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LEGAL GUARANTEES AND REGULATION OF THE STATE LANGUAGE IN GEORGIA

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Abstract. The state language is not only a means of communication but also an important state symbol connected to national identity. The legal regulation of the state language in Georgia originates from the first constitution of 1921. Even under Soviet occupation, it remained a subject of constitutional regulation. The mass demonstrations of 1978, aimed at protecting the constitutional status of the Georgian language, played a significant role in the development of the national liberation movement. This article reviews the main aspects of the development of the legal regulation of the state language in Georgia, the existing legislation on the state language, and the primary issues related to its protection and provision.

Keywords: state language; Georgia; state language department; Constitution of Georgia.

INTRODUCTION

Language is not merely a determinant or result of national identity and historical processes; it plays a crucial role in the perception of law as a cultural phenomenon [Bix 2003, 5-6]. Law is expressed and interpreted through language. According to Kelsen, it is impossible to separate a legal norm from its content; the norm is its meaning [ibid., 8].

Language is the primary tool for lawyers, who use it in practice and research to convey their views. Most importantly, legislation is created through language. Legal acts and court decisions are written in linguistic forms,



and both law and the state are embodied in language. Given this, a specific language (or languages) often holds a special legal status, with the state language becoming the universally recognized medium for communication within the state, ensuring the effectiveness of its unified structure.

In Georgia, the function of the state language is particularly significant. Historically, it has been a key mechanism for national identity [Shvelidze 2023, 219-25], a tool for resistance against conquerors, and a means of survival within empires. [Khetsuriani 2011, 14-15] It has facilitated self-determination. In the twentieth and twenty-first centuries, the Georgian language has undergone a long and fascinating journey from the First Republic of Georgia, through Soviet occupation, to the restoration of Georgia's independence.

The paper reviews the issues related to the regulation of the state language in Georgia, tracing the main trends of its constitutional regulation from the initial granting of special status to the state language to the present day. It analyzes the legal framework and the key aspects related to the legal protection of the state language in Georgia.

1. TRANSFORMATION OF REGULATION OF THE STATE LANGUAGE IN GEORGIA

1.1. Democratic Republic of Georgia

Article 3 of the Constitution of the Democratic Republic of Georgia, dated February 21, 1921, explicitly established Georgian as the state language of the newborn republic.¹ The inclusion of this provision in the very first chapter of the Constitution (General Provisions) underscores the importance and gravity of the issue. This move was driven by the young democracy's effort to assert its independence and free itself from the pervasive linguistic influence of the Russian Empire, thereby disrupting the status of Russian as the *Lingua Franca* in a multi-ethnic state.² Constitutional regulation of the state language played a crucial role in strengthening civil identity.

The government of the First Republic took active measures to promote the Georgian language. These included establishing Georgian as the language of judicial and administrative proceedings, changing toponyms, and restoring historical names for Georgian settlements and geographical features [Khobakhidze, Silakadze, Khvadagiani, et al. 2018]. Thus, during the First

¹ Constitution of the Democratic Republic of Georgia, 21 February 1921, Article 3.

² 1918: Government: The Principle of Democracy and Internationalism Requires Georgian to Be the State Language, https://civil.ge/ka/archives/248709 [accessed: 30.05.2024].

Republic, the issue of the state language was not merely a routine matter; it was considered a fundamental aspect of statehood and the rule of law. The Georgian government actively used means to strengthen democracy and build *Rechtsstaat* in the young republic [Gegenava 2014, 326-36]. However, the initiators did not have the opportunity to observe the long-term results of these efforts, as Soviet Russia occupied Georgia in the spring of 1921 [Gegenava 2021, 85-86].

