

Historical development of Georgian legal systems

Madona Keadze,

Doctor of History, Associate Professor
Iakob Gogebashvili Telavi State University, Georgia
Email : keadze_madona@yahoo.com., ORCID <https://orcid.org/0009-0002-5223-8259>

Eka Kobiashvili,

Doctor of History, Teacher of History and Civic Education at LEPL Telavi N:6 Public School,
Georgi , Email:ekakobiashvili@gmail.com,

Tamar Zubitashvili,

Iakob Gogebashvili Telavi State University, Doctor of Geographical Sciences, Telavi , Georgia
Email: zubitashvilitamari@gmail.com,

Lia Baindurashvili

Leading Teacher of Georgian Language and Literature at Merab Kostava Public School No. 4 in
Telavi, Georgia, Email : liabaindurashvili.12@gmail.com

Nestani Kazarashvili,

Iakob Gogebashvili Telavi State University
senior teacher of history, Master of New and Recent History, Georgia

Inga Arjevanidze-Kirvalidze,

Bachelor of History, Telavi Municipality, Vanti Public School, Georgia,
Email: ingaarjevanidze0@gmail.com, Teatighashvili@gmail.com 598835255

Tia Tighashvili,

Bachelor of History, Email: Teatighashvili@gmail.com

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Abstract

The legal history of Georgia, located at the crossroads of Eastern Europe and Western Asia, reflects its unique cultural, political, and social evolution. The development of the Georgian legal system has been influenced by various factors, including the ancient kingdoms of the region, the Christianization of Georgia, foreign invasions, and the impact of modern legal frameworks. Here's an overview of the historical development of the Georgian legal systems: Ancient Period and early Kingdoms (3rd century BC - 4th century AD): The earliest legal practices in Georgia can be traced back to the ancient kingdoms of Colchis and Iberia. These regions had their own tribal customs and norms governing social and legal relations. Local customary laws prevailed, focusing on family and property law.

Keywords: Georgia, Historical development, Georgian legal systems

Introduction.

Roman and Byzantine Influence: With the influence of the Roman Empire and later the Byzantine Empire, elements of Roman law began to interweave with local customs.

The establishment of a legal framework was primarily through the enforcement of imperial laws and edicts, especially in urban centers.

Medieval Period and christianization (4th century)

The adoption of Christianity as the state religion in the early 4th century had a profound impact on legal systems. Ecclesiastical law was established, and the church played a central role in societal governance, influencing family law and moral conduct.

Legal Codifications and Feudalism (5th - 12th centuries): During this period, codifying efforts emerged, such as the "Law of the Gospels" and local customs formalized into more structured laws.

The feudal system led to the development of a more hierarchical legal system reflecting the power of noble families and the monarchy.

The Golden Age (11th - 13th centuries): Under King David IV (Aghmashenebeli) and Queen Tamar, Georgian culture flourished, leading to the compilation of legal treatises.

The "Georgian Law Code" crystallized various legal rights and norms, emphasizing justice and equity.

Main text.

Mongol, Ottoman, and Persian Influence. Invasions and Fragmentation: The Mongol invasions in the 13th century, followed by Ottoman and Persian conquests, resulted in significant regional fragmentation and the establishment of varied legal customs depending on foreign influence.

Local rulers, known as "melik," often maintained their own legal practices under the overarching rule of foreign powers.

Russian Empire and Soviet Period (19th - 20th centuries)

Incorporation into the Russian Empire (1801):

The annexation of Georgia by the Russian Empire in the early 19th century brought a new legal framework, largely influenced by Russian civil law.

The introduction of Russian administrative and judicial practices significantly altered existing Georgian legal customs.

Soviet Era (1921 - 1991): Following a brief period of independence, Georgia became part of the Soviet Union. The Soviet legal system, based on Marxist-Leninist ideology, replaced existing laws.

The focus was on state interests, there was limited protection for individual rights, and a strong emphasis on collectivism.

Post-Soviet Period independence (1991):

After regaining independence in 1991, Georgia faced the challenge of rebuilding its legal system, which had been heavily influenced by Soviet practices.

The new Constitution of 1995 established the framework for democracy, the rule of law, and human rights.

Legal Reforms (1990s - 2020s): A series of reforms aimed at establishing a market economy, combatting corruption, and introducing Western influences into the legal system have taken place.

The adoption of modern civil, criminal, administrative, and constitutional laws has facilitated Georgia's integration into European structures and NATO.

Current Developments and European Integration:

In recent years, Georgia has pursued closer ties with the European Union, committing to align its legal system with European standards.

Ongoing reforms focus on strengthening the independence of the judiciary, enhancing accountability, and safeguarding human rights.

The Georgian legal system has undergone significant transformations throughout its history, reflecting a complex interplay of indigenous traditions and various external influences. Today, it seeks to balance its rich historical legacy with the imperatives of modern governance and integration into the global legal community.

