სტრატეგიულ დაგეგმვაში უმეტესად ჩართული იყო მმართველი საბჭო (69.6%), ნაწილობრივ – ექიმები (30.4%). საავადმყოფოების მხოლოდ მესამედს (34.8%) ბიუჯეტის შემუშავება ხდება სტრატეგიული გეგმის მიხედვით. სტრატეგიული გეგმის მიზნებისა და პრიორიტეტების შესაბამისად არ ხდება რესურსების (43.5%), ბიუჯეტის სახსრების განაწილება (47.8%) და ახალი ფინანსური რესურსების გამოვლენა და მოპოვება (47.8%). საავადმყოფოების უმეტესი ნაწილი ნაკლებად ახდენს: მიზნების მიღწევის მაჩვენებლების შეფასების შედეგების შედარებას სხვა საავადმყოფოების შედეგებთან (52.2%); სტრატეგიული გეგმის მიზნების მიღწევის დონის დიფერენციალს რეგულარულად მოხსენებას საავადმყოფოსთვის (43.5%); სტრატეგიული პროექტების ეფექტურობის უზრუნველსაყოფად სხვა საავადმყოფოების მიზნების მიღწევის დონის დიფერენციალს ბენჩმარკინგს (78.3%).

სტაციონარების მხოლოდ მცირე ნაწილში მიმდინარეობს სტრატეგიული მენეჯმენტის პროცესი, რაც, შესაბამისად, აისახება ჯანდაცვის ბაზარზე მათ პოზიციასა და წარმატებაზე. საავადმყოფოები მხოლოდ შემუშავებენ სტრატეგიულ გეგმას, მაგრამ მათი განხორციელების მონიტორინგი ძალიან სუსტია და არ ეფუძნება მეცნიერულად დასაბუთებულ მეთოდებს. ექიმების უნარები სტრატეგიულ დაგეგმვაში დაბალ დონეზეა, რაც შეიძლება მივაწეროთ არასათანადო კომპეტენციას, არასაკმარის ცოდნას, სტრატეგიული მნიშვნელობის არასწორ აღქმას. ასეთი უნარების ათვისებისთვის კი საჭიროა სისტემატიური ტრენინგების ჩატარება.

მიზანშეწონილია, სახელმწიფოს მიერ კანონმდებლობით იყოს განსაზღვრული, რომ სამედიცინო ორგანიზაციას სავალდებულო წესით შემუშავებული ჰქონდეს დოკუმენტირებული სტრატეგიული გეგმა და ჰყავდეს სტრატეგიული მართვის მენეჯერი. მნიშვნელოვანია სტაციონარებში ტარდებოდეს სასწავლო ტრენინგები სტრატეგიული მენეჯმენტის პროცესის შესახებ.

**საკვანძო სიტყვები:** სტრატეგიული მენეჯმენტი, სტრატეგიის დაგეგმვა, სტრატეგიის განხორციელება, სტრატეგიის შეფასება, ჰოსპიტალი, თბილისი.

## შესავალი

სტრატეგიული დაგეგმვა არის პროცესების ერთობლიობა, რომელიც ხელს უწყობს ორგანიზაციას სასურველი მომავლის იდენტიფიცირებასა და მისკენ მიმავალი გადაწყვეტილებების შემუშავებაში. ორგანიზაცია ქმნის დოკუმენტს, რომელიც კომპანიის სახელმძღვანელოა დროის საკმაოდ დიდი პერიოდის განმავლობაში და მიუთითებს, თუ როგორ აპირებს იგი ამჟამინდელი მდგომარეობიდან სასურველ სამომავლო ვითარებამდე მიღწევას. სტრატეგიული დაგეგმვა გრძელვადიანი ღონისძიებების გატარებას გულისხმობს და ეხმარება ორგანიზაციას – წინასწარ განსაზღვროს და თავიდან აიცილოს მოსალოდნელი რისკები (Huebner and Flessa 2022). სწორად ფორმულირებულ სტრატეგიას შეუძლია განჭვრიტოს გარემოცვლილებები და მოახდინოს რესურსების სათანადოდ გადანაწილება (Buchbinder & Shanks, 2016). სტრატეგიული მენეჯმენტი აკავშირებს ერთმანეთთან ორგანიზაციის საერთო მიზნებსა და ღირებულებებს, აუმჯობესებს ფინანსურ მდგომარეობას, ხელს უწყობს გადაწყვეტილებების მიღებას, ცვლილებებსა და ინოვაციებს ორგანიზაციაში.

სტრატეგიული დაგეგმვის პროცესი ოთხი ძირითადი ეტაპისგან შედგება: ორგანიზაციის გარე გარემოს შეფასება (პოლიტიკური, ეკონომიკური, სოციო-კულტურული ტექნოლოგიური, სამართლებრივი), შიდა გარემოს შეფასება (SWOT ანალიზი), სტრატეგიული მიზნების და ამოცანების განსაზღვრა, სტრატეგიული გეგმის განხორციელება, მისი შუალედური და საბოლოო შედეგების შეფასება, ცვლილებების შეტანა და კორექტირება. სტრატეგიის კორექტირების პროცესი უწყვეტი და მუდმივად განახლებადია.

სამედიცინო ორგანიზაციები ფუქციონირებენ მუდმივად ცვალებად გლობალურ და ადგილობრივ გარემოში, რომელზეც მნიშვნელოვან გავლენას ახდენს დემოგრაფიული, ეკონომიკური, პოლიტიკური, საკანონმდებლო, ტექნოლოგიური და სხვა სოციალური ცვლილებები. ამ ცვლილებებმა შექმნეს რთული და არასტაბილური კონკურენტუნარიანი გარემო. მუდმივად ცვალებად გარემოში უკეთესად ადაპტაციისთვის ჯანდაცვის სისტემის მთავარი პრიორიტეტია ჰოსპიტალური სექტორის გამართული ფუნქციონირება და სტაბილური მდგომარეობა, რომელიც უპასუხებს ყოველდღიურ რთულ გამოწვევებს. საავადმყოფოებში სტაბილური და მომგებიანი გარემოს შექმნისათვის კი აუცი-

ლებელია ეფექტური სტრატეგიული მენეჯმენტის პროცესების მუდმივი განხორციელება.

ზოგ ქვეყანაში სამედიცინო ორგანიზაციებს აკრედიტაციის მისაღებად წერილობით დოკუმენტირებული სტრატეგიული გეგმის ქონა მოეთხოვებათ, ზოგ ქვეყანაში კანონმდებლობით სახელმწიფო სამედიცინო ორგანიზაციები ვალდებული არიან შექმნან სტრატეგიული დაგეგმვის დეპარტამენტი, რომელიც განსაზღვრავს ორგანიზაციის საშუალო და გრძელვადიან სტრატეგიას. თურქეთში სტრატეგიულ დაგეგმვაზე დაფუძნებული ჯანდაცვის რეფორმირების პროგრამის საშუალებით ჯანდაცვის სისტემამ მთამბეჭდავ წარმატებებს მიაღწია (Harrison, 2020).

კვლევები ადასტურებს, რომ საავადმყოფოები სტრატეგიულ გეგმას შემუშავებენ ქვეყანაში დადგენილი მარეგულირებელი წესის მოთხოვნის გამო, მხოლოდ შეზღუდული რაოდენობის საავადმყოფოებისთვის იყო სტრატეგიული გეგმის შემუშავება ორგანიზაციის წარმატების მიღწევის სტიმული (Sadeghifar and et al. 2013). ასევე, კვლევები აჩვენებს, რომ საავადმყოფოებში არსებობს სტრატეგიული გეგმა, თუმცა მისი დეტალურად აღწერა არ შეუძლიათ მასზე პასუხისმგებელ პირებს (Naamati-Schneider 2020). სამედიცინო ორგანიზაციებში სტრატეგიული მენეჯმენტის პროცესები ჩამორჩება ბიზნეს სექტორში მიმდინარე სხვა პროცესებს, რაც, ძირითადად, განპირობებულია გარე გარემოს საფრთხეებით, რომელიც უმეტესად პოლიტიკურ-სამართლებრივი და ფინანსური ხასიათისაა (Gerzmava et al., 2003).

სტრატეგიული მენეჯმენტის პროცესზე დიდია პოლიტიკური ძალების გავლენა, კერძოდ, მნიშვნელოვან საფრთხეს წარმოადგენს სახელმწიფოს არაპროგნოზირებადი მკაცრი რეგულაციები. თუმცა, მკვლევართა აზრით, სახელმწიფო პრიორიტეტს უნდა წარმოადგენდეს საავადმყოფოების სტაბილურობა, რაც მოითხოვს ყველა დაინტერესებული მხარის ძალისხმევას (Pascuci et al., 2017).

ჰოსპიტლების სტრატეგიული მენეჯმენტის კუთხით მსოფლიოს სხვადასხვა ქვეყანაში მრავალი პრობლემა არსებობს. ამ მხრივ, აქტუალურია გავიგოთ, სტრატეგიული მენეჯმენტის პროცესის მიმდინარეობა საქართველოს ჰოსპიტალურ სექტორში. კვლევის მიზანია ჰოსპიტალურ სექტორში სტრატეგიული მენეჯმენტის პროცესის შესწავლა. აღნიშნული ხელს შეუწყობს სტრატეგიული დაგეგმვის, როგორც ჯანდაცვის მენეჯმენტის მნიშვნელოვანი საკითხის უკეთ გააზრებას.

ცხრილი №1. საავადმყოფოების მახასიათებლები

		N	%
საავადმყოფოს სახე	ზოგადი	18	78%
	სპეციალიზებული	5	22%
საწოლთა რაოდენობა	100-ზე ნაკლები	3	13%
	100-200	11	49%
	200-ზე მეტი	9	38%
დასაქმებულთა რაოდენობა	200-ზე ნაკლები	6	26%
	200-ზე მეტი	17	74%
მენეჯერების განათლების დონე	ბაკალავრი	5	21.7%
	მაგისტრი	14	60.9%
	დოქტორი	4	17.4%
მენეჯერების განათლების სფერო	ჯანდაცვის მენეჯმენტი	8	34.8%
	ბიზნესის ადმინისტრირება	15	65.2%

**კვლევის მეთოდოლოგია**

ნაშრომში გამოყენებულია რაოდენობრივი კვლევის მეთოდი. კვლევისათვის შეირჩა თბილისის 10 მსხვილი საავადმყოფო. საავადმყოფოები შეირჩა მათი ზომის, მდებარეობის, საწოლების რაოდენობის და საკუთრების ფორმიდან გამომდინარე. კვლევაში მონაწილეობდნენ საავადმყოფოების საკვანძო ფიგურები, მათ შორის, გენერალური დირექტორი, ფინანსური დირექტორი, ტექნიკური დირექტორი, ხარისხის მართვის სამსახურის უფროსი, საზოგადოებასთან ურთიერთობის დირექტორი, კლინიკური დირექტორი, საავადმყოფოს კვლევისა და განვითარების ხელმძღვანელი, ასევე, სხვადასხვა განყოფილებების (ქირურგია, გინეკოლოგია, მეანობა, პედიატრია) ხელმძღვანელები. სულ კვლევაში მონაწილეობდა ჰოსპიტლების 23 ტოპ-მენეჯერი. რესპონდენტებად ტოპმენეჯერების არჩევა განპირობებული იყო იმ გარემოებით, რომ ისინი პასუხისმგებელი არიან ორგანიზაციის სტრატეგიის ფორმირებაზე.

კვლევის ინსტრუმენტს შეადგენდა წინასწარ სტრუქტურირებული კითხვარი, რომელიც შედგენილი იყო ლიტერატურული მიმოხილვის საფუძველზე და ექსპერტთა მოსაზრებებზე დაყრდნობით. გამოკითხვები ჩატარდა 01.11.22-დან 10.12.22-მდე პერიოდში.

კვლევა დაამტკიცა კავკასიის უნივერსიტეტის კვლევის ეთიკის კომიტეტმა. გამოკითხვა ჩატარდა ინფორმირებული თანხმობის პრინციპის დაცვით.

რესპონდენტებს მიეწოდათ კვლევის შესახებ ინფორმაცია.

**კვლევის შედეგები**

შესწავლილი საავადმყოფოებიდან 18 (78%) იყო ზოგადი პროფილის, ხოლო 5 (22%) კი – სპეციალიზებული. კვლევაში მონაწილე საავადმყოფოების ნახევარში (49%) საწოლების რაოდენობა შეადგენდა 100-დან 200-მდე; უმეტეს საავადმყოფოებში დასაქმებულთა რაოდენობა შეადგენდა 200-ზე მეტს (74%). გამოკითხულ მენეჯერთა უმეტეს ნაწილს (60.9%, n=14) აქვს მაგისტრის ხარისხი. მენეჯერთა უმეტესი ნაწილის (65.2%, n=15) განათლების სფეროს წარმოადგენს ბიზნესის ადმინისტრირება. საავადმყოფოების სხვა დემოგრაფიული ინფორმაცია იხილეთ ცხრილ 1-ში.