1.2. Soviet Occupation

During the Soviet occupation, Georgia had 4 quasi-constitutions, none of them had real function of the constitution: limiting government and state power [Bradley, Ewing, and Knight 2015, 8]. Of course, like the constitutions of all conquered entities, they were actually copies of the central, Soviet constitution, with slight local specifics [Demetrashvili 2010, 9-10]. The Constitution of 1922 actually had the function of a temporary arrangement, it mainly concerned the governmental organization. However, despite this, the issue of the state language was still considered, and the status of the state language was defined for the Georgian language.³ According to the 1927 Constitution, Georgian was declared the state language of the Soviet Socialist Republic of Georgia, and the right of national minorities to their native language was recognized.⁴ This provision was purely symbolic, since rights and freedoms in the Soviet Union were largely imaginary. The Constitution of 1937 defined issues concerning the state language in Chapter 13, and this time it devoted three articles: Georgian was established as the state language, but in autonomous units, together with Georgian, the language of the autonomous republic or district was also mandatory for use.⁵ The obligation to publish legal acts in Georgian and in the language of the autonomous unit was determined by the constitution itself.⁶

The Constitution of 1978 is particularly noteworthy. In addition to the fact that this constitution was used in the transitional period after the restoration of independence, with appropriate changes [Demetrashvili 2010, 9], it is of great importance from the point of view of the state language. This Constitution is the result of the processes related to its acceptance that April 14 is determined as the official day of the Georgian language. It was preceded by demonstrations and protests, since the constitutional commission published draft constitution and there was no the provision on the state language [Bakanidze 2023, 1-5]. The public protest attracted

³ Constitution of the Socialist Republic of Georgia, 2 March 1922, Chapter II, para. 6.

⁴ Constitution of the Socialist Republic of Georgia, 4 April 1927, Chapter I, para. 10.

⁵ Constitution of the Socialist Republic of Georgia, 13 February 1937, Article 156.

⁶ Ibid., Articles 157-158.

international attention [Bolkvadze 2023, 209-11]. As a result of tense discussions and mass demonstrations, Georgian remained the state language in the constitution of Soviet Georgia.⁷ This fact is considered to be a key moment in the development of the national liberation movement [Shvelidze 2023, 219-20], these events played an important role in the restoration of Georgia's independence in 1991.

1.3. Restoration of Independence and Constitutional Regulation of the State Language

The Constitution of 1995 includes a provision on the state language. Article 8 of the original version of the Basic Law established that the state language of Georgia is Georgian, and in the Autonomous Republic of Abkhazia, it is also Abkhazian. Despite almost 40 amendments to the Constitution of Georgia, including three fundamental revisions, the provision regarding the state language has been preserved in all editions.

As a result of the 2017-2018 constitutional reform, the entire text of the constitution was revised, including its formal and structural aspects [Gegenava and Goradze 2024, 234]. Currently, Article 2(3) of the Constitution of Georgia retains the same content with one addition: it ensures the protection of the state language at the level of organic law. According to Georgian legislation, only very important issues are regulated by organic law, indicating that a special legal regime has been established for the state language from a formal perspective.

The constitutional norm provides a basic framework: at the national level, the state language in Georgia is Georgian. In the Autonomous Republic of Abkhazia, there are two state languages: Georgian, which is mandatory throughout the entire country, and Abkhazian, which is additionally recognized as mandatory within the administrative territory of Abkhazia.

2. LEGISLATIVE FRAMEWORK OF THE STATE LANGUAGE IN GEORGIA

2.1. Legal Status of the State Language

The current special act on the state language was adopted in 2015 as a law because the Constitution of Georgia did not establish a special form for state language legislation until 2018. In 2017, the Law "On State Language" was amended and elevated to the status of an organic law. Its purpose

⁷ Constitution of the Socialist Republic of Georgia, 15 April 1978, Article 75.

is to strengthen the state status of the Georgian language (and the Abkhazian language in Abkhazia) throughout the entire territory of Georgia. This includes ensuring its use, protection, development, study, and promotion in all spheres of state and public life. It is worth noting that the adoption of this law was supported by professors and researchers, who submitted a statement to the Parliament of Georgia on December 25, 2014.⁸ The Organic Law "On the State Language" provides detailed regulation of the status of the state language. According to this legislation, the state is obliged to continuously care for the preservation and study of the Georgian language and other languages, recognizing this as a crucial condition for the viability of the state language.⁹ The Organic Law of Georgia "On the State Language" consolidates the constitutional status of the official language, establishes legal grounds for its use and protection, and regulates legal relations related to the functioning of official and non-official languages.

