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The Role of Political Parties in the Modern Parliamentarism

The role of political parties in the modern parliamentary system is a process of combining some of the features that has some influence on the definition of the modern parliamentary system, although if the definition of concepts is not relevant in the state, the issue under consideration is perceived from the party's expectations. According to the common view, the rationality of a political party is reflected in the understanding and respect for the basic principles of the parliamentary system, also not changing the "place" in the system, which was given to the party on the basis of voter trust. Over the centuries, when absolute monarchy has disappeared from view, the role of political parties has become more structural and functional, but the interest and desire to own a place remains a challenge.

Keywords: *Parliamentary System, Political Power, Political Party.*

1. Introduction

A modern concept of Parliamentarism is a consequence of various historical,[1] political, legal, and ethical processes over the course of centuries, which has contributed to setting up the multifunctional system of concepts and sharing it between the states.[2] At first, it all started with a request to the King so that the rights of the public representation would not be restrained. Upon rejection of that request, a just protest against absolutism arose.

From time to time, the perseverance of the Monarchy to take hold of governmental power was replaced with the aspiration of parties.[3] On the other hand, constitutional movements made it clear that upholding human rights under the rule of law and enforcing militant democracy was of utmost importance.[4] Consequently, the role of the parties in modern Parliamentarism would be defined by combining two independent reciprocal systems.

The present research aims to scrutinize theoretical issues from a practical standpoint and assess the legal status of the political parties in modern Parliamentarism.

2. The History of Interconnection

The concept of Parliamentarism has been introduced as per the *prior in tempore potior in iure* principle.[5]As a result, it is more of a historical consequence and a legal definition for the parties.[6] Although the roots are the same, the challenges of the interconnection are different due to the

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1 *Lauvaux P.,* Parliamentarism, Translation, Tbilisi, 2005, 11 (in Georgian).

2 *Kantaria B.,* Principles of Western Constitutionalism and the Legal Nature of the Form of Government in the First Georgian Constitution, Dissertation, Ivane Javakhishvili Tbilisi State University, Tbilisi, 2012, 9-10 (in Georgian).

3 *Westerman B.,* The Inner Workings of British Political Parties The Interaction of Organisational Structures and their Impact on Political Behaviours, London, 2019, 20; To compare with: *Nodia G., Scoltbach A. P.,* Georgian Political Landscape, Tbilisi, 2006, 110 (in Georgian).

4 See: *Loladze B., Macharadze Z., Pirtskhalashvili A.,* Constitutional Justice, Tbilisi, 2021, 244 (in Georgian); *Beimenbetov S.,* A Comparative Analysis of 'Defensive Democracy': a Cross-National Assessment of Formal-Legal Defensiveness in 8 Advanced European Democracies, Thesis for the Degree of Doctor of Philosophy in Politics, University of Exeter, 2014, 11-12.

5 *Lauvaux p.,* Parliamentarism, Translation, Tbilisi, 2005, 59 (in Georgian).

6 To compare - *Wilbur C. Abbott*, The Origin of English Political Parties, The American Historical Review, Vol. 24, №4, 1919, 582-583.

unequal political culture of the parties perceiving the power. Nowadays, the sign of constitutionality calls on both sides to follow certain rules and come up with a decisive standard.[7] The fight against absolutism led to basing the principles of Parliamentarism on the distribution of power and the variability of those people in power. All that was a result of suspicion that those who fought in the name of parliament were in reality in opposition to Parliamentarism.[8] The fight against the Monarch was not the objective of those founders of the Parliamentarism, however, disregarding the just request necessitated implementation retaliatory action in England.

The execution of Charles I Stuart was an event that shocked and puzzled the proponents of the King as well as of the Parliamentarism. At that time punishing the king on the basis of specific charges was a novelty. The King's death led to new governing measures, which regularly used to be organized by the King in the past. Soon afterward, parliament and parties found themselves facing a military dictatorship. The ones fighting on behalf of the Parliament now fought against the idea of Parliamentarism, that's why Parliament had to find a new monarch. This would somehow balance the dictator's excessive interest in inheriting the crown over his son. Later on, in order to gain power over the Hanoverian monarchs, the founders of the Parliamentarism were replaced by parties. Consequently, the tendencies of party favoritism arose [9] which declared the founders of Parliamentarism of having no rights and power and forced them to associate with a particular party.[10] The political situation was further aggravated by different attitudes in the different kingdoms in Europe. The ongoing events in the Kingdom of England did not critically affect the continent of Europe until the Great French Revolution, as the absolutism established in France surpassed the constitutional idea of Parliamentarism.[11]

King Louis XIV of France subordinated all aspects of state governance to the power of the monarch.[12] With the motive of ensuring public order, he established an absolute monarchy which soon became a model for European kingdoms on how to establish centralized absolutism in the framework of the unrestricted power of the monarch.