არც ერთი საავადმყოფო არ იყენებდა სტრატეგიული დაგეგმვის გარე კონსულტანტებს. საავადმყოფოების ძალიან მცირე ნაწილი იღებდა მონაწილეობას სტრატეგიული დაგეგმვის კუთხით ჩატარებულ ლექციებსა და ტრენინგებში (n=3, 13%), გამოკითხულთაგან სტრატეგიული დაგეგმვის კომიტეტი ჰყავდა მხოლოდ ერთ სტაციონარს (n=1, 4.3%), გამოკითხული სტაციონარების უმრავლესობას (n=18, 87%) ჰქონდა დოკუმენტირებული სტრატეგიული გეგმა; სტრატეგიულ დაგეგმვაში უმეტესად ჩართული იყო მმართველი საბჭო (n=18, 69.6%), ნაწილობრივ კი – ექიმები (n=7, 30.4%).

ცხრილი №2. სტრატეგიული გეგმის შემუშავების და განხორციელების პროცესი საავადმყოფოებში

		N	%
სტრატეგიული მართვის კონსულტანტი	დიახ	0	0%
	არა	23	100%
სტრატეგიული დაგეგმვის კომიტეტი	დიახ	1	4.3%
	არა	22	95.7%
დოკუმენტირებული სტრატეგიული გეგმა	დიახ	18	78.3%
	არა	5	21.7%
მონაწილეობა სტრატეგიული დაგეგმვის კუთხით ჩატარებულ ლექციებსა და ტრენინგებში	დიახ	3	13%
	არა	20	87%
სტრატეგიულ დაგეგმვაში ჩართულია	მმართველი საბჭო	16	69.6%
	პერსონალი	7	30.4%

პირველ ეტაპზე შევისწავლეთ საავადმყოფოს ბიუჯეტის დადგენა სტრატეგიული პრიორიტეტების მიხედვით. კვლევამ აჩვენა, რომ საავადმყოფოების მხოლოდ მესამედის (n=8, 34.8%) ბიუჯეტი ეფუძნება პრიორიტეტებს და სტრატეგიულ მიზნებს. საავადმყოფოების თითქმის ნახევარმა განაცხადა, რომ საავადმყოფოს ბიუჯეტის გადახედვა არ ხდება საავადმყოფოს სტრატეგიული მიზნების მიხედვით. საავადმყოფოების მესამედში (n=7, 30.4%) ბიუჯეტის შემუშავება ხდება სტრატეგიული გეგმის მიხედვით. თუმცა, რესურსების (n=10, 43.5%) და ბიუჯეტის სახსრების განაწილება (n=11, 47.8%), ასევე, ახალი ფინანსური რესურსების გამოვლენა და მოპოვება (n=11, 47.8%) არ ხდება სტრატეგიული გეგმის მიზნებისა და პრიორიტეტების შესაბამისად (იხ. ცხრ. 3.).

შემდგომ ეტაპზე შევისწავლეთ, თუ რამდენად მოქმედებენ საავადმყოფოები წინასწარ განსაზღვრული სტრატეგიული გეგმის საფუძველზე. საავადმყოფოების უმეტესობაში, პროექტების განხორციელება და დასახული მიზნები შეესაბამება საავადმყოფოს სტრატეგიულ გეგმას; თუმცა, მენეჯერების წლიური შეფასება და ყოველწლიური დაჯილდოების სისტემის დაწესება არ ხდება სტრატეგიული მიზნების მიღწევის დონის მიხედვით (იხ. ცხრ. 4.).

სტრატეგიული გეგმის შეფასების თვალსაზრისით, კვლევამ აჩვენა, რომ საავადმყოფოების უმეტესობა რეგულარულად აფასებს სტრატეგიულ მიზნებზე ორიენტირებული პროექტების შედეგებს წინასწარ განსაზღვრული მიზნის მიღწევის მაჩვენებლების საფუძველზე. საავადმყოფოები,

ცხრილი №3. ბიუჯეტის განაწილება საავადმყოფოებში სტრატეგიული პრიორიტეტების მიხედვით

	სუსტი	საშუალო	კარგი
	n/%	n/%	n/%
ბიუჯეტი დგება პრიორიტეტების და სტრატეგიული მიზნებიდან გამომდინარე	10 (43.5%)	5 (21.7%)	8 (34.8%)
ბიუჯეტის გადასინჯვა ხდება სტრატეგიული მიზნების შესაბამისად	12 (52.2%)	6 (26.1%)	5 (21.7%)
ბიუჯეტის შემუშავება ხდება სტრატეგიული გეგმის მიხედვით	11 (47.8%)	5 (21.7%)	7 (30.4%)
რესურსების განაწილება ხდება სტრატეგიული მიზნების შესაბამისად	10 (43.5%)	9 (39.1%)	4 (17.4%)
ბიუჯეტის სახსრების განაწილება სტრატეგიული გეგმით დასახული პრიორიტეტების მიხედვით	11 (47.8%)	5 (21.7%)	7 (30.4%)
ახალი ფინანსური რესურსების გამოვლენა და მოპოვება ხდება სტრატეგიული მიზნების მისაღწევად	11 (47.8%)	3 (13%)	9 (39.1)



ცხრილი №4. სტრატეგიული გეგმის მიხედვით პროექტების განხორციელების პროცესი საავადმყოფოებში

	სუსტი	საშუალო	კარგი
	n/%	n/%	n/%
პროექტების განხორციელება ხდება სტრატეგიული გეგმის მიხედვით	3 (13%)	4 (17.4%)	16 (69.6%)
დასახული მიზნები შეესაბამება საავადმყოფოს სტრატეგიულ გეგმას	3 (13%)	5 (21.7%)	15 (65.2%)
მენეჯერების წლიური შეფასება ხდება სტრატეგიული მიზნების მიღწევის დონის მიხედვით	16 (69.6%)	4 (17.4%)	3 (13%)
ყოველწლიური დაჯილდოების სისტემის დანერგვა ხდება სტრატეგიული მიზნების განხორციელებაში თანამშრომლების მონაწილეობის დონის მიხედვით	18 (78.3%)	2 (8.7%)	3 (13%)
ჰოსპიტალის მენეჯერის მუშაობის წლიური შეფასება სტრატეგიული მიზნების მიღწევის დონის მიხედვით	17 (73.9%)	2 (8.7%)	4 (17.4%)

ასევე, ანალიზებენ მიზნის მიღწევის მაჩვენებლებს დროის განსაზღვრულ პერიოდებში. თუმცა, საავადმყოფოების უმეტესი ნაწილი ნაკლებად ახდენს მიზნების მიღწევის მაჩვენებლების შეფასების შედეგების შედარებას სხვა საავადმყოფოების შედეგებთან (n=12, 52.2%), სტრატეგიული გეგმის მიზნების მიღწევის დონის ძიებების ღირებულებების რეგულარულად მოხსენებას საავადმყოფოსთვის (n=12, 43.5%) და საზოგადოების ან/და დაინტერესებული მხარეების წინაშე (n=17, 73.9%), სტრატეგიული პროექტების ეფექტურობის უზრუნველსაყოფად სხვა საავადმყოფოების მიზნების მიღწევის დონის ძიებების ბენჩმარკინგს (n=17, 78.3%) (იხ. ცხრ. 5.).

**დისკუსია**

წინამდებარე კვლევაში შესწავლილ იქნა სტრატეგიული გეგმის შემუშავების და განხორციელების პროცესი საქართველოს 23 მსხვილ საავადმყოფოში. კვლევამ აჩვენა, რომ სტრატეგიულ დაგეგმვაში, უმეტესად, ჩართულია მმართველი საბჭო და შედარებით ნაკლებად მონაწილეობენ ექიმები. ასევე, საავადმყოფოების ძალიან მცირე ნაწილი იღებს მონაწილეობას სტრატეგიული დაგეგმვის კუთხით ჩატარებულ ლექციებსა და ტრენინგებში. სტრატეგიების სუსტი გაგება ხელს უშლის სტრატეგიული გეგმის წარმატებით განხორციელებას.

მიუხედავად იმისა, რომ საავადმყოფოების უმრავლესობას (n=18, 87%) ჰქონდა დოკუმენტირებული სტრატეგიული გეგმა, შესწავლილი საავადმყოფოების უმრავლესობაში ნაკლებად ხდება საავადმყოფოს ბიუჯეტის შემუშავება ან გადასინჯვა სტრატეგიული გეგმის, მიზნების და სტრატეგიული პრიორიტეტების მიხედვით. ასევე, რესურსების და ბიუჯეტის სახსრების განაწილება, ახალი ფინანსური რესურსების გამოვლენა და მოპოვება არ ხდება სტრატეგიული გეგმის მიზნებისა და პრიორიტეტების შესაბამისად. აღნიშნული მიგვანიშნებს, რომ სტრატეგიულმა დაგეგმარებამ ჯერ კიდევ ვერ იპოვა თავისი ადგილი ჯანდაცვის სისტემაში. სტაციონარების მხოლოდ მცირე რაოდენობაში მიმდინარეობს სტრატეგიული მენეჯმენტის პროცესი, რაც შესაბამისად აისახება ჯანდაცვის ბაზარზე მათ პოზიციასა და წარმატებაზე.

მიუხედავად იმისა, რომ საავადმყოფოების მენეჯერები პასუხისმგებელი არიან სტრატეგიული მიზნების მიღწევაზე, მათი საქმიანობის წლიური შეფასება არ ხდება სტრატეგიული მიზნების მიღწევაში მათი წარმატების დონის მიხედვით. გარდა ამისა, საავადმყოფოების ყოველწლიური დაჯილდოების სისტემა არ ითვალისწინებს სტრატეგიული მიზნების განხორციელებაში თანამშრომლების მონაწილეობის დონეს.

სტრატეგიული გეგმის შეფასების თვალსაზრისით, კვლევამ აჩვენა, რომ საავადმყოფოების უმეტესობა რეგულარულად აფასებს სტრატეგიულ მიზნებზე ორიენტირებული პროექტების შედეგებს



ცხრილი №5: საავადმყოფოების სტრატეგიული მიზნის მიღწევის შეფასება

	სუსტი	საშუალო	კარგი
	n/%	n/%	n/%
სტრატეგიულ გეგმასთან დაკავშირებული პროექტების შედეგების შეფასება მიზნის მიღწევის მაჩვენებლების გამოყენებით	2 (8.7%)	5 (21.7%)	16 (69.6%)
მიზნის მიღწევის მაჩვენებლების გამოყენება როგორც საავადმყოფოს, ასევე განყოფილებების დონეზე	3 (13%)	6 (26.1%)	14 (60.9%)
მიზნის მიღწევის მაჩვენებლების შემუშავებისას მათ შორის ბალანსის გათვალისწინება	4 (17.4%)	6 (26.1%)	13 (56.5%)
მიზნის მიღწევის მაჩვენებლების რეგულარული შეფასება	5 (21.7%)	6 (26.1%)	12 (52.2%)
მიზნის მიღწევის მაჩვენებლების ანალიზი დროის განსაზღვრულ პერიოდებში	6 (26.1%)	7 (30.4%)	10 (43.5%)
მიზნის მიღწევის მაჩვენებლების შეფასების შედეგების შედარება წინა შეფასებებთან	8 (34.8%)	6 (26.1%)	9 (39.1%)
მიზნების მიღწევის მაჩვენებლების შეფასების შედეგების შედარება წინასწარ განსაზღვრულ სტანდარტთან	9 (39.1%)	4 (17.4%)	10 (43.5%)
მიზნების მიღწევის მაჩვენებლების შეფასების შედეგების შედარება სხვა საავადმყოფოების შედეგებთან	12 (52.2%)	4 (17.4%)	7 (30.4%)
მიზნის მიღწევის ღონისძიებების შეფასების შედეგების ანალიზისა და შედარების შემდეგ შესაბამისი ინტერვენციების შემუშავება და განხორციელება	9 (39.1%)	8 (34.8%)	6 (26.1%)
სტრატეგიული გეგმის მიზნების მიღწევის ღონისძიებების ღირებულებების რეგულარულად მოხსენება საავადმყოფოსთვის	10 (43.5%)	7 (30.4%)	6 (26.1%)
სტრატეგიული გეგმის მიზნების მიღწევის ღონისძიებების ღირებულებების რეგულარულად მოხსენება საზოგადოების და დაინტერესებული მხარეების წინაშე	17 (73.9%)	3 (13%)	3 (13%)
სტრატეგიული პროექტების ეფექტურობის უზრუნველსაყოფად სხვა საავადმყოფოების მიზნების მიღწევის ღონისძიებების ბენჩმარკინგი	18 (78.3%)	3 (13%)	2 (8.7%)

წინასწარ განსაზღვრული მიზნის მიღწევის მაჩვენებლების საფუძველზე. საავადმყოფოები ასევე აანალიზებენ მიზნის მიღწევის მაჩვენებლებს დროის განსაზღვრულ პერიოდებში ან საჭიროების შემთხვევაში. თუმცა, შეფასების შედეგების გაანალიზება არ ხდება სათანადოდ. ნაკლებად ხდება მიზნების მიღწევის მაჩვენებლების შეფასების შედეგების შედარება წინა ანალიზების შედეგებთან, წინასწარ განსაზღვრულ სტანდარტებთან და სხვა საავადმყოფოებში მიღებულ შედეგებთან. ასევე, ნაკლებად ხდება სტრატეგიული გეგმის მიზნების

მიღწევის ღონისძიებების ღირებულებების რეგულარულად მოხსენება საავადმყოფოსთვის და საზოგადოებისათვის ან დაინტერესებული მხარეებისათვის. ნაკლებად ხორციელდება სტრატეგიული პროექტების ეფექტურობის უზრუნველსაყოფად სხვა საავადმყოფოების მიზნების მიღწევის ღონისძიებების ბენჩმარკინგი.