The scope of the organic law is broad, applying to both citizens of the country and stateless persons (including those without official status) as well as foreigners living in the territory of Georgia.¹⁰ However, it does not apply to personal relationships.¹¹ The state language is used for communication between citizens and state authorities, and for the adoption of statutory and judicial acts. The use of the state language is mandatory in the proceedings of state and municipal bodies.¹² Proceedings are conducted in the state language, and individuals who do not know or do not adequately know the state language are provided with an interpreter. This ensures they can fully exercise all rights granted by the procedural legislation of Georgia. This right is guaranteed by the constitution of Georgia.¹³

Every citizen of Georgia has the right to demand the creation of appropriate conditions for the protection and development of the state language, the adoption of appropriate legal acts to ensure this, and more.¹⁴ Through the state language, the population is integrated into various fields. It serves as a lever for achieving civil and societal unity and for resolving conflicts. Knowing the state language is not a privilege but a personal responsibility for every citizen of Georgia. Unfortunately, the issue of proficiency and use of the state language remains significant among ethnic minorities. Despite various efforts, including school education reforms, these measures have

⁸ Statement on the Law "On the State Language", https://www.tsu.ge/ka/news/ [accessed: 30.05.2024].

⁹ Organic Law of Georgia "On the State Language", 22 July 2015, Article 4(3).

¹⁰ Ibid., Article 1(2).

¹¹ Ibid., Article 1(3).

¹² Ibid., Article 11.

¹³ Constitution of Georgia, 24 August 1995, Article 62(4).

¹⁴ Organic Law of Georgia "On the State Language", 22 July 2015, Articles 9-10.

been less effective.¹⁵ Consequently, non-achieving widespread proficiency in the state language within specific territorial units makes it difficult for all citizens of Georgia to access state services and fully exercise their basic rights. In this direction, it is necessary to plan effective measures and reflect them in state language and school education strategies. A unified action plan should be developed with the coordination of governmental bodies, setting measurable and realistic goals.

2.2. State Language Department, Protection and Development of the State Language

The main directions of the state language policy are determined by the Parliament of Georgia,¹⁶ and the protection and promotion of the constitutional status of the state language are ensured by a special body – the State Language Department of Georgia. This department is responsible for determining and establishing the norms and special terms of the Georgian literary language, as well as implementing a unified state language policy.¹⁷ The activities of the department are controlled, and the necessary regulations are approved by the Government of Georgia.¹⁸

State Language Department was created in 2017,¹⁹ with its activities commencing in 2018. To effectively fulfill its assigned functions, the LEPL State Language Department launched an official website (www.enadep.gov.ge), which provides access to all necessary resources and action strategies used in its daily operations.

The State Language Department issues recommendations for the proper use of the state language to state and local self-government bodies, as well as public and private legal entities.²⁰ It also develops plans for the development of the state language(s) and the presentation of Georgia's linguistic diversity, applying various measures to achieve these goals. To effectively implement the 2023-2024 action plan project of the Unified State Language Program (Strategy),²¹ the State Language Department announced public consultations

¹⁵ Study of the Participation of Ethnic Minority Representatives in Political Life, Institute of Social Studies and Analyses, Tbilisi 2019, p. 3-4.

¹⁶ Organic Law of Georgia "On the State Language", 22 July 2015, Article 2(2).

¹⁷ See: Statute of the State Language Department, Approved by the Ordinance N540 of the Government of Georgia, 11 December 2017.

¹⁸ Organic Law of Georgia "On the State Language", 22 July 2015, Article 36(2)(4).

¹⁹ Ordinance N540 of the Government of Georgia "On Approving of the Statute of the State Language Department", 11 December 2017.

²⁰ Statute of the State Language Department, Approved by the Ordinance N540 of the Government of Georgia, 11 December 2017, Art. 3.

²¹ See: Ordinance N629 of the Government of Georgia "On Approving of the Unified State Language Program (Strategy) for 2021-2030 and the Action Plan for 2021-2022", 21

on May 1, 2023. Information about these consultations was published on the department's social media platforms, including the official website, Facebook page, the website of the Center for Civil Integration and Interethnic Relations, and was sent to various television stations.²² At the initiative of the department, transliteration rules have been revised, terminology across various fields has been corrected, and the grammar rules of the Georgian language are periodically updated to meet modern reality.