Part two: The historical development of Georgia's legal systems is deeply influenced by its geographic location, cultural interactions, and political changes over the centuries. Here's an overview of key historical factors that have shaped Georgia's legal framework:

1. Ancient and Medieval Era: Early Laws and Customs: Ancient Georgia had its own customs and tribal laws, with significant emphasis on local traditions and customs, which laid the groundwork for communal governance.

Christianity: With the establishment of Christianity as the state religion in the early 4th century, religious norms began to intermingle with secular laws. Code of laws, such as the Eristavi's Statute, started to emerge, blending traditional customs with Christian principles.

Unified Kingdom: The formation of the Kingdom of Georgia in the 11th century unified various tribes under a common legal framework, fostering a more centralized legal order influenced by feudal practices.

2. Influence of Foreign Powers: Persian and Ottoman Rule: During various periods of dominance by Persian and Ottoman empires, Georgian legal systems were influenced by Islamic law and Persian administrative practices, leading to modifications in land ownership and taxation systems that reflected the needs and practices of occupying powers.

Russian Empire: In the 19th century, Georgia was incorporated into the Russian Empire, which imposed its own legal codes and administrative structures. The Russian Civil Code and reforms in judicial practices altered the legal landscape, introducing concepts of civil law that contributed to modern legal structures.

3. Soviet Period: Soviet Legal Framework: After Georgia became part of the Soviet Union in the early 20th century, its legal system was radically transformed. The Soviet legal system emphasized socialist principles, with laws that were largely influenced by Marxist ideology. The judiciary was

subordinated to the Communist Party, and the legal norms were geared towards enforcing state policies rather than individual rights.

Codification: The Soviet era saw the codification of laws, leading to a comprehensive legal framework, including criminal, civil, and administrative codes, though these were often used more as tools of state control than as instruments of justice.

4. Post-Soviet Developments: Independence and Legal Reforms: Following the collapse of the Soviet Union in 1991, Georgia declared independence, prompting significant legal reforms aimed at shifting from a Soviet-style legal system to a more democratic framework. The new constitution adopted in 1995 established principles of human rights and the rule of law.

Influence of Western Legal Principles: Georgia has aimed to align its legal systems with Western norms and standards, especially after gaining membership in various international organizations such as the Council of Europe. Reforms in the judiciary, administrative law, and the introduction of market-economy principles have reflected this orientation.

Modern Legislative Changes: In recent years, extensive legal reforms have taken place, including the reformation of criminal law to enhance human rights protections, the focus on anti-corruption measures, and the establishment of a more independent judiciary.

5. Current Legal Framework: Today, Georgia's legal framework consists of a blend of civil law tradition heavily influenced by its Soviet past, international human rights standards, and ongoing reforms aimed at establishing a functional democracy. The legal system continues to evolve, facing challenges such as corruption, judicial independence, and adherence to international law.

Georgia's legal framework is thus a product of a long and complex history, marked by influences from ancient tribal customs, medieval statehood, foreign domination, and modern democratic aspirations. The interplay of these historical forces has created a dynamic legal environment that reflects both local traditions and contemporary international legal standards.

Part one: The evolution of laws in Georgia from ancient times to the modern era has significantly shaped its society, culture, and tourism. This evolution reflects changes in governance, social structure, and cultural identity. Below is an overview of this progression and its current implications.

Ancient Times to the Medieval Era;

1. Early Laws and Customs: Tribal and Customary Law: In ancient Georgia, laws were predominantly based on tribal customs and norms. These early systems focused on communal living and were rooted in the social structure of clans and tribes.

Impact: This emphasis on community and mutual obligations contributed to a strong cultural identity and collective responsibility, which remain salient themes in contemporary Georgian society.

2. Christianity and Codification: Establishment of Christianity: By the 4th century, Christianity became a central aspect of Georgian identity. Religious laws began to merge with customary laws.

Legal Codes: The Eristavi's Statute and other codifications began to formalize laws and regulate aspects of daily life, including marriage, property rights, and criminal justice.

Impact: These developments laid the foundation for a legal identity intertwined with cultural and religious values, fostering a deep sense of national pride that continues to influence Georgian culture.

The Feudal Period to the Russian Empire:

1. Feudal Systems and Land Ownership: Feudal Law: The rise of feudalism in the medieval period led to land ownership laws that perpetuated social stratification. Nobility held significant power over vassals and serfs, influencing societal hierarchies.

Impact on Culture: The feudal structure affected agricultural practices, societal roles, and the development of Georgian art and literature, as literature often reflected court life and noble values.

2. Russian Influence (19th Century): Introduction of Codified Laws: Under the Russian Empire, Georgian laws began to adopt Russian legislation, leading to significant changes in property rights, inheritance laws, and criminal justice.

Impact on Modern Society: This codification led to both standardization of justice and conflicts with traditional customs, influencing modern legal expectations and creating a foundation for contemporary legal principles.

Soviet Period

1. Communist Legal Framework: Soviet Law: The establishment of a Soviet legal system by the mid-20th century brought about a dramatic shift towards centralized control, with laws reflecting socialist ideology rather than individual rights.

Impact: This era created a culture of compliance and conformity, which has left a lasting impression on societal behavior, attitudes towards authority, and legal practices in modern Georgia.