კვლევები ადასტურებენ, რომ საავადმყოფოებში ხარისხის მართვის სტანდარტებისა და ინსტრუმენტების (მაგ., Joint Commission International, KTQ-Accreditation, ISO 9001) დამკვიდრება აუმჯო-

ბესებს სტრატეგიების ჩამოყალიბებას და განხორციელებას, რაც თავის მხრივ, ზრდის საავადმყოფოს შეფასების სტატუსს. აქედან გამომდინარე, აუცილებელია ხარისხის მართვის სტანდარტების სათანადოდ ინტეგრირება სტრატეგიულ დაგეგმვაში.

კვლევამ აჩვენა, რომ საქართველოში საავადმყოფოები მხოლოდ შეიმუშავებენ სტრატეგიულ გეგმას, მაგრამ უგულებელყოფენ მის განხორციელებას. მსგავსი შედეგები იქნა მიღებული სხვა კვლევებით, რომელთა მიხედვით სამედიცინო ორგანიზაციები შეიმუშავებენ კარგ სტრატეგიულ გეგმებს, მაგრამ მათი განხორციელების მონიტორინგი ძალიან სუსტია და არ ეფუძნება მეცნიერულად დასაბუთებულ მეთოდებს (Sadehgifar et al., 2015; Naamati-Schneider, 2020).

კვლევა აჩვენებს, რომ, ტრადიციულ მეთოდებზე დაყრდნობის ნაცვლად, საავადმყოფოებმა უნდა გამოიყენონ მეცნიერულად დასაბუთებული უახლესი მეთოდები და ინსტრუმენტები, რათა უფრო წარმატებულები იყვნენ თავიანთი სტრატეგიული გეგმების განხორციელებასა და შეფასებაში.

შესწავლილი საავადმყოფოების უმეტესობაში ისეთი საკითხები, როგორიცაა: საავადმყოფოს მისიის, მიზნის და ღირებულებების მკაფიოდ განსაზღვრა, თანამშრომელთა კვალიფიკაცია, ტრენინგები და განვითარება, მომხმარებელთა საჭიროებების განსაზღვრა და მაღალი ხარისხის სერვისების შეთავაზება მოიაზრება მენეჯმენტის ყველაზე მნიშვნელოვან პუნქტებად, თუმცა, სტრატეგიული მენეჯმენტის საკითხებს ნაკლები ყურადღება ეთმობა.

ზოგადად, იდეალურ შემთხვევაში, სტრატეგიული დაგეგმვის პროცესი მოიცავს ორგანიზაციის ყველა მენეჯერულ და ოპერაციულ დონეს. ჩვენმა კვლევამ აჩვენა, რომ სტრატეგიული მენეჯმენტის პროცესში მონაწილეობას იღებენ ტოპმენეჯერები, სხვადასხვა დეპარტამენტების უფროსები, ხოლო სხვა დაინტერესებული მხარეების, მაგალითად, ექიმების მონაწილეობა საკმაოდ დაბალია. კვლევები ადასტურებენ, რომ ექიმების უნარები სტრატეგიულ დაგეგმვაში დაბალ დონეზეა, რაც შეიძლება მივაწეროთ არასათანადო კომპეტენციას, არასაკმარის ცოდნას, სტრატეგიული მნიშვნელობის არასწორ აღქმას. ასეთი უნარების ათვისებისთვის კი საჭიროა სისტემატიური ტრენინგების ჩატარება.

საქართველოში საავადმყოფოებს არ მოეთხოვებათ სტრატეგიული გეგმის შემუშავება. ამ

მხრივ, ზოგ ქვეყნებში სამედიცინო ორგანიზაციები ვალდებული არიან შეიმუშაონ სტრატეგიული გეგმა. მაგალითად, ირანში, აკრედიტაციის ქულეების მისაღებად, ირანის ჯანდაცვის სამინისტრო საავადმყოფოებისგან მოითხოვს ჰქონდეთ წერილობით დოკუმენტირებული სტრატეგიული გეგმა (Sadeghifar and et al. 2013). თურქეთში, სახელმწიფო კანონმდებლობით, ყველა სახელმწიფო ორგანიზაციას მოეთხოვება ჰყავდეს სტრატეგიული დაგეგმვის დეპარტამენტი და ჰქონდეს სტრატეგიული გეგმა, რომლის განხორციელება მოწმდება დადგენილი რეგულაციების მიხედვით (Anne S. Johansen 2015). საქართველოში კი საერთოდ არ იკვეთება არც სახელმწიფოს და არც ჯანდაცვის სამინისტროს როლი ამ კუთხით.

## დასკვნა

სამედიცინო ბაზარზე მზარდი კონკურენციის პირობებში სულ უფრო და უფრო იზრდება სტრატეგიული მენეჯმენტის მნიშვნელობა სამედიცინო ორგანიზაციების სტაბილური განვითარებისათვის. მიზანშეწონილია, სახელმწიფოს მიერ კანონმდებლობით იყოს განსაზღვრული, რომ სამედიცინო ორგანიზაციას სავალდებულო წესით შეიმუშავებული ჰქონდეს დოკუმენტირებული სტრატეგიული გეგმა და ჰყავდეს სტრატეგიული მართვის მენეჯერი. ამ მხრივ, საქართველოში არსებობს სახელმწიფოს ჩარევის მსგავსი პრაქტიკა. მაგალითად, კანონმდებლობით გათვალისწინებულია, რომ სტაციონარულ სამედიცინო დაწესებულებაში უნდა არსებობდეს ხარისხის მართვის სისტემა და სტაციონარს უნდა ჰყავდეს სტაციონარულ სერვისზე პასუხისმგებელი პირი – კლინიკური მენეჯერი. მნიშვნელოვანია სტაციონარებში ტარდებოდეს სასწავლო ტრენინგები სტრატეგიული მენეჯმენტის პროცესის შესახებ.

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# THE ANALYSIS OF THE PERSON-ORGANIZATION FIT ON EMPLOYEE ORGANIZATIONAL COMMITMENT AND TURNOVER INTENTION IN PRIVATE AND PUBLIC SECTOR IN GEORGIA

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**ABSTRACT.** Identifying employees who align well with the organization, commonly referred to as person-organization fit (P-O fit), is considered crucial for maintaining a productive and engaged workforce (Kristof, 1996). Although research has made significant progress in predicting important job outcomes through person-organization fit, there remains a lack of understanding regarding how employees experience this fit (Kristof-brown et al., 2005; Verquer et al., 2003) person-organization (PO). This study aimed to fill the existing research gaps by investigating the distinction between two perspectives of person-organization fit, namely supplementary and complementary fit across different working sectors. Furthermore, the study explored the connection between these two types of person-organization fit and three dimensions of organizational commitment. Lastly, the study evaluated how different types of organizational commitment influence employees' intentions to leave the organization.

The research methodology employed in this study utilized a structured and validated questionnaire to measure person-organization fit, organizational commitment, and turnover intention variables. Data for the survey was collected from a diverse group of 390 administrative employees working in different public and private organizations. The study employed quantitative approaches to ensure a comprehensive understanding and produce more robust results. The findings indicate that person-organization fit did not vary across different working sectors. Supplementary fit demonstrated a positive correlation with all three types of organizational commitment, whereas complementary fit showed a positive correlation only with affective commitment. The turnover intentions were found to have a negative correlation with each type of organizational commitment.

**KEYWORDS:** PERSON-ORGANIZATION FIT, ORGANIZATIONAL COMMITMENT, TURNOVER INTENTION.

## INTRODUCTION

In general, the selection of employees who align well with the organization, known as person-organization fit (P-O fit), has been recognized as a vital factor in maintaining a productive and motivated employees (Kristof, 1996). Despite the advancements in person-organization fit research, there remains a lack of comprehensive understanding regarding how employees experience this fit (Kristof-brown et al., 2005; Verquer et al., 2003) person-organization (PO). It is important to note

that person-organizational fit research focuses on the characteristics and consequences of individuals' compatibility with their organizations (Kristof, 1996).

The primary objective of the present study was to explore and compare various perspectives of person-organization fit within a sample of administrative staff in both the public and private sectors in Georgia. Additionally, the study aimed to examine the relationship between person-organizational fit, different types of organizational commitment, and the intention to leave the organization. It is worth mentioning

that the private sector faces intense local and international competition, while the public sector grapples with rising labor costs, sluggish productivity, federal budget cuts, and declining state income (Eskildsen et al., 2004). Generally, private organizations have more flexibility to meet the needs, requirements, or preferences of individuals compared to public organizations (Eskildsen et al., 2004). Therefore, both sectors need to closely examine personnel practices and issues (Ibid).

Considering the aforementioned, it was expected that individuals in the public sector would demonstrate supplementary fit, which occurs when a person adds to, enhances, or shares qualities that are similar to those of others in the work environment (Muchinsky & Monahan, 1987). Based on the literature review, the following hypotheses were proposed:

**Hypothesis 1:** In public organizations, there will be a positive relationship between employee-organization fit and supplementary fit.

**Hypothesis 2:** In private organizations, there will be a positive relationship between employee-organization fit and complementary fit.

It is worth noting that Piasentin and Chapman (2007) developed a scale to investigate complementary fit as a distinct type of congruence within the organizational context. The authors found that complementary fit was associated with employees' organizational commitment and turnover intention in a unique way. Therefore, based on previous findings, the following research hypotheses were proposed:

**Hypothesis 3:** Supplementary fit is positively related to (a) affective commitment, (b) continuance commitment, and (c) normative commitment.

**Hypothesis 4:** Complementary fit is positively related to (a) affective commitment, (b) continuance commitment, and (c) normative commitment.

Furthermore, previous studies have shown a negative correlation between organizational commitment and turnover intention (Schwepker, 2001; Vandenberghe & Tremblay, 2008). Additionally, a meta-analytic assessment by Tnay et al., (2013) found that organizational commitment is negatively associated with behavioral outcomes such as turnover intention. Therefore, based on previous findings, the following research hypothesis was proposed:

**Hypothesis 5:** (a) Affective commitment, (b) continuance commitment, and (c) normative commitment are negatively related to turnover intention.

The findings of this study could have implications for recruitment and selection procedures. Recruiters often make judgments about candidates' fit based on their impressions (Cable & Judge, 1996).

## LITERATURE REVIEW

In general, individuals tend to seek and choose work environments that fulfill their specific needs and preferences, resulting in a match between the individual and the organizational environment (Diener et al., 1984). The theory of person-environment fit (P-E fit), which is significant in various managerial disciplines like organizational behavior, industrial-organizational psychology, and human resource management, focuses on this relationship (Edwards & Cooper, 1990; Kristof, 1996; Rounds et al., 1987). Different types of person-environment fit have been identified within this broad concept, although the distinctions between these forms are often unclear (Kristof, 1996). Individuals may feel a connection to their job and supervisor but experience misfit with their peers and the organizational culture (Van Vianen et al., 2010). Holland's (1959) vocational preference model exemplifies the idea of supplementary fit in vocational choices.

The next level of person-environment fit is person-job (P-J) fit, which pertains to the compatibility between an employee's skills, abilities, and the requirements of the job (Kristof, 1996). Person-team (P-T) fit, on the other hand, refers to the similarity between individuals and their work teams or groups (Kristof, 1996). Person-person (P-P) fit focuses on the congruence between an employee and their manager and is often examined in vertical relationship research (Kristof, 1996). Person-supervisor fit refers to the compatibility between an employee's traits and those of their supervisor (Van Vianen et al., 2010). Schneider's et al., (1995) attraction-selection-attrition (ASA "Attraction-Selection-Attrition (ASA)" theory, which emphasizes supplementary fit, suggests that individuals actively seek environments that align with their interests.

