

JURISPRUDENCE

THE IMPACT OF THE JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS ON THE IMPLEMENTATION OF CIVIL PROCEDURAL NORMS

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Abstract

The present article provides an analysis of the impact of the judgments of the European Court of Human Rights on the use of Georgian civil procedural norms and their relation to the imperative of ensuring the effective realization of the right to a fair trial. In the modern legal sphere, the increasing number of civil disputes and the demand for effective administration of justice create the need to strengthen procedural guarantees.

Civil proceedings, as a mechanism for the protection of violated or disputed rights, require not only a formally sound normative framework, but also the use of legal norms in accordance with international standards. In this context, the case-law of the European Court of Human Rights is of particular importance.

The article examines the legal nature of the judgments of the European Court of Human Rights, their binding force and "erga omnes" effect, as well as their role in shaping national judicial practice. Particular attention is paid to the use of Article 78 of the Civil Procedure Code of Georgia in relation to the institution of public notice, and to the case of *Gakharia v. Georgia*, which had a significant impact on the interpretation of procedural norms and the transformation of judicial practice.

The research demonstrates that the judgments of the European Court of Human Rights are not limited to the finding of an individual violation, but establish systemic standards that ensure the practical and effective protection of the equality of parties, the principle of adversarial, and the right to a fair trial. The paper argues that the implementation of Convention standards constitutes not only an international obligation, but also a mechanism for improving the quality of national civil proceedings.

In the research process, the methods of analysis and synthesis, logical analysis, and comparative legal analysis were used.

Keywords: European Court of Human Rights; Right to a fair trial; Civil procedure; Public notice

Introduction

The development and progress of society are based on certain rules of conduct.²⁹ The legal regulation of relations between persons is not merely a means of protecting the rights of specific individual subjects; rather, it serves as a prerequisite for establishing public order and ensuring their safety. Civil legal disputes become increasingly relevant over time. The transition to a market economy and the expansion of private-law relations have further increased the need for the timely and lawful resolution of civil conflicts.³⁰ The stability of civil circulation constitutes the foundation of private law. The State is an entity obliged to create a legal framework for the protection of individuals' rights that is genuinely oriented toward the practical realization of those rights.

The order established by legal norms is often violated, giving rise to disputes between individuals. It is one thing to have a system of substantive law regulating civil relations, and another to have clear procedural mechanisms for protecting rights that have been violated or become disputed. Modern legal reality

requires the coordination of well-functioning substantive and procedural systems.

Civil procedure is regarded as one of the means of resolving private disputes.³¹ "The current Civil Procedure Code of Georgia reflects the existing legal realities by ensuring the timely consideration of cases and, ultimately, promoting procedural economy and the protection of the parties' rights."³²

Legal certainty and the transparency of proceedings are prerequisites for effective adjudication. Developed states strive to create such a system of adjudication that ensures the proper protection of the rights of both the plaintiff and the defendant.

The Georgian legislator seeks to create the normative basis for a highly qualified process; however, the result is directly measured by the practical interpretation of procedural norms by the law-applying authority. A codified norm may be legally sound and compatible with human rights, yet the court may interpret it in such a manner as to reject even the fundamental principles of law.

At the same time, there are frequent cases where the principle of procedural economy is unconditionally

²⁹ Liluashvili, T.; Liluashvili, G.; Khrustali, V.; Dzlierishvili, Z., *Civil Procedural Law, Part I*, Tbilisi, 2014, 54.

³⁰ Kobakhidze, A., *Civil Procedural Law*, "Sakartvelos Matsne", Tbilisi, 2003, 3–5.

³¹ Sakara, N., *The right to a fair trial and a modern civil procedure model*, . Problems of legality. 2018. Issue 141, 65.

³² Khurtsilava, R., "Filing an Appeal: Analysis of Article 364 of the Civil Procedure Code of Georgia," *Justice and Law*.

associated with a reduced period of consideration, and the law-applying authority attempts, as quickly as possible and while formally observing the law, to bypass the imperative of the legality and high quality of the process.

