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In Alphabetical Order

CONTENTS

Prof. Dr. Avtandil DEMETRASHVILI Chronicles of Constitutionalism in Georgia	1-18
Prof. Dr. Erling Johannes HUSABØ History and Tendencies in the Development of Criminal Procedure Law in the Scandinavian Countries, and in Norway in Particular	19-34
Prof. Dr. Henning ROSENAU Die Absprachen in Deutschland	35-68
Prof. Dr. Hans Joachim HIRSCH Über Strafrechtliche Fragen Des Sportrechts	69-94
Prof. Dr. Hans Joachim HIRSCH Zur Gegenwärtigen Deutschen Diskussion Über Willensfreiheit Und Strafrecht.....	95-110
Prof. Dr. Toshiyuki KONO, Prof. Dr. Caslav PEJOVIC, Associate Prof. Mark FENWICK Globalization and Legal Education- A Japanese Perspective.....	111-126
Prof. Dr. Iliriana ISLAMI Building Constitutionalism in Kosovo/A	127-146
Prof. Dr. Ilias BANTEKAS The Rule of Law Through International Criminal justice Mechanisms	147-196
Prof. Dr. Jean MARCOU La Laïcité Française À L'épreuve Du Port Du Foulard Islamique Et De Celui De La Burqa.....	197-204
Prof. Dr. Ivan ČUKALOVIC The International Arbitration.....	205-214
Dr. Bahadır YAKUT The Independency of The Judiciary And Separation of Power: Evaluation of The New Structure of The High Council in The Light of The Jurisprudence of The Ecthr And International Documents ..	215-246

Dr. Willie McCARNEY

A Restorative Justice Approach to Working with
Children in Residential Care.....247-288

Aziz Serkan ARSLAN

The Family Courts and Trial Procedures in Turkish Law289-310

Jorge COSTA

Accountability and Transparency of the High Judicial Councils-
Best Practices and Examples311-324

CHRONICLES OF CONSTITUTIONALISM IN GEORGIA

Prof. Dr. Avtandil DEMETRASHVILI ¹

ABSTRACT

The professor of Tbilisi State University Avtandil Demetrashvili tries to display regulations of the history of Georgian Constitution. He establishes the correspondence between constitution chronicles and paradigms of constitutionalism. On behalf of this he offers the government the ways of future development of constitutional democracy in the country. The object of the scientific observation is the outstanding state constitution (state without the leader) of the first Georgian Republic (1918-1921 yy). The chronicles of socialist (1921-1990yy) non-legitimate (1991-1992yy) quazi-constitutional (1992 -1995yy) period of the country's history are surveyed critically. Also the primary (1995- 2004yy) and nowadays text of up to date (24th August, 1995) constitution are analyzed thoughtfully. On the behalf on this opinions about the future development of Georgian Constitution are being produced.

Keywords: Constitution of Georgia, The constitutional history of modern Georgia, Georgian republic, Constitutions in Georgia, Constitutionalism

1

ÖZET

Bu çalışmada Tiflis Devlet Üniversitesi Profesörü Avtandil Demetrashvili, Gürcistan Anayasa tarihinin uygulamalarını göstermeyi hedeflemiştir. Anayasa kayıtları ile paradigmaları arasındaki mutabakatı belirlemek namına yönetime, ülkedeki anayasal demokrasinin gelecekteki gelişim yollarını sunmaktadır. Bilimsel gözlemin amacı, ilk Gürcü Cumhuriyeti'nin (1918-1921) yerine getirilmemiş devlet anayasasıdır. Ülke tarihinin, sosyalist (1921-1990), meşru olmayan (1991-1992), yarı anayasa (1992-1995) dönemi kayıtları ciddi olarak araştırılmıştır. Ayrıca ilk (1995-2004) ve bugüne kadar gelen (24 Ağustos 1995) günümüzdeki anayasa metni dikkatlice incelenmiştir. Bu inceleme adına, Gürcü Anayasasının gelecekteki gelişimi hakkındaki fikirler gösterilmektedir.

Anahtar Kelimeler: Gürcistan Anayasası, Gürcistan Cumhuriyeti, meşruiyet.

¹ The professor of Tbilisi (Georgia) State University of a name of Ivane Dzhavahishvili, the Chairman of the State Constitutional Commission of Georgia.

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THE INTERNATIONAL ARBITRATION

Prof. Dr. Ivan ČUKALOVIĆ¹

SUMMARY

International arbitration is one of the oldest ways for resolving problems between states. International arbitration is between diplomatic and juridical measures for resolving problem. From diplomatic measures arbitration took elasticity and from juridical took obligation of judgment.

Arbitration we can divide on trade and state arbitration. In this article we took attention on arbitration between states. In my opinion, arbitration is the best way for resolving problem between states in trust areas. In complicated cases between states where is mixed political and juridical interests, the best way is arbitration. If states agree about nominated arbiter and legal source its big guarantee that they will respect and implement judgment. Only to remind that problem about district Brčko was resolved by international arbitration, and more than two hundred contracts concluded between EU states foreseen arbitration as way of resolving disputes. As we seen, arbitration is one of the most elastic ways for reaching solution in international relations which contain elements of diplomatic and juridical ways.

Key words: Arbitration, states, resolving, problems, international relations, cases

ÖZET

Uluslararası tahkim, devletler arasındaki sorunların çözümündeki en eski yöntemlerden birisidir. Uluslararası tahkim, problem çözmede diplomatik ve hukuki kanunlar arasında yer almaktadır. Tahkim, uluslararası kanunlardan esneklik, hukuki kanunlardan da yargı yükümlülüğü almıştır.

Tahkimi, ticari tahkim ve devlet tahkimi şeklinde ayırabiliriz. Bu makalede, devletler arasındaki tahkime dikkat çekmekteyiz. Benim düşünceme göre tahkim, güven alanlarındaki sorunların giderilmesinde en iyi yoldur. Karma politika ve farklı hukuki çıkarları olan devletler arasındaki komplike durumlarda en iyi yol tahkimdir. Devletler yargıç ataması ve yasal kaynak konusunda mutabık kalırlarsa, yargıya saygı duyup onu yürütmeleri garanti altında demektir. Brčko bölgesindeki sorunu anımsatmak gerekirse, bu sorun uluslararası tahkim yoluyla çözümlenmiş, tahkimi anlaşmazlıkların çözüm yolu olarak gören AB devletleri arasında iki yüzden fazla sözleşme imzalanmıştır.

¹ Full-time professor of International Public Law/ Judge of Constitutional Court of Kosovo