Complementary fit, also known as "needs-supplies" or "demands-abilities" fit, is another perspective on person-organization fit and occurs when an organization meets the needs, requirements, or preferences of individuals (Kristof's (1996). Goal alignment with company leaders or colleagues is another operationalization



of fit, as shown by Vancouver's and colleagues' (1994) and Vancouver and Schmitt's (1991) findings. Organizational goals play a critical role in determining whether individuals and organizations are a good fit, as claimed by Schneider (1987).

Despite the importance of distinguishing between supplementary and complementary fit in fit research, these distinctions are often overlooked or blurred (Shipp & Edwards, 2012). Some studies have focused on assessing the overall fit without differentiating between these types, while others have created summary indices that encompass multiple fit types (Bretz & Judge, 1994; Mitchell & Lee, 2001).

Furthermore, research has explored the impact of person-organization fit on various outcomes. Boxx and colleagues (1991) examined the effects of organizational values and value congruence on job satisfaction, organizational commitment, and cohesiveness in a non-profit context, finding that they significantly influence these variables. Chatman (1991) this study tracked the early careers of 171 entry-level auditors in eight of the largest U.S. public accounting firms and assessed the congruence of their values with those of the organization. Person-organization fit is shown to be created, in part, by selection (assessments of who the person is when he or she enters the organization compared the explanatory power of person-organization fit to individual and organizational variables and found that person-organization fit is a stronger predictor of job satisfaction, organizational commitment, desire to quit, and tenure. Other studies have investigated the impact of fit on selection procedures (Cable & Judge, 1996; Dineen et al., 2002; Judge & Bretz, 1992) job choice, work attitudes, and performance (Goodman and Svyantek 1999; Judge and Bretz 1992; Posner 1992)).

Furthermore, two studies explored the potential impact of the direction of congruence on outcomes, in addition to analyzing the relationship between congruence and outcome variables. Edwards (1996) conducted research that revealed a connection between incongruence and job discontent and strain. Specifically, insufficient supplies were associated with job dissatisfaction across all levels of value importance, while excessive supplies were only linked to dissatisfaction when values held moderate to high importance. Another study mentioned in the discussion, conducted by Edwards & Rothbard (1999) found that value congruence is positively related to individual well-being. Additionally, the

mentioned study found that an abundance of resources compared to one's personal values is associated with increased levels of happiness. These studies shed light on the nuanced effects of congruence in relation to various outcome variables and provide insights into the importance of considering the direction of congruence in understanding its impact.

## METHODOLOGY AND METHODS

The main objective of the current study was to understand and compare the presence of various types of person-organization fit among administrative staff working in the public and private sectors in Georgia. Additionally, the study aimed to assess the relationship between person-organizational fit, different forms of organizational commitment, and turnover intention. To achieve this, two conceptual models were developed within the study, representing the connections between the variables based on the theoretical framework and research hypotheses.

### Sample and Procedures

The primary objective of the research was to examine the type of compatibility existing in the private and public sectors in Georgia and its impact on employee organizational commitment and turnover intention. To achieve this, an online survey was designed and conducted within a specific period from February 10, 2022, to May 6, 2022. The survey employed a quantitative research method. In order to ensure a substantial variation in the factors of interest, the participants in the study were selected from diverse organizational and vocational backgrounds.

The research questionnaire was specifically developed and distributed to different groups of current employees, including those in administrative staff roles responsible for office management activities. The sample consisted of 390 individuals who completed the online questionnaires. Among the participants, 274 were females and 116 were males, representing 70% and 30% of the total sample, respectively. Additionally, 326 employees (84%) reported working at a consistently full rate. It is worth noting that employees with one to five years of tenure accounted for 40% of the sample

### Measurements

In relation to the research inquiries at hand, the questionnaire designed for this study aimed to encompass several concepts. It sought to capture a wide range of potential factors that influence perceptions of fit, including various types of perceived similarity or complementarity such as values, personality, and knowledge, skills, and abilities. Additionally, to test the proposed hypotheses, the questionnaire aimed to assess employee organizational commitment and measure turnover intention.

To address the broad range of antecedents related to fit perceptions, the research utilized a scale developed by Piasentin and Chapman's (2007). This scale consisted of 17 items (with a Cronbach's alpha coefficient of 0.80) to assess both supplementary and complementary fit. The construct of "perceived complementarity" was examined using eight items (with a coefficient alpha of 0.79). The same questionnaire, developed by the aforementioned authors, was adapted for the Georgian population in the work of Nino Torotadze, a PhD student at Tbilisi State University's Faculty of Psychology and Education.

To evaluate organizational commitment, the research employed Allen and Meyer's (1990) Organizational Commitment Questionnaires (OCQ) with a coefficient alpha of 0.80. Originally, the research intended to measure employees' turnover using actual data obtained from organizations. However, it became apparent that this was not possible as Georgian organizations do not typically gather or disclose such statistical information. Instead, the study opted to measure employees' turnover intention within each organization. This was assessed using two items: "I frequently think about quitting my job" and "I doubt that I will be here in a few months" (with a coefficient alpha of 0.90) as developed by Piasentin & Chapman (2007). Additionally, one item created by Wayne et al., (1997) was used: "I think I will be working at this company five years from now" (reversed score) with a coefficient alpha of 0.89.

## RESULTS AND DISCUSSION

To establish the reliability of the survey, an initial step involved determining the margin of error, which was found to be 5%. Additionally, the accuracy of the collected information was assessed by examining the minimum and maximum values of each variable. A

principal components analysis with varimax rotation was conducted on the 17 items designed to measure perceived similarity and complementarity. This analysis aimed to determine if the items capturing perceived similarity and complementarity would yield distinct factors. The results showed a consistent underlying factor structure, with the first factor consisting of nine items (Cronbach's Alpha = 0.80) representing perceived similarity, and the second factor comprising eight items (Cronbach's Alpha = 0.87) representing perceived complementarity.

At the outset, the main aim of the survey was to conduct a comparative analysis of employee compatibility across various sectors and determine the prevalence of either supplementary or complementary fit in the public and private sectors. However, the results revealed no significant differences between the sectors in terms of perceived similarity and complementarity. Both factors were equally presented in both sectors. Although supplementary fit tended to be slightly more typical in the private sector, the difference was not statistically significant ( $0.83 > 0.05$ ;  $f = 0.05$ ). Similarly, complementary fit was more common in the private sector, but the difference was not statistically significant either. Furthermore, based on the means (0.01 and 0.03, respectively), complementary fit appeared to be more prevalent. Nonetheless, the differences in means for both types of fit were not statistically significant ( $0.60 > 0.05$ ;  $f = 0.27$ ).

Based on the findings, it can be deduced that there is no difference in employee compatibility across different working sectors. As a result, Hypothesis 1, which posited that compatibility between employees and organizations would be reflected in supplementary fit for public organizations, is rejected. Likewise, Hypothesis 2, which suggested that compatibility between employees and organizations would be manifested in complementary fit for private organizations, is also rejected.

Intercorrelations were examined to explore the relationships between tenure and the major variables. The correlation analysis revealed a positive correlation between tenure at the current organization and both complementary fit and continuance commitment. This can be attributed to the fact that the longer individuals work at their current organization, the higher their level of compatibility, as indicated by complementary fit. Additionally, the longer individuals work, the greater their sense of responsibility towards the organization, as reflected in continuance commitment. Furthermore,

gender did not exhibit any significant differences and was not statistically significant.

In terms of the relationship among the dependent variables, all types of organizational commitment showed strong positive correlations with each other. The correlation coefficients between affective and continuance commitment, affective and normative commitment, and continuance and normative commitment were found to be  $r = 0.42$ ,  $p < 0.05$ ,  $r = 0.33$ ,  $p < 0.05$ , and  $r = 0.40$ ,  $p < 0.05$ , respectively. The correlation between affective and continuance commitment exhibited a significantly higher value compared to the correlation between continuance and normative commitment. Moreover, the association between affective and normative commitment was the least pronounced.

Furthermore, a hierarchical regression analysis was conducted to examine the relationship between complementary fit and three factors: affective, continuance, and normative commitment. The analysis revealed that complementary fit had a statistically significant relationship only with affective commitment (0.04). Moreover, it was found that there was no statistically significant association between continuance commitment and normative commitment (0.29; 0.12, respectively).

To assess the impact of supplementary and complementary fit on different types of organizational commitment, a stepwise regression analysis was conducted to select the independent variables for the final model. The results indicated that the independent factors accounted for 40% of the variation in the dependent variable in the second model ( $R$ -square = 0.40).

Additionally, a logistic regression model was utilized to identify the variables that were characteristic of the public and private sectors. The  $R$ -square value for the model was 0.13. The findings revealed that complementary fit was somewhat more prevalent in the private sector, while continuance commitment and working experience at the current organization were more typical in the public sector. Gender did not exhibit any significant effects. Furthermore, although working rate was more typical in the private sector, it was not statistically significant. Therefore, the model presented is not applicable to a broader context.

Regarding the correlation among the independent and dependent variables in the survey, each type of person-organization fit exhibited significant positive connections with all three types of organizational commitment (affective, continuance, and normative). Particularly, supplementary fit demonstrated a significant

and positive correlation with affective commitment ( $r = 0.62$ ,  $p < 0.05$ ), as well as with continuance commitment ( $r = 0.29$ ,  $p < 0.05$ ) and normative commitment ( $r = 0.29$ ,  $p < 0.05$ ). Notably, the correlation between supplementary fit and affective commitment was found to be stronger than the correlations with the other types of organizational commitment. Thus, Hypothesis 3, which posited a positive relationship between supplementary fit and affective, continuance, and normative commitment, was supported.

Regarding the relationship between complementary fit and all types of organizational commitment (affective, continuance, and normative), only affective commitment exhibited a significant connection with complementary fit ( $r = 0.11$ ,  $p < 0.05$ ). However, complementary fit showed no significant correlation with continuance commitment ( $r = 0.05$ ,  $p > 0.05$ ) or normative commitment ( $r = 0.08$ ,  $p > 0.05$ ). Therefore, a connection was found between complementary fit and affective commitment, but not with the other two types of organizational commitment.

When examining the relationship between different types of organizational commitment and turnover intention, it was observed that affective commitment had a strong negative correlation with intention to leave ( $r = -0.62$ ,  $p < 0.05$ ). Continuance commitment also showed a significant negative correlation with turnover intention ( $r = -0.41$ ,  $p < 0.05$ ), as did normative commitment ( $r = -0.35$ ,  $p < 0.05$ ). Thus, Hypothesis 5, which stated that affective, continuance, and normative commitment are negatively related to turnover intention, was fully supported. Hypothesis 4, which suggested a positive relationship between complementary fit and affective, continuance, and normative commitment, was partially supported, specifically in relation to affective commitment.

## CONCLUSION AND RECOMMENDATIONS

The research conducted aimed to examine different types of person-organization fit among administrative staff in the public and private sectors of Georgia. It also sought to explore the relationship between person-organization fit, various types of organizational commitment, and turnover intention. The quantitative analysis of the data revealed that there were no significant differences in types of fit between the working sectors in Georgia. Moreover, the results indicated a positive cor-

relation between supplementary fit and different types of organizational commitment, particularly affective commitment. Complementary fit, however, showed a positive connection only with affective commitment. By establishing reliable connections between person-organization fit and significant individual outcomes in organizational settings, this study made a valuable contribution to the existing literature.

Nevertheless, the study has certain limitations. Firstly, the data was collected exclusively from the public and private sectors in Georgia, limiting the generalizability of the findings. To overcome this constraint, future research has the potential to expand its scope by gathering survey data from a wider array of organiza-

tions and industries. This broader approach would enable a more extensive evaluation of the validity of the findings across diverse work contexts. Additionally, data collection was conducted at a single time point, making it challenging to assess any potential changes in the compatibility of person-organization fit and individual outcomes over time. Furthermore, the research focused solely on person-organization congruence in the Georgian context, and future studies could explore other dimensions of person-environment fit, for instance, an aspect worth exploring in future research is person-job fit, which relates to the alignment between an employee's skills, abilities, and the demands of their job.

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**გლობალიზაციის პირობებში  
ფინანსების თეორიისა და  
პრაქტიკის აქტუალური საკითხები**

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**THE LIVE ISSUES OF THEORY AND  
PRACTICE IN FINANCE IN THE  
CONDITIONS OF GLOBALIZATION**



JEL classification: E4, E5.