Despite the efforts of the department, the effectiveness of its activities remains one of the main challenges. Unfortunately, its activities are localized and quite limited, and its impact does not extend to lawmaking or law enforcement. A structural reform is necessary, integrating the body responsible for the protection and regulation of the state language into the legislative branch of government. The Department should be involved in the law-making process to make supervision on the compatibility of the statutes and bylaws with the standard and requirements of the literary language.

2.3. State Language, Broadcasting and Advertising

2.3.1. State Language and Broadcasting

It is important to protect the constitutional status of the Georgian language and encourage its use across all fields, especially in television broadcasting. Broadcasting news and socio-political programs in the state language enhances citizen awareness and engagement [Yunus 2013, 23]. Additionally, presenting university broadcasting programs in the state language helps to expand its use in education and science. Broadcasters aiming to attract a multilingual audience may face challenges due to Georgia's Law "On Broadcasting", which restricts the use of other languages.²³ However, dubbing or subtitling in the national language requires additional financial and human resources, which can be challenging for some broadcasters.

A television broadcaster authorized to carry out general national broadcasting in Georgia is required to broadcast programs in the state language.²⁴ This requirement allows for exceptions only as determined by Georgian

December 2021; "On Approving the Amendment in the Ordinance No. 629 of December 30, 2021 of the Government of Georgia "On Approving the Unified State Language Program (Strategy) for 2021-2030 and the Action Plan for 2021-2022" and the 2021-2030 Unified State Language Program (Strategy) 2023-2024 Action Plan, 10 August 2023.

²² Summary Report of Public Consultations, Draft of the 2023-2024 Action Plan of the Unified Program (Strategy) of the State Language 2021-2030 (2023), https://enadep.gov.ge/uploads/ matsne-5892558-0_1___.pdf [accessed: 30.05.2024].

²³ Law of Georgia "On Broadcasting", 23 December 2004, Article 38.

²⁴ Ibid., Article 38(1).

legislation or the Communication Commission, which aims to protect the state language and encourage its active use by broadcasters. Authorized general local broadcasting TV stations must present news and socio-political programs in the state language,²⁵ particularly during prime time, to ensure that Georgian-speaking viewers have access to important information. This promotes the transparency and efficiency of the information dissemination and reception process.

For university broadcasters, the obligation is to broadcast programs in the state language of Georgia, except in cases specified by Georgian legislation or the Communication Commission.²⁶ This emphasizes the importance of university broadcasting and encourages the use of the state language in educational and academic contexts.

Encouraging the use of the state language and protecting its status is crucial, but achieving these goals involves certain practical difficulties that require the cooperation of relevant authorities and broadcasters, as well as effective management of resources. The Law "On Broadcasting" supports strengthening the position of the state language and encouraging its active use in society.²⁷ It acknowledges the multicultural environment and allows audiences to experience films in their original language through subtitles. Subtitling not only provides comfort for the audience by allowing them to enjoy films in their original language but also helps improve their knowledge of the Georgian language.

According to the law, any film produced in a non-state language and aired by a broadcaster must be dubbed in Georgian.²⁸ This rule ensures the strengthening of the state language's position and makes film content accessible to a wide audience. This restriction applies to all broadcasters, requiring that films created in a foreign language be dubbed into Georgian to minimize language barriers.²⁹ However, the National Communications Commission of Georgia is authorized to determine cases when a film produced in a non-state language can be broadcast in Georgian without dubbing, using only subtitles.³⁰ This flexibility allows broadcasters to air films in their original language under certain conditions.

²⁵ Ibid., Article 38(2).

²⁶ Ibid., Article 38(3).

²⁷ Ibid., Article 511.

²⁸ Ibid., Article 511(1).

²⁹ Ibid.

³⁰ "Rules for Placing Programs in Non-state Languages in the Broadcasting Network", Approved by the Resolution N3 of the National Communications Commission of Georgia, 31 October 2016, Article 3(3).