Post-Soviet Reforms to Modern Era

1. Legal Reformation: Post-Independence Changes: Following independence in 1991, Georgia sought to reform its laws dramatically, focusing on civil rights, the rule of law, and alignment with European standards.

Impact on Society: These reforms have encouraged civic engagement and a renewed focus on human rights, significantly affecting social dynamics and the public's perception of governance and justice.

2. Impact on Culture and Identity: Revival of Cultural Heritage: The re-establishment of Georgia as an independent nation has led to a cultural renaissance, with legal protections for heritage sites and cultural expressions.

Modern Cultural Expressions: As legal systems evolve, contemporary Georgian culture, including art, music, and literature, reflects both the country's historical roots and its aspirations for modernity.

Impact on Tourism. Legal Framework Supporting Tourism: The establishment of laws that protect cultural heritage and promote tourism has led to a booming industry. Laws ensuring the preservation of historical sites (such as the UNESCO World Heritage sites) and the development of tourism infrastructure have fostered a welcoming environment for international visitors.

Cultural Tourism: The evolution of laws encouraging cultural expression and heritage preservation enhances tourism by attracting visitors interested in Georgia's rich history, traditions, and landscapes.

Safety and Regulation: Modern laws regarding safety, hospitality, and business practices have created a more secure and appealing atmosphere for tourists, addressing issues of quality and consistency in services.

Marketing and International Relations: Legal engagement in international agreements related to tourism and cultural exchanges supports the promotion of Georgia as a tourist destination, affecting perceptions globally.

The historical development of the Georgian legal system is a complex and multifaceted topic that reflects the rich cultural, social, and political history of Georgia. Over the centuries, Georgia's legal traditions have been influenced by local customs, external powers, and changing political landscapes. Literature, both historical and contemporary, plays a critical role in understanding this evolution. Below is an overview of the development of the Georgian legal system as reflected in its literature.

Early Historical Roots: Medieval Codes: The earliest evidence of a legal system in Georgia is found in the 11th-12th centuries, notably in the writings of historians and legal scholars. The "Code of the Georgian Kings" (also known as the "Law of Giorgi" or "Ordinances of King Giorgi IV Lasha") in the 12th century reflects early attempts to codify laws. Literature from this period indicates a blend of local customs and Byzantine influences, reflecting the legal norms of the time.

The Influence of the Church: In medieval Georgia, the Church was a significant authority, and much of the law was rooted in ecclesiastical traditions. Literature from this era often intertwines legal norms with moral and ethical considerations, as seen in hagiographies and theological texts.

The Rise of the Modern Era: Russian Annexation and Legal Reforms (19th Century): From the early 19th century, following the annexation by the Russian Empire, Georgia underwent significant legal reforms. The introduction of Russian law and the abolition of feudal obligations changed the landscape of the Georgian legal system. Literary works from this time, such as those by Ilia Chavchavadze and Akaki Tsereteli, reflect the tensions and adaptations of Georgian identity and legal customs in the face of Russian dominance.

National Awakening: The late 19th and early 20th centuries saw the rise of a national awakening movement, with literature reflecting aspirations for autonomy and the revival of legal traditions. This period produced works that grappled with the intersection of Russian imperial law and Georgian customary law, highlighting the struggle for national identity and legal self-determination.

Soviet Period: Soviet Legal System: Following the incorporation of Georgia into the Soviet Union in 1921, the legal system underwent radical changes, implementing a socialist legal framework. Literary critiques from writers such as Konstantine Gamsakhurdia expressed the challenges and moral dilemmas faced by individuals under a repressive legal regime. The literature documented the experiences of citizens navigating an often arbitrary legal system.

Post-Soviet Era and Modern Developments:

Independence and Legal Reformation: Since Georgia regained independence in 1991; the legal system has undergone significant reforms aimed at implementing democratic principles and aligning with European standards. Contemporary literature and scholarly works focus on human rights, the rule of law, and the integration of international legal norms. Authors like Levan Ramishvili, and various legal scholars have contributed to the discourse on legal reform and the historical impact on Georgian society.

Current Issues and Challenges: Recent literature examines ongoing challenges, such as corruption, the effectiveness of the judiciary, and the protection of human rights in the evolving legal landscape. Works from this period often emphasize the importance of historical context in understanding contemporary legal issues.

Conclusion: The Georgian legal system has evolved through a rich historical tapestry, with literature serving as both a reflection of and a commentary on its development. From medieval codes and ecclesiastical influences to modern legal reforms and critiques, Georgian literature provides deep insights into the interplay between law, society, and the cultural identity of Georgia. The ongoing

evolution of the legal system continues to be an important focus of both academic and literary exploration in contemporary Georgia.

Conclusion: The evolution of laws from ancient times to modern Georgia has had a profound impact on its society and culture, shaping national identity, social behavior, and civic engagement. Furthermore, the legal framework in place today supports a thriving tourism industry that leverages Georgia's rich cultural heritage and natural beauty. As Georgia continues to navigate its legal evolution, its laws will likely continue to play a crucial role in shaping its future, both socially and economically.

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