

**Procedure for the distribution of procedural expenses during administrative proceedings  
(analysis of forensic practice)**

**Abstract.** Defending rights at judiciary is quite durable and malty-step process that requires reasonable financial and time resources. Accordingly, for the disputing party it is crucial to have expectation of reimbursing expenses in case of winning a case, as well as legal basis of reimbursement to be clearly ordered by law.

Distribution of trial costs is one of the core procedural institutes and its proper realization enables disputing party to achieve reimbursement of judicial and extra-judicial costs besides winning a dispute.

Legal regulations regarding administrative trail, especially litigation regarding administrative offences, contain number of question marks that determine existence of various viewpoints and may play a role of obstacle for defending rights by means of judiciary.

The presented article aims to explore regulations and case-law regarding distribution of judicial and extra-judicial costs during administrative, especially litigation regarding administrative offences in order to formulate proper interpretation of corresponding norms.

**Key Words:** Trialcosts, administrative justice, extra-judicial costs, administrative offences.

**Procedure for the distribution of procedural expenses during administrative proceedings  
(analysis of forensic practice)<sup>1\*</sup>**

**Introduction.** Adherence to the right in court is a fairly long and multi-stage process that requires significant financial and time resources, therefore, it is important to mention, that in the case of winning a dispute, the party expects to reimburse the costs incurred, as well as that the amount of remuneration is determined, and the basis for claiming reimbursement is regulated by law.

The rule of reimbursement of procedural costs is not only an institution of a separate procedural nature, but also a matter of quite a great practical significance. The Supreme Court of Georgia explains that “the imposition of judicial and extra-judicial costs at stakeholder aims to compensate for the expenses made by state in relation to the implementation of justice. The distribution of judicial expenses also serves to ensure discipline of participants in material-legal relations, e.g. avoiding unsubstantiated appeals, as well as avoiding fulfilment of obligations, which warns the party of imposing expected costs.”<sup>2</sup>

One of the key questions for any disputing party is availability and amount of compensation for the costs incurred during the proceedings. In this regard, the issue is quite relevant and, once it is

practically not processed at the theoretical level, it is advisable to explore relevant case-law in order to answer the above-mentioned questions.

In the case of civil proceedings, legislative regulations on the distribution of trial costs are quite detailed, whereas during administrative proceedings, the issue is partially regulated, and it is necessary to rescind the provisions of the Civil Procedure Code. As for the review of the case in accordance with the procedures determined by the Administrative Offences Code of Georgia, information on the distribution of procedural expenses is not contained in the mentioned normative act.

Clarification of the issue of reimbursement of extra-judicial costs in relation to administrative disputes, especially administrative offences, is especially relevant. On one hand the regulations may be vague, on the other hand, in practice many disputing parties have perceptions that only judicial costs are subject to compensation during administrative proceedings. Such interpretation of the rule creates a tangible barrier for parties who lack with financial opportunity to access services of experts and attorneys and due to this challenge are forced to obey the requirements of the administrative offence protocol drawn up against him/her. Consequently, administrative bodies imposing the penalty remain beyond judicial control, which in turn prevents the implementation of public administration focused on the balance of legitimate and public and private interests.

### **The Notion of Extra-Judicial Costs and the Rule of Reimbursement**

Article 37 of the Civil Procedure Code of Georgia (CPCoG) defines the notion of trial costs and its forms. The trial costs cover judicial costs and extra-judicial costs. Judicial costs consist of the state fee and expenses related to the hearing of the case. The procedure for calculating the costs related to the hearing of the case and their amount is determined by a decision of the High Council of Justice of Georgia. Extra-judicial costs are expenses incurred for a lawyer, lost salary (experienced), expenses incurred to provide evidence, as well as other necessary expenses of the parties.<sup>3</sup>

In relation to Article 37 of Civil Procedure Code of Georgia, the practice of the Supreme Court of Georgia defines the notion of extra-judicial costs. In particular, the court indicates that for the expenses incurred for the services of a lawyer it is mandatory for the party to submit corresponding evidence. Such evidence should be submitted to the court as the amount of extra-judicial costs shall be determined by the actual expenses incurred, which shall be confirmed by relevant evidence, since the prerequisite for applying Article 53 of the Civil Procedure Code of Georgia is the expense incurred by the party.<sup>4 5</sup>