At the international level, the European Convention on Human Rights constitutes the legislative framework for the protection of human civil and political rights,³³ while cases of violations of the rights guaranteed by this Convention are examined by the European Court of Human Rights.³⁴ It is clear that the Convention is a guiding principle, the interpretation of which must correspond to “the general spirit of the Convention, which constitutes an instrument for the maintenance and promotion of the ideals and values of a democratic society.”³⁵, whereas the European Court of Human Rights is the body that provides guiding interpretations in cases concerning disputes over human rights.³⁶ The European Convention on Human Rights has a significant impact on civil procedural legislation. It is often regarded as the basis for the Europeanisation of national legislation.³⁷ The interpretation of the European Court of Human Rights often stands even at the level of law and may become the legal basis determining the outcome of a dispute, especially in civil proceedings, which are based on the equality of the parties and the principle of adversarial.

The judgments of the European Court of Human Rights often also become a basis for changing uniform judicial practice. A clear example is the case of “Gakharia v. Georgia”, which established such a standard for the use of Article 78 of the Civil Procedure Code of Georgia that does not serve the completion of proceedings within compressed time limits or the administration of civil justice in the absence of an uninformed party.

Based on the foregoing, it would not be inappropriate to assert unequivocally that the judgments of the European Court of Human Rights have a practical impact on the use of national civil procedural norms.

Judgments of the European Court of Human Rights as a Binding Recommendation for the Administration of Effective Civil Justice

At present, the protection of fundamental human rights constitutes the basis for the administration of a fair trial. The right to a fair trial, guaranteed by Article 6 of the European Convention on Human Rights and Article 47 of the Charter of Fundamental Rights of the European Union, “constitutes one of the most fundamental guarantees for respect for democracy and the rule of law.”³⁸ For the purposes of civil proceedings, the European Charter establishes several elements of the fundamental right,³⁹ the fulfilment of each is possible only through well-functioning legislation and a well-functioning judicial system.⁴⁰

It is well known that, at the national level, the protection of rights is carried out through the system of common courts. Although the principle of separation of powers recognizes the court as an independent body, the boundary of independence, of course, extends only to its institutional aspect.

The judicial system is obliged to familiarize itself with international legislative norms and practice and to administer justice only after their effective realization. If we examine more closely the system of protection of rights established by the European Convention, we can easily observe that it is three-stage. The first stage is the resolution of the problem at the national level by a court or a competent authority. The second is, in the event of the failure of the national system, the adoption of a judgment by the European Court of Human Rights concerning a violation of the Convention. The third and most important stage is the implementation of the adopted judgment within the national system.

It is precisely at the third stage that the role of the European Court of Human Rights in the use of legal norms becomes evident. If the European Court establishes that there has been a violation of the right to a fair trial, the Contracting State is obliged to remedy the damage.⁴¹

When interpreting a legal norm, a judge must necessarily examine the relevant practice.⁴² For most member States of the Council of Europe, the judgments of the European Court of Human Rights (ECtHR)

³³ Leijten, I, Core Socio-Economic Rights and the European Court of Human Rights. Cambridge Studies in European Law and Policy, Cambridge Studies in European Law and Policy, 2017, 25.

³⁴ Tripkovic, B, Zysset, A, Uncovering the Nature of ECHR Rights: An Analytical and Methodological Framework, Human Rights Law Review, 2024, 24, 1–22, Oxford University Press, 1.