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# CENTRAL BANK DIGITAL CURRENCY – A PARADIGM SHIFT IN MONETARY ARCHITECT

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**ABSTRACT.** Money was a centre of economic gravity from its inception. It evolved from gold to fiat currency, and now we face a new era of monetary evolution. Every step of development gives him new power to influence society by reaching more and more aspects of social life. With its influence were unknown risks and concerns toward monetary systems flexibility and sustainability.

Using a promise to pay as money (banknote) has several critical legal and technical inconsistencies with the token-based CBDC system. One significant limitation is that promissory notes may not have a unique serial number like physical currency printed by central banks. In the modern hybrid monetary system where only cash has a unique serial number and banks' electronic payments work on an account-based approach, the incompatibility of promise to pay with real money is not visible widely.

Overall, the role of fractional reserve banking and the money multiplier in a token-based CBDC system will play a different role than in traditional banking systems, given the unique characteristics of digital tokens and the role of central banks in issuing and controlling them.

By analysing these key aspects, this paper aims to provide a comprehensive understanding of the potential effects of CBDCs on fractional reserve banking. The findings of this research will contribute to the ongoing discussions and debates surrounding the adoption and implementation of CBDCs, enabling policymakers, regulators, and banking institutions to make informed decisions in this challenging era of digital currencies.

**KEYWORDS:** CBDC; MONEY; CREDIT; FRACTIONAL RESERVE BANKING; MONETARY SYSTEM.

## INTRODUCTION

Central Bank Digital Currency (CBDC) has emerged as a significant innovation in the field of monetary systems, raising important questions about its potential impact on traditional banking practices, particularly fractional reserve banking. CBDC is a digital form of fiat currency issued and regulated by a central bank, providing a digital representation of a nation's legal tender. As CBDCs gain traction worldwide, it becomes crucial to examine their potential effects on fractional reserve banking, a long-standing practice that underpins the modern banking system.

## SOME CRITICAL MISCONCEPTIONS ABOUT MONEY

To calibrate our consciousness about money as an economical category, we must clarify some critical aspects of modern monetary architecture. First, we should explore how the money creation process works and how the quantity of money in the economy is determined.

The vast majority of money held by the public takes the form of bank deposits. However, where the stock of bank deposits comes from is often misunderstood. One common misconception is that banks act simply



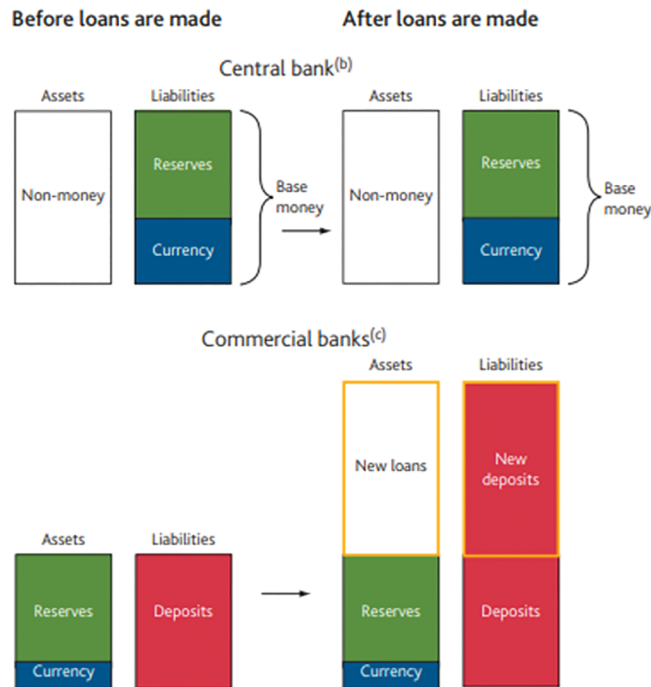


FIGURE 1. Money creation by the aggregate banking sector making additional loans  
 SOURCE: Bank of England, Quarterly Bulletin 2014 Q1

as intermediaries, lending out the deposits that savers place with them. In this view, deposits are typically ‘created’ by the saving decisions of households, and banks then ‘lend out’ those existing deposits to borrowers, for example, companies looking to finance investment or individuals wanting to purchase houses (McLeay, Radia and Thomas, 2014).

Commercial banks play a crucial role in the money creation process. When you deposit money into a bank account, the bank does not simply hold onto your money in a safe deposit box. Instead, the bank uses your deposit to make loans and investments, expecting that the loans will be paid back with interest and that the investments will generate returns.

When a bank makes a loan, it creates new money by promising to pay the borrower a certain amount. This promise takes the form of a bank deposit, which the borrower can use to make purchases or pay bills. In effect, the bank's promise to pay is accepted as a form of currency (Fig. 1).

When you use a credit card or write a check, you essentially transfer the bank's promise to pay from one person to another. The promise is backed by the bank's assets, including the loans and investments it has made with its deposits.

So, in a sense, money in a commercial bank account

represents a promise from the bank to pay the account holder a certain amount upon request. The bank's assets and reputation back this promise, which is widely accepted as a form of currency.

Another common misconception is that the central bank determines the number of loans and deposits in the economy by controlling the quantity of central bank money — the so-called 'money multiplier' approach (McLeay, Radia, and Thomas, 2014), (Carpenter, S, Demiralp. 2012).

It is a common misconception that the central bank determines the quantity of loans and deposits in the economy. While the central bank plays an important role in regulating the money supply, it does not directly control the number of loans and deposits in the economy.

Commercial banks create money through fractional reserve banking, meaning they hold only a fraction of their deposits in reserve and use the rest to make loans and investments. This process of money creation by commercial banks is a key driver of the money supply in the economy (see Fig.1).

The commercial banks and only commercial banks, in other words, possess a widow's cruse. And because they possess this key to unlimited expansion, they must be restrained by reserve requirements. Once it is done,

TABLE 1. *Forms of money*

Money type	Description	Seigniorage
Credit money	Created as a private bank liability through credit extension	Positive as long as interest on credit exceeds interest on liability
Central bank money	Issued as a non-redeemable liability by a central bank as a bank note or token with only indirect backing by assets	Positive as long as interest on assets exceeds interest on liability
Private payment token	Issued as non-redeemable electronic scrip by a coin issuer on trust in its exchange value	Positive as long as increase in token supply covers the cost of coin issuing and validation of transactions
Private asset token	Issued as claim on assets and exchangeable into these assets by the issuer	Positive or negative depending on whether the return on assets exceeds or falls short of the costs of coin issuing and validation of transactions

SOURCE: *The Economists' Voice*. 2019; 20190033

determining the aggregate volume of bank deposits is just a matter of accounting and arithmetic: dividing the available supply of bank reserves by the required reserve ratio (Tobin J, 1963) (see Table 1.).

The central bank can influence the money supply by setting interest rates, adjusting reserve requirements for banks, and engaging in open market operations. For example, by lowering interest rates, the central bank can encourage more borrowing and lending, increasing the amount of money in circulation. Similarly, by increasing reserve requirements, the central bank can limit the ability of banks to create money through lending.

However, the central bank does not have direct control over the lending and borrowing decisions made by commercial banks, which are influenced by various factors such as economic conditions, the creditworthiness of borrowers, and market demand for loans. Therefore, while the central bank can influence the overall level of lending and borrowing in the economy, it does not determine the number of loans and deposits in the economy.

The emergence of Bitcoin and other cryptocurrencies has been a significant development in the world of finance and technology. Since then, thousands of other cryptocurrencies have been created, each with its unique features and characteristics. Bitcoin and cryptocurrencies operate using a decentralized ledger technology called blockchain, which offers secure and transparent transactions without the need for intermediaries such as banks or payment processors. The decentralized nature has led to widespread interest in cryptocurrencies, with some people seeing them as a potential replacement for traditional currencies and

financial systems. The emergence of cryptocurrencies has also led to the development of new financial products and services, such as cryptocurrency exchanges, wallets, and investment funds. This has helped to increase the accessibility of cryptocurrencies to a wider audience, making it easier for individuals to invest in and use cryptocurrencies. An alternative monetary system was born in front of the monetary authorities' eyes. Such development of the money order has led to increased interest in digital currencies and has prompted some central banks to explore the development of Central Bank Digital Currencies (CBDCs).

## E-CNY AND OTHER MONETARY EXPERIMENTS

China has been at the forefront of developing Central Bank Digital Currencies (CBDCs), with the People's Bank of China (PBOC) conducting successful pilot tests of its digital yuan or e-CNY.

In terms of policy implications, there have been intense discussions around the specific designs of CBDCs. First, there is the question of whether the CBDC should be a wholesale instrument used for settlement between financial institutions or a retail system where the CBDC is a central bank liability accessible to all consumers. Second, if it is a retail system, there is the question of whether the financial system architecture should have the central bank interacting with the general public directly or whether the private sector (including banks) should handle all the customer-facing activities. Third, there are questions about what would be permissible in creating

CBDC, with different features resulting in different implications on monetary policy effectiveness and financial stability overall. (Allen a, Xian Gu b, Jagtiani J, 2022).

Traditional central bank money has three major functions, i.e. payment, pricing and investment. Hence, a general CBDC is also expected to serve as an almost cost-free medium of exchange, a stable account unit and a safe store of value under ideal conditions. However, the e-CNY, which has been more famous as the 'Digital Currency Electronic Payment', will only focus on facilitating payment at the current stage and aims at replacing cash in circulation rather than bank deposits or other financial investment products. For the PBC, payment would only be the first and relatively conservative step, and the e-CNY will play a more momentous role in pricing and investment in the future. (Li Sh & Huang Y, 2021).

The monetary architecture of the e-CNY, China's digital currency, is based on a two-tier system. The People's Bank of China (PBOC) issues the e-CNY to commercial banks, distributing the currency to their customers.

Individuals and businesses can store the e-CNY in digital wallets accessed through mobile phones or other electronic devices. The wallets are linked to users' bank accounts and can be used to make payments and transfers.

E-CNY transactions are conducted through a digital payment system designed to be fast, secure, and reliable. The system uses QR codes and other forms of digital payment to facilitate transactions, and each transaction is recorded on a decentralized ledger maintained by the PBOC.

The e-CNY is designed to be a "two-tier" digital currency, which means that it is issued by the central bank but distributed by commercial banks. This system is intended to ensure that the e-CNY is widely accepted and can be easily integrated into existing financial systems.

One potential advantage of the e-CNY's architecture is that it provides a way to digitize China's financial system without disrupting existing structures. By working within the framework of China's existing banking system, the e-CNY can be integrated with other digital payment platforms and financial services.

In 2015, the Dutch central bank developed a blockchain-based CBDC prototype, DNBcoin/Dukaton. The first version of DNBcoin was adapted from the Bitcoin blockchain and focused on sustainability in the payments system. Then Dutch central bank tested different consensus and validation mechanisms in the subsequent four blockchain prototypes. Finally, Dutch Central

Bank concluded that blockchain technology could not be an option for financial infrastructures for its limitations on capacity, efficiency and certainty of payment. Unfortunately, there are no public technology details on the Dukaton project (Zhang T, Huang Z, 2021).

The United States and the European Union have been exploring the possibility of developing their own Central Bank Digital Currencies (CBDCs). However, the projects are still in the early stages, and no concrete plans have been announced yet.

In the United States, the Federal Reserve has been studying the potential benefits and risks of CBDCs and has researched and tested various technologies and designs. However, no decision has been made yet about the future development of a CBDC.

In the European Union, the European Central Bank (ECB) has also been studying the potential benefits and risks of CBDCs. The ECB has launched a public consultation on the possible introduction of a digital euro and has also conducted experiments to test the technical feasibility of a CBDC.

CBDC monetary system has some variations and differences, especially when discussing the monetary architect. For a better understanding, we have to explore all possible variants and their characteristics.

## RETAIL OR WHOLESALE CBDC

Retail CBDCs are designed for everyday retail transactions between individuals and businesses. As a result, the monetary architecture of retail CBDCs is designed to ensure that they are accessible, efficient, and secure for the general public. Retail CBDCs are typically designed to be held in digital wallets accessible through mobile devices, computers, or other electronic devices. Commercial banks or other authorized intermediaries may issue digital wallets and be linked to traditional bank accounts or other payment systems. The central bank would issue and manage the retail CBDC, which the central bank's reserves would back.

Wholesale CBDCs, on the other hand, are designed for large-value and interbank transactions. The monetary architecture of wholesale CBDCs is designed to ensure that they are efficient, secure, and scalable for use in large financial transactions. Wholesale CBDCs are typically designed to be held in digital wallets accessible through a secure network of financial institutions, including central banks and commercial banks.

TABLE 2. Key design features of central bank money

	Existing central bank money		Central bank digital currencies	
	Cash	Reserves and settlement balances	Token	Retail Accounts
24/7 availability	✓	*	✓	(✓)
Anonymity	✓	*	(✓)	*
Interest-bearing	*	(✓)	(✓)	(✓)

✓ = existing or likely feature; (✓) = possible feature; \* = untypical or impossible feature.