When determining the amount of extra-judicial costs, the cassation court applies for guiding for the Civil Procedure Code of Georgia Art. 53.1. According to the requirements of the article, the intensity, duration and other circumstances of performing a representative function also should be taken into account.<sup>6</sup>

3 Administrative Procedure Code of Georgia (APCoG), N2352\_Here, 23/06/1999, m. 37.

4 DSCoG NBS-638-631(3ks-15), 10/12/2015.

5 Process The issue of Jeb's distribution may also come when the proceedings end when the proceedings end in a decision to make a decision Without (Articles 272 and 275 of the Civil Procedure Code). At such times, the court will decide the proceedings by appropriate ruling The issue of distribution of jihadists - DSCoG NBS-560-553(2k-Ks-15), 15/12/2015.

6 DSCoG NBS-643(K-K-19), 02/04/2020.

The general standard is that the amount of extra-judicial costs is determined by the costs incurred in fact, which must be confirmed by the relevant evidence.<sup>7</sup> “The amount of expenses shall be determined on the basis of evidence confirming the amount of actually incurred by the party to the court. In the absence of such evidence, on the basis of the request of the court, the court itself may determine within reasonable limits the amount of expenses incurred by the party, if it is clear that the expenses have been made to prevent violations of a person’s right.”<sup>8 9 10</sup>

For the definition of judicial costs the Supreme Court of Georgia (SSG NBS-619(2k-19), 16.01.2020) indicates the legal approach of the Chamber of Administrative Affairs of the Supreme Court of Georgia. By this judgement it was determined that extra-judicial costs should be calculated in a reasonable amount by taking into consideration difficulty of the case, intensity of the provided representative service. Once Court hearing with participation of the parties has not been conducted, and/or a paid document drawn up for the consideration of the case in a specific instance is not presented, the request for reimbursement lacks proper factual and legal grounds. The Court of Cassation additionally notes that during administrative proceedings, procedural documents issued by the court, including the decision/sentence, are sent to the parties to the appropriate address for delivery. Therefore, it is not necessary for a person to pay any expenses for submitting such a document, which is why, in this part as well, the request for reimbursement of the costs of the process lacks a legal basis.<sup>11</sup>

Based on the foregoing, remuneration within reasonable limits may be subject to all extra-judicial costs that the party had to issue at a specific stage of the process, which was required for the pro-

7 DSCoG NBS-638-631(3ks-15), 10/12/2015.

8 DSCoG No. BS-294-292(K-17), 19/09/2017.

The above-mentioned NBS-294-292(k-17), 19/09/2017 decision explains the rule of calculating attorney costs, one of the core components of extra-judicial costs in more details, namely the Court is authorized to determine in its view the reasonable limits for the amount of representative expenses that must be imposed on the other side. In addition, when charging the costs incurred for the assistance of the representative to the party, it is necessary to assess the necessity and need for such costs, the legal status of the person who requires reimbursement of such costs. The factual basis for the need to reimburse the costs incurred for the assistance of the representative must be assessed, especially in the amount required by the party. Such an approach to the issue creates an obstacle to artificially increasing the amount of costs incurred for the assistance of the representative, and also makes (restricts) the possibility of receiving benefits from the other party at the expense of litigation within the framework of the legal chain, which protects the interests of the party to whom compensation should be imposed.

9 At the same time, the Chamber of Cassation notes that the existence of a legal services contract, the absence of a receipt for the payment of money by the party to the lawyer does not exclude the possibility of compensation for the services provided (the decision of the European Court of Human Rights in the case “Dadaeva v. Russia”, §145, 146). The case materials confirm the provision of legal services by the lawyer to the plaintiffs, so the court should consider not the compensation of the expenses incurred for the lawyer, which is not confirmed by the case materials, but the possibility of charging the defendant with the cost of the services provided by the lawyer to the plaintiffs, which is confirmed by the case materials. The non-submission of the legal services agreement, payment receipt, payment order execution document between the claimants and the lawyer does not exclude the possibility of reimbursement of the cost of the services rendered in connection with the consideration of the case. (SSSG 09.02.2012, No.BS-1330-1315 (k-11); No. AS-444-423-2015; 25.03.2016 No. AS-12-12-2016 decisions) - Cit. DSCoG No. BS-246-244(K-17), 08/06/2017 / DSCoG No. BS-776 BS-776-768(2K-4KS-15), 14/07/2016. Cassation Court develops the same reasoning in decisions No. BS-1172(K-19), 24/12/2019, No. BS-6(K-20), 25/03/2020, No. BS-13(K-20), 25/03/2020.