³⁵ Case of Kjeldsen, Busk Madsen and Pedersen v. Denmark (Application no. 5095/71; 5920/72; 5926/72), 7 December 1976, Series A no. 23, p. 27, § 53, <https://hudoc.echr.coe.int/fre#%7B%22itemid%22%3A%22001-57509%22%7D>

³⁶ Berski, A, The Role and Approach of the European Court of Human Rights in the Protection of Core Human Rights and in Deferring to the Judgment of States under the European Convention on Human Rights. Report prepared as a European Human Rights Assignment 2017, DIT, School of Languages, Law and Social Sciences, 3, <https://arrow.tudublin.ie/cgi/viewcontent.cgi?article=1007&context=aaschlawrep>

³⁷ Krans, B, EU Law and National Civil Procedure Law: An Invisible Pillar, European Review of Private Law Volume 23, Issue 4 (2015), 567.

³⁸ C. Rozakis, 'The Right to a Fair Trial in Civil Cases', Judicial Studies Institute Journal 4.2 (2004): 96-106, p. 96, cited: Maňko, R, Europeanisation of civil procedure, Towards common minimum standards?, European Union, 2015.

³⁹ Particular attention should be paid to the right to an independent and impartial tribunal; the right to effective legal protection; the right to a fair trial; the right to a fair hearing; and the right to a hearing organized within a reasonable time, that is, without unjustified delay.

⁴⁰ Maňko, R, Europeanisation of civil procedure, Towards common minimum standards?, European Union, 2015, 5.

⁴¹ Cavallini, D, Dallara, C, Guarnieri, C, Piana, D, The Implementation of the ECtHR judgements, 1.

⁴² L. L. Fuller, 'Some presuppositions shaping the concept of "Socialization"', p. 39-40, cited: Bart van der Sloot, The Quality of Law, 11 (2020) JIPITEC 160 para 1, 182.

serve, at least, as a doctrinal source.⁴³ The European Court of Human Rights is often also referred to as a body that develops legal doctrine on human rights.⁴⁴ The European Court of Human Rights should be perceived neither as a first-instance nor as a fourth-instance court. Its authority does not consist in annulling the decisions of national courts; rather, the limits of its competence extend to establishing a violation of the Convention and awarding just satisfaction.

States, in turn, are obliged to comply with the judgments of the ECtHR, pursuant to Article 46(1) of the European Convention on Human Rights.⁴⁵ The European Court of Human Rights examines violations of the Convention by member States, while national courts examine compliance with Convention standards by State authorities.⁴⁶

It is necessary to determine the scope of operation of the judgments of the European Court of Human Rights. The legal nature of the judgment itself is rather complex. A judgment of the European Court of Human Rights has an "erga omnes" effect.

At the same time, according to the principle of "*autorité de la chose interprétée*", the interpretation of a legal norm by the Court in a final judgment is binding for future cases, while the consequences of judgments go beyond the specific case.⁴⁷ In a broad interpretation, the subject of a judgment is not only the person whose right was specifically violated, but also society and the participants of the legal system within which the defective practice operates.

Consequently, the effective implementation of a judgment of the European Court of Human Rights does not imply only compensation for damage in respect of a specific person, but also includes the improvement of the legal sphere, as well as the refinement of legislation and national judicial practice.

The system established by the European Convention on Human Rights is based on the principle of subsidiarity, namely the fundamental idea that the Contracting States will fulfil their obligations in good

faith.⁴⁸ "The mechanism for the protection of rights may be assessed as a circular system - national systems, the European Court of Human Rights, and national systems again - based on cooperation between the member States and the apparatus of the Council of Europe."⁴⁹ It is clear that a merely presumed obligation to protect rights cannot ensure an effective legal environment. States must analyse and practically implement the interpretations adopted by the European Court of Human Rights in relation to violations that have already been revealed.⁵⁰

It is not surprising that, in many countries, courts have taken the initiative in developing quasi-constitutional mechanisms for the integration of the Convention. The supreme courts of developed countries are interested in closely monitoring the activities of the European Court of Human Rights and in implementing standards for the protection of rights.