On the continent of Europe, along with the spread of Parliamentarism and the fight against it, the view of educated despotism was reinforced, which combined the main functions of teaching Parliamentarism under the monarch's crown. Such an approach was nurtured by imitating the policy of the "Sun King". Well-appraised educators distanced themselves from any manifestation of educated despotism. From their perspective, the European monarchy sought to appropriate the achievements of English Parliamentarism. The dissolution of parliament was quite a common occurrence during that time. With the dissolution of Parliament, the monarchs asserted their power before the people. Therefore, until this "habit" would be changed, the parties and the founders of Parliamentarism usually had nothing to dispute with each other, and often similar associations arose between them.[13]

The fight against absolutism equipped the founders of Parliamentarism with actual, weighty advantages, as they could balance the defeat of a strong opponent with the advantage of the

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7 Ibid.

8 *Worden B.,* Oliver Cromwell and Parliament, Cromwell Collection Lecture, 2013, 26-27.

9 See: *Dickinson H.,* George III and Parliament, Journal of Parliamentary History, Vol. 30, 2011, 396; *Lauvaux P.,* Parliamentarism, Translation, Tbilisi, 2005, 18-19 (in Georgian).

10 *Thomas Erskine May, C. B.,* Constitutional History of England (Since the Accession of George Third, W. J. Widdleton, Publisher, Vol. I, 1874, 20-21.

11 *Lauvaux P.,* Parliamentarism, Translation, Tbilisi, 2005, 21 (in Georgian).

12 *Hurt J. J.,* Louis XIV and the Parlements (The Assertion of Royal Authority), Manchester University Press, 2002, 196.

13 To compare: *Pollard A. F., Litt. D. M. A.,* The Evolution of Parliament, 2nd ed., 1926, 258-259.

victory.[14] Consequently, in order to assess the role of the party in modern Parliamentarism, a mere analysis of the constitutional norm is not sufficient.[15] In reality, a supposed crisis or novelty could be a well-forgotten old problem.

3. Major Characteristics of the Parliamentarism

The role of the parties in modern Parliamentarism is not determined by inheritance, rank, or property. At the same time, constitutionalism is an achievement of parties and modern Parliamentarism that enables them to deepen organizational cooperation. The characteristic of public representation of the parties is ensured by the state electoral system,[16] and modern Parliamentarism refrains from any attempt[17] of personification, as there is a danger from a personal and not party related perspective that a person backed up by the governmental power[18] will turn into the authoritarian ruler.[19]

First of all, the notion of modern Parliamentarism has to be analyzed. The concept of modern Parliamentarism is defined by its constituent issues, the combination of which or several issues separately may be considered sufficient to characterize modern Parliamentarism. Consequently, modern Parliamentarism as a set of concepts can not be just an abstract theorem or a rigid phenomenon defined on a theoretical level[20]- subnotions within it are multifunctional and feasible in practice.[21]

The characteristic of modern Parliamentarism might be imitative by nature, raising the issue of compatibility of concepts from a theoretical perspective. It should be noted that: *"In the legal literature, the parliamentary model is called "Parliamentarism", while some Georgian scholars equate it with the existence of a parliament."*[22] According to the definition, *"representative democracy, after the universalization of the electoral system, can operate only through parties."*.[23]

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[14] *Morrill J.,* Cromwell, Parliament, Ireland and a Commonwealth in Crisis: 1652 Revisited, Journal of Parliamentary History, Vol. 30, 2011, 193.

[15] *Lauvaux P.,* Parliamentarism, Translation, Tbilisi, 2005, 6-7 (in Georgian).

[16] See: Constitution of Georgia, 24/08/1995, Article 24; *Gegenava D., Papashvili T., Vardosanidze St., Goradze G., Bregadze R., Tevzadze T., Tsanava L., Javakhishvili P., Macharadze Z., Sioridze G., Loladze B.,* Introduction to the Constitutional Law of Georgia, Tbilisi, 2019, 95 (in Georgian); Also, *Biotner R., Begiashvili M.*, *Pirtskhalashvili A., Janelidze E.,* Law of State Arrangement Methodological Guide for Lecturers, Tbilisi, 2020, 66-67 (in Georgian).