10 Costs are determined on the basis of the proof of the amount of expenses actually incurred by the party submitted to the court, in the absence of such evidence, based on the request of the party, the court itself can determine the amount of expenses incurred for legal assistance (judgement No. AS-792-1114-07, 1.02.08). If it is clear that the cost is incurred in order to prevent the violation of a person’s right (the decision of the European Court of Human Rights in the case “Pinkov and Pink v. Czech Republic”). The court should charge the party with compensation for costs only in order to prevent the violation of the right (decision of the European Court of Human Rights “Asanidze vs Georgia”). In determining judicial costs, the parties must be fairly satisfied. When determining the amount of costs by the court, setting a percentage limit based on the value of the subject of the dispute excludes the artificial increase of costs and ensures the protection of the interests of the party who has to pay the costs (No. AS-792-1114-07) - Cit. DSCoG No. BS-246-244(K-17), 08/06/2017 / DSCoG No. BS-776 BS-776-768(2K-4KS-15), 14/07/2016.

11 See. DSCoG No. BS-58(C-20), 26/02/2020, Motivational The last paragraph of the part.

tection of the right of the party/the use of procedural instruments.

### **Legal Nature of Claiming Reimbursement of Extra-judicial Costs**

The article already noted that trial costs, consist of judicial(court) and extra-judicial costs, “represent the costs incurred by the parties to protect (restore, obtain) material rights, which can be compensated in accordance with the legal consequences of the litigation and proportionally as a procedural requirement.”<sup>12</sup>

“The implementation of justice is related to court and extra-judicial costs.”<sup>13</sup> The right to claim of a party participating in the litigation may be material-legal, or procedural-legal based on its legal grounds. This separation does not only have a formal load, but also a matter of great practical significance, and the procedure for the realization of the right to demand and the accompanying result depends on it.

“The costs in the proceedings will be paid by the party, for the reasons of which the court had to resolve the conflict (dispute). This may be the responding party (in case of satisfying the claim), or the claimant (in the conditions of dissatisfaction with the claim), extra-judicial costs fall within the additional costs that the party will pay, including the costs of a lawyer to which the court will distribute within reasonable limits (Article 53.1. of the CPCoG).”<sup>14</sup>

The claim of a person is inherently material-legal and he/she is directed towards the plaintiff as a means of material and legal protection of the right violated by him/her. That is, the subject of the claim is the legal relationship that a person applies to the court for resolving, and the basis of the claim includes material-legal and factual circumstances that determine the existence of a claim.

Based on this, the claim is always material-legal by its nature. Consequently, the issue arises on the agenda, whether the requirement to compensate for extra-judicial costs is a part of lawsuit for its content.

The Court of Cassation explains that a prerequisite for imposing reimbursement of extra-judicial costs is the action of a procedural nature, in particular, the installation of an appropriate petition. “In accordance with Article 53 of the Civil Procedure Code of Georgia, the court is obliged to decide on distributing trial costs between the parties when making a decision on the case. Such regulations on the distribution of extra-judicial costs do not provide for the applicable procedural legislation and do not grant the procedural competence of the court, on its initiative, in the absence of a request of the party to decide on the issue of the distribution of expenses without a court”.<sup>15</sup>

In relation to the issue, the exact definition is contained in decision of the Supreme Court of Georgia, according to which “reimbursement of expenses, as well as all other procedural requirements provided for by the Code, cannot be an independent object of the claim as an independent object of material and legal requirement, since the claim is initiated to protect the rights guaranteed by the Constitution of Georgia and are reinforced by material and legal legislation. Procedural law defines the classification of procedural rights and the conditions for their use necessary to ensure the effective protection of material and legal rights. Reimbursement of procedural expenses is permissible and is

12 DSCoG No. BS-1665-1619(K-08), 02/06/2009.

13 DSCoG No. BS-1330-1315(K-11), 09/02/2012.

14 DSCoG No. BS-1665-1619(K-08), 02/06/2009.

15 DSCoG No. BS-1665-1619(K-08), 02/06/2009.

possible as an accompanying procedural-legal requirement of a material-legal requirement, without the first it may not exist independently. Procedural-legal requirements arise and disappear together with a material-legal requirement. Procedural-legal requirements shall be submitted to the court not in the form of a claim (material requirement), but in the form of a petition, as the norms of procedural law establish (regulate) not material-legal relations, but procedural rules, with effective and qualified use of which, through procedural rights, protection of material rights is achieved through procedural rights.<sup>16</sup>