The commission's resolutions specify how these obligations should be fulfilled, by which broadcasters, and under what conditions.³¹ The quality of dubbing is a critical factor. Poor dubbing can negatively impact both the viewer's experience and the film's perception, while subtitling can be time-consuming and resource-intensive, especially when dealing with a large number of films. Moreover, cultural barriers must be considered, as the loss of the original language can sometimes lead to a blurring of cultural and emotional elements [Shabashvili and Gochitashvili 2020, 85]. The law strives to balance protecting and promoting the Georgian language while allowing viewers to watch movies in their original language with subtitles.

Only licensed or authorized broadcasters can exclusively broadcast major events in the state language in Georgia. This ensures that important events, news, and other critical information are provided to the public only by broadcasters that operate in accordance with Georgian legislation and have the appropriate license or authorization.³² This legal requirement emphasizes the priority of the state language and ensures that all significant information is provided to the population of Georgia in a language they understand, contributing to the wide dissemination of information and raising public awareness. It also ensures the widespread use and protection of the state language, helping to strengthen its status.

Licensed and authorized broadcasters must be accredited by the state, which involves meeting certain requirements and standards [Gorgoshadze and Jakeli 2023, 86]. This accreditation ensures that broadcasters operate according to ethical norms and professional standards.³³ The main goal of this legislation is to protect the Georgian language, ensure the reliability of information, and improve the quality of broadcasting. This guarantees that important events are covered by professional and reliable broadcasters, ensuring high-quality information dissemination. Fulfillment of this requirement enhances public awareness and encourages the use of the state language, representing an important step toward the development and protection of the Georgian language.

2.3.2. State Language and Advertising

The Law of Georgia "On Advertising" plays a crucial role in the protection and promotion of the state language. The law mandates that advertisements must be understandable at the moment of presentation, without the need for

³¹ Ibid., Article 3.

³² Law of Georgia "On Broadcasting", 23 December 2004, Article 58(2).

³³ Resolution N2 of the National Communications Commission of Georgia "On the Approval of the "Code of Conduct for Broadcasters", 12 March 2009.

special knowledge or technical means, ensuring clarity and transparency for viewers or readers. The purpose of advertising, to directly and immediately influence consumer behavior, can only be achieved if its content and intent are easily understood.

Advertisements must be distributed throughout Georgia in the state language. Exceptions are made for programs and publications broadcast in other languages and for images of goods where inscriptions in other languages are permissible, according to specific exceptions defined by Georgian legislation and the commission. Trademark or service mark owners registered in another language are required to transliterate their marks into Georgian. In Georgia, signs must be written in the state language, with the option to include foreign language text. The size of the foreign language text should not exceed that of the state language text, emphasizing the priority of the Georgian language in public spaces and promoting its widespread use. For bilingual illuminated signs, all text (both Georgian and foreign) must be equally illuminated and legible, ensuring equal access to information and transparency. The language norms and rules used in advertising must comply with state legislation, ensuring adherence to language standards.³⁴

The law strictly protects the position of the Georgian language in advertising, helping to strengthen and popularize its status. Requiring the use of the state language ensures that all commercial and informational content is accessible to the majority of the population. Making advertisements comprehensible without special knowledge or technical means lowers the information barrier and facilitates consumer decision-making.

Recognizing the multicultural environment and international business needs, the law allows for inscriptions in foreign languages. However, it requires transliteration into the local language to ensure information availability to the local population. Advertisers may find it challenging to meet these requirements, especially when presenting advertisements in different languages. Compliance with language norms and equal illumination of signs demand additional resources, complicating the activities of small businesses.

The Law "On Advertising" defines strict language norms for advertising, aiming to protect and promote the Georgian language. This ensures that the state language remains a priority in advertising and public spaces, simplifying the reception and distribution of information. However, these requirements can present difficulties for advertisers and businesses trying to attract multilingual audiences.

³⁴ Law of Georgia "On Advertising", 18 February 1998, Article 4(1-5).