SOURCE: SUERF Policy Note. Issue No 66, April 2019

The wallets may be issued by the central bank or other authorized intermediaries and would be used to settle large-value financial transactions in real-time. The central bank would issue and manage the wholesale CBDC, which would back the bank's reserves.

Overall, the monetary architecture of retail and wholesale CBDCs reflects their different intended use by cases, with retail CBDCs designed for everyday retail transactions and wholesale CBDCs designed for large-value and interbank transactions.

In the indirect CBDC architecture (top panel), this is done indirectly, and an ICBDC in the hands of consumers represents a claim on an intermediary. In the other two architectures, consumers have a direct claim on the central bank. In the direct CBDC model (centre panel), the central bank handles all payments in real-time and thus keeps a record of all retail holdings. The hybrid CBDC model (bottom panel) is an intermediate solution providing for direct claims on the central bank while intermediaries handle real-time payments. In this architecture, the central bank retains a copy of all retail CBDC holdings, allowing it to transfer holdings from one payment service provider to another in the event of a technical failure. All three architectures allow for either account – or token-based access (Auer R, Böhme R, 2020).

### TOKEN-BASED OR ACCOUNT-BASED CBDC

The monetary architecture of a token-based or account-based CBDC will differ from the chosen approach.

In a token-based CBDC system, the central bank would issue and manage the digital tokens. The tokens would be designed to represent a certain denomination of CBDC, similar to physical cash. These tokens would

be stored in digital wallets accessible through electronic devices, such as mobile phones or computers. Transactions would be conducted by transferring tokens directly between wallets, with each token being linked to a unique identifier to ensure its authenticity and prevent counterfeiting.

In contrast, an account-based CBDC system would link the CBDC to specific accounts held by individuals or businesses. These accounts would be similar to traditional bank accounts that store and transfer CBDC. Transactions would be conducted by transferring CBDC between accounts, with each transaction being recorded and linked to specific account identifiers to ensure transparency and traceability (see Table 2.).

The monetary architecture of a token-based or account-based CBDC would have different implications for factors such as privacy, security, and scalability. Token-based CBDCs may provide greater anonymity and privacy for users, as transactions would not be tied to specific accounts. However, they may also be more susceptible to fraud and counterfeiting. Account-based CBDCs would provide greater transparency and traceability but may also raise concerns about data privacy and surveillance. Additionally, account-based CBDCs may require a more complex infrastructure to ensure account-based transactions' secure and efficient management.

A general-purpose variant (i.e. a CBDC available to the public) can be based on tokens or accounts. This would be widely available and primarily targeted at retail transactions (but would also be available for broader use). A token-based variant would resemble a type of "digital cash", which could be distributed differently to a more direct account-based variant to the public (Boar C, Holden H and Wadsworth A, 2020).

In a modern globalized world where one of the key functions of money is to support international trade, the critical question about CBDC is whether it could be a better alternative to the existing monetary system.

### **CBDC AS INTERNATIONAL MONETARY UNIT – CHALLENGES AND OPPORTUNITIES**

Central Bank Digital Currencies (CBDCs) have the potential to be used as an international monetary unit. This means they could be used as a global reserve currency or a means of exchange in international transactions. However, several challenges must be overcome before CBDCs become an international monetary unit.

One of the key challenges is the need for global cooperation and coordination among central banks and financial institutions. Different countries have different regulatory frameworks and priorities, which could make it difficult to establish a globally accepted CBDC.

Another challenge is establishing a system of exchange rates for CBDCs. Currently, there is no agreed-upon exchange rate system for CBDCs, which could make it difficult to use them as a means of exchange in international transactions.

There are also concerns about the potential impact of CBDCs on the traditional banking system. If CBDCs are widely adopted, they could lead to bank disintermediation, where banks are bypassed in financial transactions. This could potentially lead to a loss of profitability for banks, which could have negative consequences for the overall stability of the financial system.

For CBDCs to be used as an international monetary unit, there would need to be a clear regulatory framework to address concerns related to privacy, security, and illicit activity.

Additionally, there would need to be a system in place to ensure that CBDCs can be used in a way that is transparent and beneficial for all users.

Overall, while the use of CBDCs as an international monetary unit presents both opportunities and challenges, it has the potential to significantly transform the global financial system and increase financial inclusion, transparency, and efficiency.

So, CBDC in the current stage is an issue of the local economy. It could be a crucial point for banking, especially from a money-creation point of view.

### **FRACTIONAL RESERVE BANKING IN TOKEN-BASED CBDC MONETARY ENVIRONMENT**

Fractional reserve banking and the money multiplier are concepts closely related to traditional banking systems where physical currency is used. In a token-based CBDC monetary system, fractional reserve banking may not apply in the same way as traditional banking.

Fractional reserve banking is a system where banks keep only a fraction of the deposits they receive as reserves and lend out the rest. This allows banks to create new money through the process of lending, and the amount of new money created is determined by the monetary multiplier. The monetary multiplier is the ratio of the money created through lending to the amount of reserves held by banks.

There are three main economic differences between the special case of a monetary deposit and a monetary loan. First, the monetary loan contract exchanges present goods and future goods. The borrower receives monetary units now and will pay the lender monetary units in the future. In contrast, there is no exchange of present goods for future goods in the monetary deposit contract. Depositors do not give up the availability of the monetary units but retain the right to withdraw them on demand (Bagus, Howden, Block 2013).

In a token-based CBDC system, the tokens are digital units issued by the central bank and held directly by individuals or institutions. Banks do not need to hold reserves or create new money through lending. Instead, the central bank can directly control the money supply by issuing or withdrawing tokens as needed.

In a free-market economy, where there is no fractional reserve banking practice, the source of credit resources is saving, temporarily free money funds, which, through the banks as the mediators, flow from the savings holders to business operators in the form of loans. The existence of savings is, on the one hand, the means for obtaining credit resources for business, and on the other hand, the indicator of the existence of additional demand, which should provide support for economic growth, as well as the application of the additional issue (Khidasheli M, 2022).

Using a promise to pay as money (banknote) has several critical legal and technical inconsistencies with token-based CBDC systems. Using promissory notes, such as banknotes and other payment instruments, as a form of money has been a common practice through-



out history. However, their use as a monetary unit is subject to various limitations and risks.

One significant limitation is that promissory notes may not have a unique serial number like physical currency printed by central banks. This lack of unique identification can make it difficult to track and verify the authenticity of promissory notes. In the modern hybrid monetary system where only cash has a unique serial number and banks' electronic payments work on an account-based approach, the incompatibility of promise to pay with real money is not visible widely.

In addition, promissory notes as a form of money are subject to legal and regulatory considerations. The issuance and use of promissory notes are subject to various laws and regulations, which can vary by jurisdiction. This can create additional costs and complexities for issuers and users of promissory notes.

In conclusion, while promissory notes have been used as money throughout history, their limitations and risks must be carefully considered. All bank panics and financial crises (boom and bust) result from unbaked credit expansions. In the end, as in 2008, central banks must exchange this credit money (promises to pay) with real ones through different monetary easing programs.

Monetary interventions implemented for the economy's stability distort the impact of market forces on the economy, causing the postponement of the crisis consequences and not their neutralization (Khidasheli M, Chikhladze N 2019).

In conclusion, using tokens in a CBDC system creates a more transparent and accountable monetary system, where the creation and circulation of new tokens are tied directly to reserves held on the blockchain. This makes it virtually impossible for banks to engage in fractional reserve banking practices without proper oversight and regulation. Furthermore, token-based CBDC systems have the potential to increase financial inclusion and accessibility, making it easier for individuals to transact and exchange value without relying on traditional banking systems.

## CONCLUSIONS

Fractional reserve banking and the money multiplier are closely related to traditional banking systems where physical currency is used. In a token-based CBDC monetary system, fractional reserve banking may not apply in the same way as traditional banking.

In a token-based CBDC system, where digital cash is represented by tokens on a blockchain network, fractional reserve banking becomes virtually impossible. This is because each token on the blockchain is a unique unit of value that cannot be duplicated or created out of thin air.

Unlike in traditional fractional reserve banking, where banks can create new money by lending out a portion of their deposits, creating new tokens in a CBDC system would require actual reserves to be deposited and held on the blockchain. In other words, banks would be unable to create new tokens without having the reserves to back them up.

Using tokens in a CBDC system creates transparency and accountability not present in traditional banking systems. Each token on the blockchain represents a specific amount of value tied directly to the reserves held by the issuing authority. This means that the creation and circulation of new tokens can be easily tracked and verified, making it difficult for banks to engage in fractional reserve banking practices without proper oversight and regulation.

Token-based CBDC systems also have the potential to increase financial inclusion and accessibility. With each token representing a specific unit of value, it becomes easier for individuals to make transactions and exchange values without relying on traditional banking systems. This can be particularly beneficial for individuals who may not have access to traditional banking services, such as those living in remote or underdeveloped areas.

However, in some token-based CBDC systems, banks may still have a role in providing services such as custody, payment processing, and lending. In these cases, fractional reserve banking may still apply, but the money multiplier would be determined by the central bank's issuance of tokens rather than by banks' reserves.

Overall, the role of fractional reserve banking and the money multiplier in a token-based CBDC system will depend on the specific design and implementation. It is likely that these concepts will play a different role than they do in traditional banking systems, given the unique characteristics of digital tokens and the role of central banks in issuing and controlling them.

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# GENDER BUDGETING IN THE FIELD OF GEORGIAN HEALTH AND SOCIAL PROTECTION: ANALYSIS AND ASSESSMENT

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**ABSTRACT.** Based on the latest literary sources and rich factual material, the scientific article consistently discusses topical issues of financial theory and practice, gender budgeting in the healthcare and social protection of Georgia.

It has been established that health care and social orientation have a high gender significance. At the same time, the study shows that the state budget programs of Georgia do not contain gender sensitivity. Most programs and sub-programmes do not include gender sensitivity; several programs are distinguished by gender sensitivity, there are also some goals set in terms of gender aspects, however they are mostly in the form of statistics and do not adequately reflect gender needs.

It is substantiated that the goals set in the health and social protection programs of the state budget of Georgia and the indicators of intermediate and final results require more specification in accordance with the principles of the program budgeting methodology in general, as well as considering additional gender aspects.

**KEYWORDS:** GENDER BUDGETING, PROGRAM BUDGETING, GENDER SENSITIVITY, INFRASTRUCTURE PROJECT, GENDER GAP, GENDER IMPACT, GENDER ANALYSIS.

## INTRODUCTION

Gender plays an important role in the origin and spread of certain diseases/pathologies and their treatment and well-being. This is due to biological differences between the sexes and socio-economic and cultural factors that influence the behaviour of women and men and their use of health services.

According to the European population, women generally live longer than men in all parts of Europe, and more men die than women of working age (15-64 years). However, because women live longer, they live

longer with age-related disability than men. Consequently, across Europe, women spend less time in good health than men, as measured in years of healthy living (Shanava & Vanishvili, 2021a).

As the population ages, the incidence of chronic diseases (diabetes mellitus, mental disorders, depression) increases, especially among women. Some conditions (breast, osteoporosis, eating disorders) are more common in women, while others (endometriosis, uterine disorders) are exclusive to women. Similarly, some diseases (coronary heart disease, lung problems), as well as diseases caused by traffic accidents,

are more common in men, and some (related to the prostate) are exclusively in men (Vanishvili, Lemonjava, et al., 2021).

In addition to biological, social norms also affect the health status of women and men in different ways. Women are less involved in activities hazardous to health, and comorbidities are also less common in women. On the other hand, compared to men, they are more susceptible to diseases often not recognized and evaluated by health systems. These illnesses include, for example, depression, eating disorders, trauma from domestic accidents and sexual abuse, and diseases associated with old age (Shanava & Vanishvili, 2021b).

In general, it can be said that women are better than men, aware of the state of their health and are more active in using health services. There are several reasons for this: (a) a reproductive role; (b) their “caring” role (care for children, the elderly and/or caring for dependent people with disabilities); (C) their large proportion in the entire older population; D) Gender stereotypes.

It is also important that men, due to their lifestyle and customs, tend to take more risky behaviour, they receive higher doses of emissions of physically or chemically hazardous substances. Men, at the same time, see doctors less when they are sick, and when they do, they report symptoms less. At the same time, health issues are given less attention than women, and they have less knowledge in this area (Gechbaia et al., 2017).

Research shows that sometimes women and men receive different diagnoses and, therefore, different treatments for similar problems. For example, women diagnosed with such complaints by a doctor are more likely to be diagnosed with depression, and men with stress (Vanishvili Merab et al., 2021).