The same decision explains that the requirement to redistribute the costs of the process stems from the procedural possibility of reimbursing expenses at different stages of litigation related to the claim, namely, the costs of the process are the state fees paid in relation to the claim and the costs (court expenses) related to the hearing of the case, and the costs incurred for the lawyer, lost salary, expenses incurred to providing evidence, as well as expenses incurred by other parties. Necessary costs (extraordinary costs).<sup>17</sup>

Based on the foregoing, the right to claim reimbursement of extra-judicial costs shall be submitted to the court together with the claim of a lawsuit. Based on the general principle, if a party has not performed a procedural action within a procedural period established by the procedural legislation or within the procedural period appointed by a court, it shall lose the ability to perform this action. Accordingly, the request for compensation for extra-judicial costs shall be made no later than the main claim to be reviewed. In addition, the Court of Cassation also clarifies that the services of lawyers and other unforeseen expenses fall within extra-judicial costs independently from material damage, the reasonableness of which the court shall consider the basis of the relevant evidence submitted to the case; Consequently, the burden of asserting these expenses shall also be imposed on the claimant.<sup>18</sup>

Upon the entry into force of the litigation, all procedural rights by which the parties could take advantage of at different stages of proceedings, therefore, if the party has not made a plea request in a timely manner, only after the completion of the hearing, the court will no longer appeal the court's decision in relation to the procedural request or require an additional decision.

Thus, the right to claim reimbursement of extra-judicial costs is an unequivocally procedural-legal institution, which must be realized together with and on the basis of a claim of a claim. Otherwise, the issue of satisfying it will not become the subject of court reasoning.

### **Legislative Regulation of the Procedure for the Distribution of Trial Costs**

According to Article 1(1) of the Administrative Procedure Code of Georgia (APCoG), the Code defines the procedures for reviewing and resolving administrative cases by the General Courts of Georgia and paragraph 2 of this article stipulates that unless otherwise provided for by this Code, the provisions of the Civil Procedure Code of Georgia shall apply in administrative proceedings.<sup>19</sup>

According to Article 10(2) of the CPCoG, "if an individual administrative act was issued without an appropriate examination of the circumstances of the case, the administrative body shall be obliged to compensate the trial costs, even if a decision is made in its favour."<sup>20</sup>

16 DSCoG No. BS-1665-1619(K-08), 02/06/2009.

17 DSCoG No. BS-1665-1619(K-08), 02/06/2009.

18 DSCoG No. BS-78-78(K-12), 27/12/2012.

19 Administrative Procedure Code of Georgia (APCoG), N2352, 23/06/1999, Art. 1.

20 Administrative Procedure Code of Georgia (APCoG), N2352\_Here, 23/06/1999, m. 10.

Article 11 of the same Code determines that the procedure for distributing procedural expenses if the dispute is completed by settlement and the parties cannot agree on the distribution of trial costs, at the same time the party is not exempt from the obligation to reimburse costs, then judicial costs are distributed between them equally (part 1); extra-judicial costs are reimbursed independently (part 2). An exceptional norm concerning the case directly related to the case being completed by a settlement of the case, therefore, from a logical and formal point of view it will be correct for the court to be guided by the provisions of the CPCoG based on the statute of Article 1 of the CPCoG.<sup>21</sup>

Based on article 37(1) of the Civil Procedure Code of Georgia, the trial costs are judicial costs judicial and extra-judicial costs, according to paragraph 3 of this article,<sup>22</sup> the extra-judicial costs are expenses incurred for a lawyer, lost salary (experienced), expenses incurred for providing evidence, as well as other necessary expenses of the parties, as well as other necessary expenses of the parties. Under article 53(1) of the same code, the expenses incurred by the party, in favour of which the decision was made, are imposed on the other party, even if this party is exempt from paying judicial costs in the state budget.

Thus, CPCoG may be subject to compensation during both civil and administrative litigation, if the party applies to the court in a timely manner with an appropriate petition and, at the same time, the costs will be confirmed, or confirmed.

As it was mentioned in the introduction of the article, the consideration of the complaint regarding the resolution adopted in the administrative offense case in accordance with the Code of Administrative Offenses of Georgia is a separate subject of consideration.