[17] See: Norms of the Constitution of Georgia on the Concept of Parliament.

[18] The Issues for Evaluating Citizen Survey, *Power G.,* Global Parliamentary Report (The Changing Nature of Parliamentary Representation), United Nations Development Programme, 2012, 24-25.

[19] In the context of pandemic, see: *Murphy J.,* Parliaments and Crisis: Challenges and Innovations, International Institute for Democracy and Electoral Assistance, Strömsborg, №1, 2020, 11; *Melikidze G., Uznadze N.,* Parliament during the State of Emergency, Journal of Constitutional Law, №1, 2020, 182-183 (in Georgian). For more historical context, see: Differences of opinion about Oliver Cromwell's personality. *Ekkebus R.,* Oliver Cromwell : Man of Force, Journal of Constructing the Past, Vol. 9, Issue 1, 2018, 81. Oliver Cromwell was often referred to as a murderous dictator, a military dictator, a hero of freedom, an aggressive and effective leader, a great Briton.

[20] *Chighladze N.,* The First Session of the Newly Elected Parliament and the Legitimacy of the Elections, Election Magazine "Elections and Democracy", №3, 2020, 44 (in Georgian).

[21] *Gegenava D., Kantaria B., Tsanava L., Tevzadze T., Macharadze Z., Javakhishvili P., Erkvania T., Papashvili T.,* Constitutional Law of Georgia, 4th Edition, Tbilisi, 2016, 87 (in Georgian).

[22] *Kantaria B.,* Principles of Western Constitutionalism and the Legal Nature of the Form of Government in the First Georgian Constitution, Dissertation, Ivane Javakhishvili Tbilisi State University, Tbilisi, 2012, 9 (in Georgian).

[23] *Chighladze N.,* The Relationship between "Free Mandate" and "Party State" (Modern Trends), Collection of the Essays of the III National Conference: "800 Years of Constitutionalism", Tbilisi, 2017, 56 (in Georgian).

The practical manifestation of the theoretical characteristics of Parliamentarism through parties is in turn based on the doctrine of modern Parliamentarism introduced by Philip Lauvaux.

As per Lauvaux, *"the uniformity of the positive law of modern Parliamentarism has been violated to some extent."*[24] Initially, the author names the post-World War II trends in constitutionalism as the basis for that violation. However, something that allows us to evaluate modern Parliamentarism by its own characteristics is the sufficiency of one characteristic taken separately.

The ideal accuracy of one characteristic confirms the complexity of constitutional notions of Parliamentarism, since modern Parliamentarism cannot be a form-amorphous thesis in the constitution of the state. From a practical point of view the search for a place by parties makes it more systemic. Consequently, operating through parties is one of the characteristics of modern Parliamentarism. The year of 2021 marked hundred-year anniversary for Georgia. The example of the norm-provisions of the first constitution, and existing constitutional norms raises the issue of to what extent the political spectrum has shared the teachings about modern Parliamentarism.

Political parties in all countries of the world aspire to gain power.[25] The issue of to what extent this right is restricted is the matter of the political order of the state and the evaluation of the electoral system. The characteristic of a political party is not usually distinguished from the characteristic of modern Parliamentarism; However, while the theoretical approach is practically distorted and altered over the years by a party dictatorship, in this case, the particular characteristic loses its original meaning.[26]

The characteristics of a political party can be grouped into constitutional (external organizational) and party (internal organizational) characteristics.[27] It is also possible to distinguish between political, legal, and ethical characteristics, while the legal characteristic includes the external organizational and internal organizational legal characteristics. Each characteristic involves rights and responsibilities, the implementation/enactment of which implies the place of the party in modern Parliamentarism - in different forms and statuses.[28]

Is it a practical demonstration of a mere theoretical aspect? Probably not, as there are issues on which the notion of modern Parliamentarism and the views of the parties are drastically different. If a particular view is unconstitutionally radical, then there is a legal basis for enacting the relevant mechanism. However, quite often the views of the parties are constitutionally radical, albeit with a veiled party subtext.[29] Is it possible for a complete theoretical notion to change the non-aligned views of the parties on Parliamentarism or any other issue? It is possible to establish a

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[24] *Lauvaux P.,* Parliamentarism, Translation, Tbilisi, 2005, 39 (in Georgian).