Practice shows that, in most countries, the incorporation of the European Convention on Human Rights and the judgments of the European Court of Human Rights has increased the overall authority of national courts.⁵¹ At the same time, the use of the case-law of the European Court of Human Rights assists courts in overcoming a number of problems, such as legal uncertainty, the disregard of the principles of good faith and justice, and the absence of effective mechanisms for the protection of rights.⁵²

The Impact of the Judgment of the European Court of Human Rights on the Use of Article 78 of the Civil Procedure Code of Georgia

As already noted, the judgments of the European Court of Human Rights have a significant impact on the use of civil procedural norms. Georgian civil procedural doctrine unequivocally reinforces that the purpose of adjudication is the restoration of a violated or disputed right. According to the assessment of the European Court of Human Rights, the requirement of fairness extends to the judicial process as a whole.⁵³ At the same time, "the European Convention aims to ensure

⁴³ Barabash, O., Dobkina, K., Senyk, S., European Human Rights Standards: The Practice of Applying ECtHR Decisions, *Informatol.* 55, 2022., 1-2, 29.

⁴⁴ Viljanen, J., The Role of the European Court of Human Rights as a Developer of International Human Rights Law, *University of Tampere, Finland*, 249, <https://www.corteidh.or.cr/tablas/r26759.pdf>

⁴⁵ Heri, C., Evidence: European Court of Human Rights (ECtHR), *Encyclopedia entries, Max Planck Encyclopedias of International Law [MPIL]*, July 2018, <https://opil.ouplaw.com/display/10.1093/law-mpeipro/e3431.013.3431/law-mpeipro-e3431>

⁴⁶ Chanturia, L., "Application of the European Convention on Human Rights and Judicial Dialogue," *Law Journal*, no. 2, 2019, 6., <https://jlaw.tsu.ge/index.php/JLaw/article/view/2874>

⁴⁷ Bobryk, V., Bilianska, N., Petrovskyi, A., Mazur, V., Application of Article 6(1) of the ECHR in Civil Proceedings: The Effect of European Integration Processes on Ukrainian Legislation, *European Journal of Sustainable Development* (2025), 14, 4, 763/

⁴⁸ Case of Lutsenko v. Ukraine (Application no. 6492/11), *Strasbourg*, 3 July 2012, par 106,

[https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-112013%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-112013%22]})

⁴⁹ Cavallini, D., Dallara, C., Guarnieri, C., Piana, D., The Implementation of the ECtHR judgements, 3.

⁵⁰ Tsiklauri, S., Execution of Judgments of the European Court of Human Rights: Challenges at the National Level, *Human Rights Center*, 2022, 9, <https://hrc.ge/files/238EXECUTION%20OF%20JUDGMENTS%20OF%20THE%20EUROPEAN%20COURT-eng.pdf>

⁵¹ Keller, H., Sweet, S., Assessing the Impact of the ECHR on National Legal Systems, 686-688, <https://openyls.law.yale.edu/server/api/core/bitstreams/ab182b19-48fe-4ed5-80a0-099c34964528/content>

⁵² Ivanets, I., The Impact of European Union's Law and Judicial Practice on the Application of the Principles of Protection of Violated Civil Rights in the Ukrainian Judicial Proceedings, N° 36 | *Universidade Portucalense | Porto | 2024, Secção I Investigação Científica, Revista Jurídica Portucalense*, 466.

⁵³ Case of Stran Greek Refineries and Stratis Andreadis v. Greece (Application no. 13427/87), § 49, [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-57913%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-57913%22]})

rights that are not theoretical and illusory, but practical and effective.”⁵⁴

In one of its judgments, the Constitutional Court of Georgia notes that “the right to a fair trial, as a certain measure of the realization of the principle of the rule-of-law State, implies the possibility of protecting before a court all those interests which, by their essence, constitute a right. ... If there is no possibility or legal mechanism for preventing the violation of a right or restoring a violated right, the very enjoyment of that right will be called into question.”⁵⁵ According to this interpretation, the body of constitutional control expressly indicates that the State is obliged to create such a legal mechanism which, when applied, ensures that the enjoyment of a right is not merely conditional.