The issue is especially relevant considering the specifics of police law itself. "Police law belongs to a special part of administrative law, that defines the tools, procedures and rules for the protection and of public order, establishes a differentiated assessment according to the nature of the action and determines the system of the types of liability. Thus, the correct understanding and use of the institutions of this law directly leads to the presence of people, the quality and culture of public order."<sup>23</sup>

In addition to the fact that the Ministry of Internal Affairs and other relevant bodies authorised to issue acts on administrative offences should pay special attention to the issues attributed to their competence. It is imperative that the stakeholder has a real opportunity to avoid not only imposing of illegal penalty, but also to protect one's financial interests, which in some cases can be more severe for the party than imposed penalty itself.

For example, during the hearing of the case at the site of the offence committed in accordance with the procedure determined by Article 234<sup>1</sup> of the Administrative Offences Code of Georgia, considering a small interval of time, there is a real risk of improper examination of the circumstances by an authorised person, and the probability of making a wrong decision is quite high. The costs of drawing up documents certifying representative powers, etc. may significantly exceed the amount of the penalty imposed, so the Claimant must have legal guarantees that in case of winning the dispute, the costs incurred will be compensated. Otherwise, the plaintiff may lose the interest of applying to the court, which will directly propor-

21 APCoG, N2352\_Here, 23/06/1999, m. 11.

22 Civil Procedure Code of Georgia (CPCoG), N1106-I , 14/11/1997.

23 DSCoG No. BS-544-535(K-12), 02/04/2013.

tionally weaken administrative control over the subjects imposing the penalty and increase the likelihood of arbitrariness on their part. The Supreme Court of Georgia is developing a reasoning that “the correct examination and qualification of road accidents is directly related to ensuring both material and procedural rights, the exercise of the lawfulness of governance and the exercise of the principles of legal trust”. Such approach should not be understood from a narrow point of view and consider only to the organs of the MIA, because it is a reasoning of a conceptual nature and applies to cases of all similar nature.<sup>24 25 26</sup>

The Administrative Offences Code of Georgia does not contain any reservations on the application of procedural norms, as well as the distribution of procedural expenses, so the relevant provisions of the CPCoG must be enforced.<sup>27</sup>

Articles 5 and 6 of the CPCoG define the procedure for judgment of administrative courts, in particular, the District (City) Court shall review administrative cases subject to a court in the first instance, except for the cases provided for by Article 6 of this Code. Magistrate judges shall review the following cases in the first instance: on the legality of an individual administrative act provided for by the Administrative Offences Code of Georgia, in accordance with the procedure established by the Administrative Offences Code of Georgia (sub-paragraph b); On the basis of the relevant protocol submitted to a court, on administrative offences to be considered by a court, in accordance with the procedure established by the Administrative Offences Code of Georgia<sup>28</sup> (sub-paragraph 1) of the Administrative Offences Code of Georgia (sub-paragraph “b”<sup>1</sup>).<sup>29</sup>

Based on the provisions of Articles 5 and 6, it is obvious that the norms of the Administrative Procedure Code of Georgia (and, in appropriate cases, the provisions of the Civil Procedure Code of Georgia) are applicable, unless different regulations are established by the Administrative Offences Code of Georgia itself.

In turn, based on the foregoing, it is advisable to consider that in relation to the allocation of procedural expenses during proceedings in accordance with the procedure established by the Administrative Offences Code of Georgia, the court shall be guided by the norms of the APCoG and the CPCoG.

**Conclusion.** Based on all of the foregoing, it is logical to assess that without extra-judicial costs should be subject to reimbursement in favour of the winning party in the conditions when the party properly exercises the right to its procedural and legal claim. Civil and administrative proceedings should not be dismissed by this prejudice since reimbursement of extra-judicial costs is a substantiated interest of the party in both cases and opens it up from financial barriers to the protection of the rights through the court.

As already mentioned, “it is important to exercise full judicial control by the judicial bodies in order to ensure public order, fair governance and protecting the balance of public and private interests, as well as proportionality to guarantee realization of the core aim of governance law: protecting human rights and freedoms, rule of law and public interests”.<sup>30 31</sup>

30 See. DSCoG No. BS-220-212(2K-13), 09/07/2013.

31 The Cassation Court develops similar reasoning in judgement No. BS-626-596(K-07), 25/12/2007 where Judicial controls carried out by judicial bodies carrying out justice shall be considered as a crucial precondition for ensuring fair governance.