[25] To compare: *Chighladze N.,* Current Issues of Universal Participation in Georgian Election Legislation, Collection of Articles: Modern Challenges of Human Rights Protection, *Korkelia K. (ed.),* Tbilisi, 2009, 274 (in Georgian), cited: Opinion of Philip Lauvaux.

[26] See: International Election Observation Mission Georgia - Municipal Elections, Second Round, October 30, 2021, Report on Preliminary Findings and Conclusions, 2021, 3-4, 13-14, 17 (in Georgian).

[27] To compare: *Hofmeister W., Grabow K.,* Political Parties: Functions and Organisation in Democratic Societies, Konrad Adenauer Stiftung, Singapore, 2011, 11-12.

[28] *Chighladze N.,* The Relationship between "Free Mandate" and "Party State" (Modern Trends), Collection of the Essays of the III National Conference: "800 Years of Constitutionalism", Tbilisi, 2017, 56 (in Georgian).

[28] *Lauvaux P.,* Parliamentarism, Translation, Tbilisi, 2005, 56 (in Georgian).

[29] *Chighladze N.,* Women's Suffrage, Collection of Articles: Human Rights and Legal Reform in Georgia, *Korkelia K. (ed.),* Tbilisi, 2014, 317-318 (in Georgian).

minimum standard by adhering to formalism, however, it is essential to deepen cooperation,[30] which still stands to be a challenging issue.[31]

When comparing bipartisan and multiparty parliamentary regimes, a quantitative assumption must be in line with democratic values, basic principles of constitutionalism, and the normative state order. Consequently, even an attempt and mere feeling of a one-party parliamentary regime is unconstitutional and not aligned with the principles of European constitutionalism. Nevertheless, a one-party government adopted under a two-party parliamentary regime does not pose a threat to a system of democratic governance. Quantitative values should be interpreted not separately but in conjunction with key concepts.

4. The Challenges of Acceptance and Rejection

The role of parties in modern Parliamentarism was once again demonstrated by the elections held within the pandemic restrictions, because no matter how challenging the epidemiological situation and the threat to human life, postponing elections in the state would prevent parties from gaining seats in parliament.[32] Some of the states postponed the elections, while some of them did not. At the same time, parties tend to perceive commitments resulting from similar advantages and avoid crowded agitation campaigns. [33]On the other hand, *"elections have been postponed in about 80 countries due to the spread of the virus in the world."*.[34]

Legislators in different countries consider it a correct and objective solution to saturate the notion of modern Parliamentarism (a combination of notions) directly with the evaluation of the actions of the parties, while the assessment of the latter is complicated due to the difficult epidemiological situation[35]. Emphasis on the role of the parties highlights the political-legal space where the victory of the parties should take place.[36] In Georgia, this is an uncontrollable and biased issue due to double standards and the fact that concepts are confused in each specific case and in relation to the party.[37]

The notion of modern Parliamentarism in the discussion of the use of hate speech by parties is based on the constitutional premise that restrictions on the activities of political parties are permissible[38], although when there is no constitutional mechanism for restricting the activities of

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[30] See: *Lebanidze B., Panchulidze E., Minesashvili S., Vardiashvili G., Kakhishvili L., Zurabashvili T.,* Collection of Policy Papers, Georgian Policy Institute, Tbilisi, 2017, 3-4, 72 (in Georgian); *Nodia G., Scoltbach A. P.,* Georgian Political Landscape, Tbilisi, 2006, 110 (in Georgian).

[31] To compare: *Kantaria B.,* Principles of Western Constitutionalism and the Legal Nature of the Form of Government in the First Georgian Constitution, Dissertation, Ivane Javakhishvili Tbilisi State University, Tbilisi, 2012, 25 (in Georgian).

[32] For a judicial assessment of the epidemiological situation, see Judgment of the Administrative Court of Bavaria, Az. 20 N 20.767.

[33] *Latsabidze M.,* Elections and the Pandemic, Collection of Articles: Human Rights and the Povid-19 Pandemic, *Korkelia K. (ed.),* Tbilisi, 2021, 102 (in Georgian).

[34] Ibid.

[35] To compare: Survey of the Georgian Young Lawyers' Association: Interim Report of the 2020 Parliamentary Elections by Long-Term Observation Mission, 2020, 7.