The issue of health is also important in terms of reproductive and sexual health. Women and men should be informed and have access to safe, effective, convenient and acceptable family planning methods of their choice. They must have access to appropriate health care services to ensure women have safe pregnancies and childbirth.

In Europe, the health sector is predominantly male. Women occupy lower positions in the sector (e.g. nurses and midwives) and are a minority among senior professionals (doctors, dentists). Women are also underrepresented in leadership positions in the sector. In addition, due to the high involvement of women in the health sector, special attention should be paid to gender-sensitive training and education.

The state must take into account that the needs, resources, limitations and opportunities of citizens are largely determined by socio-cultural factors (including gender) and, therefore, these factors must be taken into account when planning policies. Without this, the policy is ineffective and unproductive.

In general, gender analysis is of particular importance in the social sphere. It is believed that the integration of gender issues in social areas such as health and social care is associated with the availability of relevant skills and therefore, gender is more pronounced than, for example, in the private sector and agriculture, which are more related to opportunities. An analysis of government subsidies or other social spending shows that when, for example, spending on health and social welfare is cut, it makes a gender difference – the increased burden falls on households and mainly on women. Such a burden can be, for example, the time they spend on care and household chores. This issue is closely related to gender budgeting (Vanishvili & Sreli, 2022).

Gender budgeting involves incorporating gender equality considerations into a country's budget process and reallocating budgetary resources to facilitate gender mainstreaming in all areas or sectors. Due to the complexity of gender budgeting, there is no universal approach. The approach used and the institutional structure are usually based on the characteristics of a particular country.

Due to the urgency of the problem, the purpose of our study is to analyze and evaluate gender budgeting in the field of healthcare and social security in Georgia.

## MATERIALS AND METHODS

Well-known methods have been developed to assess the value of gender equality in health and social care, such as: (1) One Health tool developed under the International Health Partnership; it also includes analysis, evaluation and financing of the health nutrition system with the use of different scenarios; (2) "Cost of social protection" ("Calculation of the minimum cost of social protection"), which evaluates the closure of different social programs, and checks their similarity and validity in case of increasing the social program; (3) Reproductive Contraceptive Instrument (UNFPA).

There are two important outcomes of gender budgeting in health care:

► *Social equity and equity in the health sector:* integrating gender into patient-centred policies improves patient outcomes, resulting in the more targeted use of resources where they are most needed, and services received are better suited to the different needs of women and men;

► *A better understanding of gender and health care workers:* A better understanding of the complexity of women and men's health needs helps identify key implications for women and men. This is important to combat the inequalities relevant social groups face, such as socially excluded, lonely older people, single parents and women living in poverty.

The Beijing Platform for Action emphasized the importance of gender budgeting in the social sector. In particular, interested developing and developed countries have agreed that, on average, 20% of the official development assistance budget and 20% of the state budget's social programs should consider a gender vision.

When evaluating capital projects, the following five main stages of gender budgeting are distinguished:

- Analysis of the situation of women, men, girls and boys in the relevant infrastructure sector;
- Assessing the gender sensitivity of policies, programs, legislation and past projects
- Evaluation of the implementation of gender-sensitive activities and project proposals at the expense of budget allocations;
- Monitoring the distribution of allocated funds, as well as services provided to the relevant target groups;
- Assess the impact of the respective infrastructure project and the changed situation compared to the first phase.
- The following two methods for analyzing gender budgeting of infrastructure projects are known:

*Gender-Disaggregated Beneficiary Assessment:* data for this estimator can be obtained through relevant surveys, household interviews, focus group discussions, direct observation, case studies and other methods. The main questions to be explored should be divided into gender, geographic region, level of education, the status of opportunity, and other relevant categories.

*Gender Expenditure Analysis:* This method involves evaluating relevant budgets and policies in a gender-responsive manner to assess the allocation of resources to boys/men and girls/women. The main point of this method is to understand what gender influences the funded project has.

## RESEARCH RESULTS

According to the National Statistical Office of Georgia, as of January 1, 2022, the population of Georgia is 3688.6 thousand people (48% men, 52% women) and has been increasing by an average of 0.04% annually over the past five years (<http://gender.geostat.ge/gender/index.php?action=Demography>). Over the past decade, on average, more boys are born each year than girls, and therefore the sex ratio at birth (male/female) is 1.08, while at the same time, the average annual sex ratio at death (male/female) is 1.05. This means that the number of men, both in terms of fertility and mortality during this period, is higher than that of women.

The coefficient of natural increase (per 1000 population) is – 3.8 as of January 1, 2022, this indicator has been decreasing by an average of 20% annually since 2014, more precisely, the difference between births and deaths is decreasing and the ratio of this difference to the total population decreases with the number (natural increase rate). If we consider this indicator by regions of the country, then during 2021, in all regions, except for the municipality of Tbilisi, the Autonomous Republic of Adjara, Samtskhe-Javakheti and Kvemo Kartli, there was a negative difference between births and deaths.

The average age of the population increased in 2022 compared to 2002 for both men (from 33.9 to 36.1 years) and women (from 37.9 to 40.4 years), which led to an increase in the average age of the population during this period for both sexes (from 36 to 38.3 years). In terms of life expectancy (life expectancy at birth (year) disaggregated by sex), at the end of 2021, this figure is 71.4 years for both sexes, of which 75.4 years for women and 67.5 years for men. However, this indicator for both sexes has slightly decreased over the past five years (for comparison: 72.7 years in 2016 and 71.4 years in 2021).

One of the most important gender indicators in health and social protection is the level of infant mortality. According to the State Statistics Service, compared with 2016, infant mortality will decrease by 94 units in 2021 (from 507 to 413). And the mortality rate for children under five years old (per 1000 live births) for both sexes is slightly reduced (from 10.7 to 10.0).

One of the most important gender indicators in health and social protection is the level of infant mortality. According to the State Statistics Committee, compared to 2016, infant mortality will decrease by 94 units in 2021 (from 507 to 413). However, the infant mortality



rate (per 1,000 live births) for both sexes did not change and remained at 9.0, while the infant mortality rate (per 1,000 live births) for both sexes decreased slightly (from 10.7 to 10.0).

In 2015-2020, among the causes of death for both men and women (on average 45% of women and 38% of men) were diseases of the circulatory system, as well as a large proportion of tumours and diseases of the respiratory system. The top five causes of death for women also include "diseases of the digestive system", and for men – "injury, poisoning and some other effects of external causes." Suicides increased by 34% in 2020 compared to 2015 and reached 248 cases of both sexes. In recent years, on average, more than 80% of suicides are committed by men. It is noteworthy that in 2020, compared to 2015, the number of deaths (26%) and injuries (2%) as a result of road traffic accidents decreased. However, in the case of single women, the number of victims increased by 6% during this period.

In 2020, compared to 2015, the number of AIDS cases with "initial diagnosis (one)" decreased by 33% (33.8% in women and 32.7% in men), reaching a total of 181 for both sexes. About 75% of AIDS cases each year occur in men. As for TB cases, over the same period, the incidence rate for both sexes decreased by 28% (26% for women and 29% for men) and reached 1467. About 70% of TB cases occur annually in men.

Gender-relevant are age coefficients that measure the population aged 0-14 years and 65 years and older for every 15-64 years or show the number of children and elderly dependents of the working-age population, which reached 54.1 as of January 1, 2022. Among them, 31.2 is the load factor by the age of young people, 22.9 is the load factor by the age of the older people. This number has been growing over the years. In general, in the case of the older people and children, the load rate in women is higher than in men. With individual children, the load factor is higher for men, and older children, for women.

It is also important to observe a country's household statistics for gender analysis of its social background. According to the 2014 census, there are about 1,109,130 households in the country, the average household size (number of people living in it) is 3.3, and this figure is approximately equal for urban (3.3) and rural (3.4) settlements. At the same time, the number of single-member households in the country is quite large (193,874 for both sexes), of which 63% are single women and 37% are single men.

It is also important to classify the head of household by sex according to the type of household. According to the 2015 survey, if in all types of households, women were called heads on average 33% of the time, and men – 67% of the time, then according to the same 2019 survey, these figures became 35% and 65%, respectively. In almost all types of households, the head is mainly a man, the proportion of women is mainly high, among widows, in other types of households, men and women are equally fixed. This figure is somewhat different in the case of urban and rural areas. If in 2015, the distribution of heads of women and men on average for all types of households in the city was fixed at 36% and 64%, then in 2018, this figure changed by 40% and 60%, respectively. The same indicators in the case of rural areas in 2015 amounted to 29% and 71%, respectively, and have remained at the same level for many years.

In terms of employment and economic activity in general, the economically active population (activity rate) for women is significantly lower than for men (for example, 56% and 74%, respectively, in 2021). This is why women have lower unemployment and employment rates than men.

In this regard, it is also interesting to consider the average monthly nominal wages of employees by type of activity and gender. The average salary of both sexes in 2015 was 900.4 lari, and in 2020 – 1191.0 lari. Men's salary is, on average, 1.5 times higher than women's (in 2020, 1,407.7 lari and 952.2 lari, respectively).

In this regard, it is also interesting to consider the average monthly nominal wages of employees by type of activity and gender. The average salary of both sexes in 2015 was 900.4 lari, and in 2020 – 1191.0 lari. The salary of men is, on average, 1.5 times higher than that of women (1,407.7 lari and 952.2 lari, respectively, in 2020). The difference between salaries has slightly decreased compared to 2015. In areas such as "financial and insurance activities", "health and social services", "professional, scientific and technical activities", "public administration and defence; Mandatory social protection" "The gender wage gap has widened over this period and is still significantly higher. These differences are narrowing in areas such as wholesale and retail trade, real estate, administrative and support services, education, and more. For many years only in one sector, "Electricity, gas, steam and air conditioning", women's wages were higher (by an average of 1.1 times) than men's.

Gender differences are also fixed in terms of income and expenses incurred during the month. In general,

men's incomes are generally higher than women's incomes, the same can be said about the expenses incurred. It is noteworthy that in men and women with different indicators of relative poverty, a similar indicator is observed over the years. However, for both indicators, the poverty rate in both cases will decrease in 2020 compared to 2015.

As of 2021, the total number of pension and social package recipients is 971,648, of whom 65% are women and 35% are men. The share of women and men differs between pensioners and recipients of social packages. 71% of the 745,001 people receiving the pension are women, while 63% of the 226,647 people receiving the social package are men.

It should also be noted that according to the Social Services Agency, for example, in 2019, on average, more than 70,000 people received a monthly state pension supplement due to their permanent residence status in a high-mountainous settlement. There are approximately twice as many women among these persons as men; and in the same mountain village, the number of recipients of additional payments to the social package with permanent residence status exceeds 13 thousand every month, of which about 60% are men and 40% are women.

According to the Social Services Agency, on average, 56% of the recipients of the planned component of outpatient services are women and 44% are men. In total, in 2019, 588,551 patients and 685,182 cases of illness were registered as beneficiaries of the universal health program, and the amount of compensation amounted to about 132 million lari. Thus, the cost of one treatment case will be, on average, 198 GEL for both sexes, and the cost of one patient will be 224 GEL. Although the number of female and male patients eligible for the program is roughly evenly distributed, during this period, the amount reimbursed per unit in the case of men is approximately 8-9% higher than the amount reimbursed for women in the department.

Notably, the number of doctors in 2019 increased by 30% compared to 2015 and reached 31,746 people. In terms of the number of doctors, there are about 1.5-2 times more female doctors annually than male doctors.

An analysis of Georgia's current health and social situation shows that these areas are of gender importance. Therefore, when planning and budgeting government programs, it is necessary to take into account the current situation and current gender needs, as well as analysis of international experience and research for

the implementation of effective and adapted policies for relevant population groups (Vanishvili, Katsadze, et al., 2021).

Regarding the gender analysis of medical and social programs provided for by the state budget, it should be noted that the priority "Affordable, high-quality healthcare and social security" includes nine budget programs according to the state budgets for 2019 and 2020 and the attached materials: LEPP – Pension Agency; Management of IDP, labour, health and social protection programs from the occupied territories; Social protection of the population; Public health protection; Rehabilitation and equipment of medical institutions; Labor and Employment Reform Program; Providing medical services to the system of the Ministry of Internal Affairs of Georgia and the State Security Service of Georgia; LEPP – State Service for Veterans Affairs; A(A)IP – Georgian Solidarity Fund (Vanishvili & Lemonjava, 2017).

For this priority, due to the magnitude of the priority, we find a very small entry in terms of gender relevance in the priority description part, also only in the 2019 budget and the attached country key data and directions document for 2019-2022, where we read that "special attention will be paid to the health of mothers and children"; "vaccination of children according to the national vaccination schedule will continue; Provide pregnant women and children with a supply of pharmaceutical products necessary for the healthy development of the next generation" (Vanishvili & Katsadze, 2021). As for the description of the above priority in the state budget for 2020, as well as the medium-term vision for the priority, document provided for 2020-2023, they do not contain an entry on gender significance.