The existing legal framework creates the possibility that the other party should be charged with reimbursement of procedural expenses on the other party in favour of the winning party, and this standard shall also apply to cases where proceedings are carried out in accordance with the regulations of the Administrative Offences Code of Georgia. From a material-legal point of view, "the Code of Administrative Offences is a legislative act of a repressive type by its legal nature, that is, legislation based on the rights of citizens in principle, that is, the legislation based on the rights of citizens in relation to the administration is the General Administrative Code (GACoG), which aims to ensure the protection of human rights and freedoms, public interests and the rule of law by administrative bodies. The General Administrative Code of Georgia establishes a defined formal common rule for administrative bodies that must be protected when issuing, passing, and enforcing an administrative act. The repressive nature of the field of administrative offences is equipped with a number of additional leverages of the administrative body but does not exempt it from the general principles of administrative law. Otherwise, police law would become the basis for exercising unlawful pressure from the state.<sup>32</sup> The Court of Cassation explains that the conclusion of a penalty for an administrative offence should be carried out on the basis of meticulous adherence to the most important principle of administrative law - the principle of legality."<sup>33</sup> For its part, the special functional load of administrative justice is highlighted by the Court of Cassation No. BS-1635-1589 (K-08) decision: "Compliance with the European standard of law is especially important in the implementation of administrative justice because in public-law disputes qualification and impartiality of the court reasonably determines the attitude of stakeholders towards the state and its administration. From this point of view, objective and efficient resolution of legal conflicts derived from police law, so that the citizens wouldn't be occupied with the feeling that it is impossible to prove one's right position, what would hazardously influence on the level of trust to the judiciary and national administration."<sup>34</sup> Under these conditions, fully protecting the interests of citizens is impossible only by material norms, unless a party was equipped with relevant procedural instruments to protect oneself from unjustified violations of its interests by administrative bodies.

Therefore, material-legal order is based on the regulations of the Administrative Offences Code of Georgia and GACoG. As for the procedural part, proceedings shall be carried out in accordance with the procedures determined by the Administrative Procedure Code of Georgia and the Civil Procedure Code of Georgia, taking into account the exceptions established by Chapter XXII of the Administrative Offences Code of Georgia, therefore, procedural expenses shall also be reimbursed in accordance with the provisions of Article 10-11 of the Administrative Procedure Code of Georgia and Article 53 of the Civil Procedure Code of Georgia.

Unfortunately, direct judicial practice does not exist in relation to the issue discussed in the article, however, the reasoning developed in the motivational parts of the submitted decisions contains direct and obvious indications that the protection of a citizen from illegal action of administrative bodies should not be limited to material and legal regulations, but also effective procedural institutions are necessary so that a citizen can have the means to protect his rights through judicial control and interest, this will be practically impossible if a citizen does not have the right to claim compensation for procedural expenses that may significantly exceed the sanction imposed on an administrative offence.

32 See. DSCoG No. BS-220-212(2K-13), 09/07/2013.

33 DSCoG No. BS-544-535(K-12), 02/04/2013.

34 DSCoG No. BS-1635-1589(K-08), 30/06/2009.



It is desirable that legislative regulations be clearer so as not to cause differences of opinion, especially if a citizen does not have the opportunity to receive expensive legal services. The need to regulate the issue with detailed and unambiguous regulations is not due not only to its practicality, but also directly derives from the principle of the legal state. "The principle of the legal state provides legal trust, which in turn requires clarity of the norms of the law. The principle of non-contradiction of the legislation even leads to legislation as a harmonious relationship that will be free from internal resistance. The principle of the legal state establishes an obligation to combine the norms of the law with each other so that a certain citizen does not become vulnerable to conflicting duties. When carrying out legislative activities, the legislator shall be restricted by normative, social, logical, linguistic, and other restrictions, in particular, the normative restriction of the legislator stems from the Constitution and the complex of norms protected by the Constitution of the legal system."<sup>35</sup>

Thus, the presence of clear and unambiguous regulations is required and desirable. It should also be noted that a separate problem and a discussion is the Administrative Offences Code of Georgia, which, despite a number of legislative interventions, is a fairly outdated normative act and requires fundamental amendments. After the completion of the Reform of the Code of Administrative Offenses, a normative act shall be established in which all, including procedural costs, will be properly regulated, and before that, by establishing uniform judicial practices, it is possible to achieve some results so that citizens do not refrain from realizing the right to access to justice due to possible financial barriers.