[36] *Beetham D.,* Parliament and Democracy in the Twenty-First Century (A Guide to Good Practice), Inter-Parliamentary Union, Geneva, 2006, 183-184.

[37] To compare: *Shavgulidze T.,* Verwaltungsgerichtlicher Rechtsschutz gegen Corona-Maßnahmen (Masterarbeit), Universität Passau, 2021, 56, Fundamental rights in the event of a pandemic emergency serve the role of a "litmus test".

[38] Constitution of Georgia, Departments of the Parliament of Georgia, 31-33, 24/08/1995, Article 60, Paragraph 4, Subparagraph "f".

political parties, hate speech takes the indefinite form, considering that a unified and recognized notion of hate speech is clearly missing.[39] Examining party statements is one of the most common means of assessing the issue in European countries.[40]

The issue must be assessed at the constitutional level through specific mechanisms, otherwise, any form of restriction of parties would be unconstitutional. According to a 2018 study by the Media Development Foundation, most times, one of the party members made 157 hate speech statements during the year.[41] The electorate is particularly affected by the incomplete presentation of history, fact, or event. Incorrect/insufficient interpretations of historical issues through narrow party perspectives damage the political environment and interests, where hate speech is a key feature of a separate, specific party.

For the advancement of the Georgian parliamentary regime, it is crucial to eliminate hate speech in a timely manner, so that the essence of the existing model is not based solely on the rejection of the previous convocation and the unintentional sanctioning of the future parliament. The severity of hate speech is the most challenging problem of the Georgian parliamentary regime. On the one hand, *"the use of hate speech by parliamentarians is regulated by the Code of Conduct for Members of Parliament."*[42] On the other hand, *"Georgian legislation does not contain a definition of hate speech. It is also not stipulated by codes of conduct that regulate the use of hate speech by the media, public officials and members of parliament"*.[43] Therefore the issue whether there is hate speech or not could be interporeted quite broadly. Frequent use of hate speech and the lack of an effective response mechanism result in aimless partisan identity between parliament and Parliamentarism, where hate speech is a constitutional means for a parliament member to express a partisan or opposition opinion. It is desirable to establish the notion of hate speech in the Code of Conduct, which regulates the conduct of a Member of Parliament. It should be noted that hate speech is often discriminatory in nature, however proving this is complex and mostly a matter of evaluation.

Ie modern Parliamentarism those parties that advocate radical measures on migrant status and refugees, including closing borders, mostly retain their influence. In the case of Hungary, such an approach led to the influence of partisan interest on the notion of parliamentarism in that country. In other countries, it demonstrated the weakness of the notion of parties and parliamentarism in terms of regulating the problem. What is more unacceptable, radicalism or weakness has been the subject of debate in the European Union for years. For example, the return of migrants is a well-known measure for European states, however, the context is different in each particular state. The conflict between the interest of national security and the fundamental rights of the person seeking international protection is particularly noteworthy. Political, legal, social, and cultural problems reaffirm the importance of the role of parties in modern Parliamentarism, as a mere notion in place is not sufficient to regulate the critical challenges and needs of the electorate. Migrants and sexual crimes have become a problem and a subject of party manipulation. Obviously, through such agitation, parties seek to gain/reaffirm their influence in the Parliament. In this case,

[39] Responding to "Hate Speech": Comparative Overview of Six EU Countries, London, 2018, 41-42.

[40] Ibid.

[41] *Gogoladze T.,* Media Development Foundation Survey: Hate Speech, 2018, 25 (in Georgian).

[42] Map of National Hate Speech Response Mechanisms in Georgia System Analysis and Policy Report, 2021, 18 (in Georgian).

[43] Ibid, 12.

their role in modern Parliamentarism is inert.[44] The partisan interest coated with the problem often determines the role of the parties in modern Parliamentarism.[45] At the same time, violent calls are permeated with hate speech and attempts to distort notions.[46]

In modern Parliamentarism, there is a place for parties that advocate the legalization and decriminalization of criminal offenses. The European parties are more cautious about the issues which could be sensitive to the electorate. However, modern Parliamentarism does not fight against the vision of the parties, nor their falsity when dealing with the electorate. However, another problem arises – a possibility of human rights violation by not reacting to the facts, manipulating them instead, and using them for partisan interests.

The subject of party interest is often devoid of real purpose and is often used to raise the interest of the electorate on the taboo subjects. Along with the party interest, the issue of human rights and the needs of specific individuals are discussed, which are further reflected in policy documents or legal acts.[47] Party activities before and after entering the parliament should be the basis for the adequacy of the principle of responsibility.