As world experience shows, due to the high gender significance of the healthcare and social protection sphere, the information available on the priority should include a gender vision and make it understandable (Vanishvili & Lemonjava, 2016).

## CONCLUSION

In summary, it can be noted that the healthcare and social services sectors are of great gender importance, however, the analysis of the submitted budget laws shows that the state budget programs of Georgia do not disclose gender sensitivity. Most programs and sub-programmes are not gender sensitive, several programs differ in their gender relevance, there are also

some targets set in terms of gender, however these are mostly presented in the form of statistics and do not adequately reflect gender needs. The goals, milestones and outcomes set in the program need to be more spe-

cific, in accordance with the principles of the program budgeting methodology in general, and considering additional gender aspects.

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# A FINANCIAL CRISIS PROBABILITY MEASUREMENT MODEL IN THE CONTEXT OF DIGITAL TRANSFORMATION

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**ABSTRACT.** In recent decades, the structure of international exchange has undergone significant changes, and the role of various services is increasing, the range of which is expanding under the influence of the scientific and technological revolution. At the same time, the regimes of international trade in services, as well as approaches to its national and multilateral regulation, are becoming more complex. Digitalisation has become one of the main characteristics of development. The digital transformation of international trade is shaping the new "digital reality" of the industry. The statistics of the official regulators of international trade confirm these changes. The paper analyses the dynamics of changes in international trade in services in the context of the global crisis and the impact of digitalisation on it. The interdependence of countries in the conditions of increased economy and new models of international exchange of services are shown. The paper presents a quantitative assessment model of the level of systemic risk causing the financial crisis.

**KEYWORDS:** DIGITAL TRANSFORMATION, GLOBAL CRISIS, INTERNATIONAL TRADE, MEASURE, MACROECONOMIC.

## INTRODUCTION

Among the characteristic features of the modern stage of the development of international trade are the scientific and technological revolution, the increasing internationalisation of production and marketing, and the increasing role of developing countries in international trade. However, some characteristics of the current stage are transformed, including under the influence of crises. At this stage, countries have the opportunity to easily join the world production process and achieve the growth of their national economy, concentrating on individual links of global value chains (hereinafter GVCs).

The crisis of 2008 showed the need to protect one's economy most clearly.

The pandemic has exacerbated problems in trade relations and increased the segmentation and polarisation of international trade. This could have negative consequences, including a further rollback of free trade

principles and prioritisation of trade between countries based on bilateral trade agreements.

It should be noted that developed countries dominate the structure of international trade. Since 2000, the annual growth of world trade in goods and services has amounted to 7%. After the global economic and financial crisis, trade growth slowed to an average of 3%, and in 2019, growth in global trade in goods and services slowed sharply to a post-crisis low [UNCTAD, 2020].

A financial crisis can take many shapes and forms, but two broad types can be distinguished. Reinhart and Rogoff describe two types of crises: those classified using strictly quantitative definitions and those relying heavily on qualitative and judgmental analysis. The first group mainly includes currency and sudden stop crises, while the second group includes debt and banking crises [Reinhart & Rogoff, 2009: 4660472].

The paper provides the  $S^{\text{RISK}}$  indicator, which means

TABLE 1. Comparison of commercial services exports with goods exports in 2017–2021

SECTOR	2017	2018	2019	2020	2021
Products and commercial services, USD bln., including:	21,2	20,8	25,2	24,8	21,9
Services, billion USD	5.01	5.09	6.09	6.23	4.98
Share of services in the structure of world trade, %	23.6	24.5	24.2	25.1	22.7

SOURCE: WTO (2021). *WTO Stats.* – <https://stats.wto.org> (08.03.2022).

systemic risk and measures capital dollars, for the normal functioning of a financial firm if we have another financial crisis based on stock market data.

Based on Romer-Romer crisis severity measures, this model estimates the under-capitalisation level leading to a financial crisis. From this estimate, it is possible to calculate an  $S^{\text{RISK}}$  power that will keep this probability below 50% [Romer & Romer, 2017: 40-43].

## RESEARCH METHODS

The work is based on a statistical base that describes the landscape of modern international trade, including the fundamental documents of the largest international organisations: the World Trade Organization (hereinafter WTO) and UNCTAD. The forecasts of the International Monetary Fund (hereinafter – IMF) are used as an auxiliary source [IMF, 2020].

The article is based on a structural analysis of international exchange flows of goods and services, describing cross-border trade in services in the context of digitalisation, as well as analysing the impact of digitalisation and digital transformation on traditional costs.

## RESULTS AND DISCUSSION

Trade in services is the most dynamically developing segment of international trade. According to the WTO classification, a service is an object of international trade, provided the service provider, and its buyer are residents of different states.

With increasing globalisation, there is a growing need to expand the scope of service trade. Developed countries are traditionally leaders in the service market.

Currently, services are usually a science-intensive field that uses high IT and artificial intelligence technologies.

The value of world exports from 2000 to 2015 increased four times, and its share in the total world export of services increased from 30 to 35 [Shuyskiy, 2016: 44–55]. The dynamics of services exports on the WTO portal show how the total volume of exports has changed in terms of value from 2016 to 2021. With a constant increase to USD 6,228,674 million in 2019, this figure dropped to USD 4,985,329 million in 2021. (Table 1).

According to WTO data, in the first quarter of 2021, imports decreased by 5.2% and exports by 6.4% (*see Table 1.*).

The peak was observed in the second quarter of 2021, when the decrease of exports reached 21.3%, and imports – 20.8%.

At the beginning of the pandemic, there was a sharp drop in demand in the service sector, followed by an equally sharp recovery in demand.

According to WTO data, the 2022 global PMI shows a strong recovery in goods trade at 54.9 value and weaker growth in services trade at 51.09 value. The forecast of WTO experts for the expected growth of world trade by 2022 was 7.2%, scenario" [wto, 2022].

In terms of losses in gross domestic product (hereinafter referred to as GDP), developed countries suffered the most during the pandemic due to the large share of the service sector in the country's economy. According to the International Monetary Fund, stable growth shows China: +1.9% in 2021, +8.2% in 2022. China is the only country that showed positive dynamics in 2021. China was ahead of India, +8.8%<sup>11</sup> (*see Table 2.*).



TABLE 2. GDP Growth Forecasts

THE REGION, GROUP OF COUNTRIES	GDP CHANGE, %		
	2020	2021	2022
World output	2,8	-4,4	5,2
Developed economies	1,7	-5,8	3,9
USA	2,2	-4,3	3,1
Eurozone	1,3	-8,3	5,2
Germany	0,6	-6,0	4,2
France	1,5	-9,8	6,0
Italy	0,3	-10,6	5,2
Spain	2,0	-12,8	7,2
Japan	0,7	-5,3	2,3
UK	1,5	-9,8	5,9
Canada	1,7	-7,1	5,2
Other advanced economies	1,7	-3,8	3,6
Emerging markets in Asia	5,5	-1,7	8,0
China	6,1	-1,9	8,2
India	4,2	-10,3	8,8
ASIAN	4,9	-3,4	6,2
Emerging markets in Europe	2,1	-4,6	3,9
Russia	1,3	-4,1	2,8

SOURCE: IMF (2022). Growth Projections Table.: <https://www.imf.org/en/Publications/WEO/Issues/2022/09/30/world-economic-outlook-october-2022>

An analysis of the effects of the crisis in different periods shows that international trade shows a greater recession than economic activity. Due to a decrease in global GDP by 4.4%, according to the International Monetary Fund, the decline in trade in goods is reduced by 9.2% (according to the WTO – forecasts for 2020) [IMF, 2020:204]. In most countries, GDP growth slowed in the first quarter of 2021 and remained sluggish in the second and third quarters of 2021, driven by new waves of infections and the resulting new restrictions [WTO, 2021:39].

Based on CPB World Trade Monitor data for 2021, the depth of the decline in global exports. However, the analysis shows that the data are fundamentally different in structure and duration; the decline occurred due to greater failures in developed countries than in developing ones [Zaytsev, 2020:12].

Today it is clear that digitisation has become a new stage of economic development. The rapid increase in digital transactions in world trade confirms this. The main result of the digital transformation of international

trade is the emergence of new markets, goods, services and business models based on the latest technologies. The line between product and service is increasingly blurred in the digital age.

The transformation of digital international trade is accompanied by the large-scale development of e-commerce, increasing trade turnover in information and communication services, and the development of digital platforms.

IT technologies and artificial intelligence development received a strong impetus during the pandemic. The economic vulnerability of developing countries has increased due to massive digitisation and unequal access to digital resources and infrastructure in developed and developing countries. However, the rapid spread of digital technologies is one of the most important long-term changes that will determine states' political and economic development in the coming decades.

In the context of digitalisation, world trade is becoming more elastic, flexible and mobile, and GVCs are changing under the influence of new trends. Thus,

production increased focus on automation and digitalisation. In particular, digitalisation will increase the transparency of suppliers, services and transactions, as well as help to increase the export of services and the development of trade, including through electronic commerce.

By creating conditions for the global trading system, digital transformation also presents certain threats. A growing differentiation between countries in the degree of their involvement in world trade is clearly visible. In addition to the new opportunities that digital commerce opens up, competition in providing services is increasing. Currently, the largest digital platforms are created in the USA and China. Accordingly, most states have economic ties with China and the United States. Rising barriers to digital trade reinforce stratification and growing inequality [Xiaolan, 2020: 157–166].

The pandemic has paralysed international trade, shutting down economic activity worldwide, including the manufacturing hub of the global economy, China and other Asian countries. These processes have demonstrated the need for greater diffusion and sharing of transformative, productive capacity within and across countries. Increasing involvement in international trade in services makes it possible to mitigate the effects of crises in the supply of raw materials and production of goods. The real impact of the crisis on output can be calculated using different models. For a large cross-section of countries and a long period, Claessens et al. Traditional business cycle methodology was used to identify recessions [Claessens, et al, 2009].

On this basis, Laven and Valens estimate that the cumulative cost of banking crises is, on average, about 23% of GDP over the first four years. The median output loss for advanced countries is now around 33%, higher than emerging markets at 26%. Crises are generally associated with significant declines in a wide range of macroeconomic aggregates [Laeven, & Valencia, 2013: 221].

The risk of a financial crisis in a country depends on the total capital deficit of the financial sector in that country. The risk of any country depends on the  $S^{RISK}$  of the rest of the world. Thus, a country that relaxes its regulation or fails to capitalise on its institutions adequately will increase the risk of financial crises in other countries.

## EXCESSIVE CREDIT GROWTH

It is widely believed that financial crises are caused by excessive credit growth. The normal functioning of a financial firm requires that its market capitalisation ratio be higher than its prudent capital ratio.

Under some mild assumptions, the  $S^{RISK}$  formula was financially adapted by Englea and Ruanb:

$$S_t^{RISK} = kDebt_r - (1-k)Equity_t \exp(\varrho_t \log(1-\theta)).$$

Where is the beta coefficient from the dynamic conditional beta (DCB) model [Engle, 2016: 643-667] that augments the standard market model with asynchronous trading, time-varying correlation, and asymmetric volatility.  $k$  is set at 8%, corresponding to the typical leverage ratio of well-managed financial firms during quiet periods. [Englea & Ruanb, 2019: 607].

The global model reflects an important global phenomenon in which the rest of the world strongly influences the risk of a crisis in one country.

According to Adrian et al., the conditional value at risk (CoVaR) measure is an alternative market measure closely related to  $S^{RISK}$ . The main difference is that  $S^{RISK}$  also depends on the firm's volatility, whereas CoVaR does not due to differences in conditioning. In addition,  $S^{RISK}$  depends on size and leverage [Adrian & Brunnermeier, 2016: 1705-1741].

There are several other crisis chronologies. But the Romer-Romer methodology, which derives a continuous measure of credit delay from real-time narrative reports, is suitable for this purpose.

## CONCLUSION

In the digital economy, the degree of economic interdependence of countries is much higher. "Rules" are needed to ensure access to markets in the context of digitisation and their openness.

Digitalization has significantly changed the structure and characteristics of international service trade at the current stage. In 2020, a sharp decline in the volume of trade in services was noticeable in the structure of international trade. In 2021, as the economy recovers, the service trade volume begins to increase. At the same time, the increase in the rate of trade in services

in the context of digital transformation made it possible to alleviate the economic crisis.

Many theories have been developed about the causes of crises. The paper evaluates a systemic risk

model designed to show both the probability of a crisis and the distance between current measures of systemic risk and a level that is half the probability of a crisis.

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