2.4. Administrative Responsibility for the breach the Rule of Using the State Language

The Code of Administrative Offenses of Georgia prescribes administrative responsibility for violations of the rules concerning the use of the state language. This includes the obligation for film exhibitors to comply with the law when showing films in cinemas, ensuring that films are accessible to all viewers through subtitling or dubbing in Georgian.³⁵ This applies to films shown in their original language; they must be subtitled or dubbed in Georgian to provide full access to the content for Georgian-speaking viewers [Jorbenadze 2019, 224]. Even non-original production (for example, translated versions of films) must be subtitled or dubbed in Georgian to prevent any language barriers and to promote the use of the Georgian language. The law imposes severe sanctions on demonstrators.

Tobacco products must be wrapped and sold with proper labeling; selling them without proper packaging is not allowed. Additionally, medical warnings on tobacco product packaging must comply with relevant regulations and be updated periodically to ensure consumers are consistently informed about the dangers of tobacco products. Proper packaging and updated warnings are crucial for presenting accurate consumer information.

Violations of this requirement, such as providing false, misleading, or incorrect information on packaging that suggests the product is less harmful than it is, are subject to severe sanctions, including fines and product confiscation. The law mandates that all information on tobacco product packaging and labels must be accurate and in the state language. Violation of this rule leads to administrative responsibility, which aims to protect consumers, prevent misinformation, and ensure accurate information about the harmfulness of tobacco products.³⁶

Severe sanctions for repeated violations and the dissemination of false information serve as significant deterrents and underscore the necessity of complying with these regulations. These measures are designed to safeguard consumer rights and promote the use of the state language in all commercial and public communications.

In case of violation of the rules regarding the use of the state language, the National Communications Commission of Georgia may impose sanctions, including warnings and fines [Jorbenadze 2019, 223]. Television and radio broadcasters are required to provide subtitling or dubbing of programs in the state language.³⁷ Violation of this rule will result in a warning

³⁵ Code of Administrative Offences of Georgia, 15 December 1984, Article 14410.

³⁶ Ibid., Article 1556.

³⁷ "Rules for Placing Programs in Non-state Languages in the Broadcasting Network", Approved by the Resolution N3 of the National Communications Commission of Georgia,

and potentially a fine. Additionally, services and products must be labeled in the state language. Incorrect, misleading, or harmful labeling will result in fines and product confiscation. The decisions and resolutions adopted by the Commission make it clear that violating the use of the state language in information provision leads to sanctions, ensuring the protection of consumer interests.³⁸ Violations of the state language usage rules will result in appropriate penalties, including warnings, fines, and product confiscation. These measures ensure the protection of users' rights and the prioritization of the state language.

CONCLUSION

The legal status and protection of the state language is crucial for any nation, especially in countries where the language is intrinsically linked with cultural and national identity. In Georgia, the protection of the state language at the constitutional level and its definition in the form of a special, organic law underscores the state/s policy and commitment to preserving its linguistic heritage.

The State Language Department is actively engaged in efforts to uphold and promote the state language. However, its activities are often not extensive, limited, and lack sufficient dissemination both within society and among state bodies. Structural reform and integration of the department into the organizational framework of the Parliament of Georgia would be appropriate. This integration would ensure its active involvement in law-making activities and elevate its status, thereby enhancing its legitimacy and effectiveness in interactions with other branches of government.

The academic community's involvement in the development of the state language is notably insufficient. Universities are less involved in this process, which is primarily managed by philologists and linguists. As a result, the language has remained outside of public and political discourse and has not kept pace with modern developments.

Reforming the mechanisms for the legal protection of the state language and creating a flexible legal environment, along with active integration at all levels of education, will facilitate the establishment of an effective practice for protecting the state language. Such reforms would ensure that

³¹ October 2016, Article 3(3).

³⁸ Decision No-22-18/570 of the National Communications Commissions of Georgia "On the Imposition of Administrative Responsibility on Ltd Alt-Info", 15 December 2022; Decision N95/18 of the National Communications Commissions of Georgia "On the Imposition of Administrative Responsibility on Broadcaster Ltd Stero+", 22 February 2018.

the Georgian language remains vibrant and integral to the national identity, reflecting both its historical significance and its contemporary relevance.

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