Marijuana has been the subject of partisan interest in the Georgian reality, securing the party's place in parliament and in modern parliamentarism. The issue of marijuana use has arisen numerous responses in the legal doctrine.[48]

As it turned out, after satisfying the party interest.[49] Several parties referred to the definition of the Constitutional Court of Georgia.[50]

In order to define the concept of the ruling party, it is important to define the core values of democratic governance and the practical implementation of theoretical teaching. A sole understanding of the ruling party implies a change in the entire concept or in the part of modern parliamentarism on the basis of a constitutional amendment, which extends the time of power and influence of the ruling party. The governance of the ruling party is the basis for the confrontation of the opposition parties, which is further reflected in the changing nature of election promises. It is important to correctly determine the will of the electorate, the consequences of manipulating with it, and the function of the electoral system. Parties have to reinforce public trust and ensure updating their electorate with more or less objective information/strategies. That is why refraining from the one-party rule and asserting the need of a multi-party system is the subject of partisan controversy.

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44 See: *Scafini F.,* Sex Trafficking and Migrant Women in Greece: A Study of the Reasons of the Sex Trafficking of Migrant Women, Bachelor Thesis, 2019, 12; Gender-Based Violence in Greece (Report), Systematic Approaches For Equality of Gender – Safer.

45 To compare: *Chighladze N.,* Current Issues of Universal Participation in Georgian Election Legislation, Collection of Articles: Modern Challenges of Human Rights Protection, *Korkelia K. (ed.),* Tbilisi, 2009, 272-273 (in Georgian).

46 *Gogoladze T.,* Media Development Foundation Survey: Hate Speech, 2018, 27 (in Georgian).

47 See: Decision №3/1/1239,1642,1674 of the Constitutional Court of Georgia of April 21, 2022. Decision of the Constitutional Court of Georgia 213/3/1387 of April 21, 2022.

48 See: *Tskitishvili T.,* Analysis of the Decisions made by the Constitutional Court of Georgia on the Punishment of Drug Offenses, *Mchedlishvili-Hedrikh K. (ed.),* Tbilisi, 2019, 96 (in Georgian); *Shalikashvili M.,* Criminological Analysis of the Marijuana Decisions of the Constitutional Court of Georgia, Tbilisi, 2019, 59 (in Georgian).

49 Political Parties against Homophobia.

50 Judgment of the Constitutional Court of Georgia 301/13/732 of November 30, 2017 in the case “Citizen of Georgia Givi Shanidze v. Parliament of Georgia”, II-52.

5. The Amendment to the Constitution of Georgia Regarding the Concept of Parliamentarism

The first paragraph of Article 37 of the Constitution of Georgia states: *"After the full restoration of Georgian jurisdiction over the entire territory of Georgia …"* Further, the second paragraph explains the objective reality: *"before the condition noted in paragraph 1 of this article is constituted …"*.

Therefore, in the first paragraph arises the expectation of the full functioning of the Georgian parliamentary regime, which makes it obvious that the constitutional changes of the current regime are clear.[51] As for the second paragraph, somehow arises "inferiority complex" within the former parliaments before that objective is met. In addition, this article reinforces the lack of public interest in Georgia, especially among people who live on the territory where the jurisdiction of Georgia has not yet been extended.

It is essential that the expectation of a change in the Georgian parliamentary regime should not be an objective in itself the parliament. At the same time, parliament should not turn into an idealized form of restriction of the right to represent the people in the future. In addition, the reality before achieving this goal should be determined by the criteria, change of which will not substantially contradict the essence of modern Parliamentarism or the democratic processes formed over the years as a result of the succession of various executive and legislative powers in the state.

It is also of utmost importance to have established a broad and sound legal approach in the legal literature so that the first and second paragraphs of Article 37 of the Constitution of Georgia are not interpreted unconstitutionally in the future. In a similar way, the broad regulation of unconstitutional doctrine may drastically change the essence of Parliamentarism through the efforts of narrow partisan interests.

A bipartisan and multi-party parliamentary regime combines knowledge of modern Parliamentarism and the function of parliament. The expediency of the implementation of theoretical issues is addressed to the parties, as it is the parties that establish the practical vision. Merely counting the votes in the elections is not sufficient when the constitution of the state, territorial organization, political order and electoral system put the need on the agenda to combine the results obtained. It should be noted that the electoral systems are also characterized by "sympathy" towards the multiplicity of parliamentary regimes. The constitutional norm justifies the existence of a parliamentary regime from a normative point of view, while the parties repeatedly enrich the constitutional parliamentary system through multiplicity.

The need to perfect the Georgian parliamentary regime along with all other causal ties is conditioned by the desire to integrate into European and Euro-Atlantic structures, as enshrined in Article 78 of the Constitution. The processes evoked by this aspiration might be the explanation behind the advantages or disadvantages of the constitutional amendments made to date.

The history behind the Georgian parliamentary regime is linked to the struggle for independence, and there is no centuries-old basis for characterizing classical or modern Parliamentarism.[52] Consequently, the need for perfection has arisen due to the actual need.

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[51] Comp. *Macharadze Z.,* The Idea of a Two-Chamber Parliament in the Constitution of Georgia, Constitutionalism, Achievements and Challenges, Tbilisi, 2019, 723-725 (in Georgian).

[52] Comp. *Gogiberidze G.,* Georgian Reflections of Parliamentarism (Constitutional-legal Tour), Constitucionalism, Achievements and Challenges, Tbilisi, 2019, 545-548 (in Georgian).

Historically, the self-organizing of the representative body in order to balance the king's government has not taken place.

A noteworthy question arises - which norm should be examined in order to identify the need to improve the Georgian parliamentary regime.[53] Should it be the third chapter of the Constitution of Georgia, titled “the Parliament of Georgia” or the preamble and other provisions? It is striking that to this day there seems to be no end to the process of changing the state organization and the parliamentary model. At the same time, the title of a separate norm can easily generate a basic impression of the normative structure of the Georgian parliamentary regime. This norm, in conjunction with other norms, is considered to be an objective means of assessing the issue. It should be noted that the planning of future legislative amendments should not be conditional, as it is inadmissible to demonstrate the identity of parliament and Parliamentarism by changing the norm without considering the basic essence of modern Parliamentarism. Future actions to be implemented are aimed at establishing, perfecting, and developing more precise ethical rules for parties and party members. It is essential to clearly articulate the party vision, interest, or values and share it with the electorate and eliminate all forms of hate speech. Party members should also refrain from inappropriate actions which damage the party’s interest.[54]

The importance of the electoral system should be recognized and the power of the ruling political party should be utilized for the benefit of the constitutional system of Parliamentarism, without the influence of partisan interests. At the same time, the importance of the unity of opposition parties not only during the election period but also after the announcement of the election results should be acknowledged, narrow party interests should be reconciled and the information about common goals/vision/tasks should be communicated to the electorate.

6. Conclusion

The legal status of the political parties in modern Parliamentarism is the synthesis of historical reality and contemporary challenges, which lead to different legal consequences and political definitions in different states. [55] Pursuit of power is triggered by the advantages of Monarchy/abolition of Absolutism. Methods and mechanism of the governance, being a subject of interest for the Monarchs before, is a functional charasteristic of the political parties nowadays, translating into the accountability of the Government towards the parliament.

In modern Parliamentarism, the party must be set up as per the requirements of the relevant principles, in order to avoid the frequency of non-democratic actions/legislative amendments and an authoritative regime. It is highly recommended that in Georgia, institutionality is not perceived as a matter of party personification. What is more, the legal status of the political parties must be defined in accordance with the concepts of modern Parliamentarism as a practical standpoint, which is not backed up with a theoretical approach often turns out to be mere party interest. In the framework of the present research, theoretical and practical issues have been analyzed, and recommendations

[53] Comp. *Kublashvili K.,* Defects in the Constitution – Problems of Constitutionalism, Constitucionalism, Achievements and Challenges, Tbilisi, 2019, 520 (in Georgian).

[54] Comp. *Ginsburg T., Cheibub J. A., Elkins Z.*, Beyond Presidentialism and Parliamentarism: on the Hybridization of Constitutional Form, Workshop on Measuring Law and Institutions: Analytical and Methodological Challenges, Pompeu Fabra University, Barcelona, 2009, 3-4.

[55] See: *Montero J. R.,* The Literature on Political Parties: a Critical Reassessment, Barcelona, 2003, 18.

have been provided considering the reality of Georgia. It is of utmost importance to assess the role of the parties in the Parliamentarism through the lenses of constitutional concepts, so that conditional circumstance is not modified by narrow party objectives.

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