According to the interpretation of the European Court of Human Rights, “the parties to a dispute must have an effective opportunity to present their positions.”⁵⁶ This is reflected in the principle of equality before the court and the law,⁵⁷ according to which the participants in a case must enjoy equal legal guarantees. Each party must have the opportunity to present its position under conditions that do not place it at a disadvantage in relation to the opposing party.⁵⁸ The principle of procedural equality of the parties implies granting equal rights to the subjects of the proceedings. For example, if the plaintiff has the right to file a claim, withdraw the claim, recall it, and change its subject matter and grounds, the defendant is granted the authority to submit a defence and a counterclaim, as well as to acknowledge the claim.⁵⁹ Roman jurists already spoke of the origins of this principle. The principle of “*audiatur et altera pars*” implied the obligation to hear the defendant.⁶⁰

Based on all of the foregoing, the State is obliged to create a system in which the filing of a claim, the submission of objections, and the conduct of proceedings are carried out without any discrimination. The principles of legality and procedural economy operate in procedural law. The restoration of a right cannot be effective if the parties and the court are not also restricted by time. “A judge must control the time limits and duration of proceedings from the very beginning of the case.”⁶¹ If the parties to a dispute are not assigned appropriate time limits for presenting their positions, the proceedings will continue for an

indefinite period. There are frequent cases where the claim, together with the attached materials, cannot be served on the defendant at the correct address indicated by the plaintiff, while, at the same time, no other alternative address is known.

If a party is not informed, it will be unable to exercise the procedural rights granted by law. Under the Civil Procedure Code, the failure to submit a defence and non-appearance at the hearing may become grounds for rendering a default judgment.

It is clear that there must exist such a procedural mechanism under which a notice sent to the defendant will be deemed served, the time required for the administration of justice will not be prolonged indefinitely, and the conduct of proceedings will be in conformity with international standards.

Such a mechanism is precisely the public notice provided for by the Civil Procedure Code of Georgia. In its current wording, the norm consists of two parts: “1. If the location of a party is unknown or it is impossible to serve judicial summons in any other way, the court may, by its ruling, approve service by publication. Public dissemination of the court notice shall be carried out by hanging notification on a prominent place in the court building concerned or by placing it on a website, or at the request of an interested party, by publishing, at the party’s expense, in the newspaper widely circulated in the administrative-territorial unit where the party resides, or by publishing in other media.” 2. “In the cases specified in paragraph 1 of this article, judicial summons shall be deemed served on the party on the seventh day after the summons are placed at a prominent place in the court building concerned, or on a website, or published in a newspaper or other media.” Public notice constitutes one of the means of serving judicial acts or familiarizing parties with notice.⁶²

The purpose of public notice is to prevent procedural actions from being carried out secretly. Developed countries successfully use this mechanism. According to the interpretation of the Supreme Court of the United States, although personal service is the most desirable method, public notice satisfies the requirements of due process guaranteed by the Constitution when other means of serving notice are

⁵⁴ Airey v. Ireland, § 24, Cited in: Supreme Court of Georgia, Guide on Article 6 of the European Convention on Human Rights: Right to a Fair Trial (Civil Aspects), 2. [https://www.supremecourt.ge/uploads/files/1/pdf/adamiani-s-ufleba-centri/samartliani-sasamartlo-ganxilvis-upleba\(samoqalaqo\).pdf](https://www.supremecourt.ge/uploads/files/1/pdf/adamiani-s-ufleba-centri/samartliani-sasamartlo-ganxilvis-upleba(samoqalaqo).pdf)

⁵⁵ Decision No. 3/1/466 of the Constitutional Court of Georgia of 28 June 2010 in the case of The Public Defender of Georgia v. the Parliament of Georgia, II-14. <https://constcourt.ge/ka/judicial-acts?legal=542>

⁵⁶ H. v. Belgium, (Application no. 8950/80), § 53, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-57501%22%7D>

⁵⁷ Civil Procedure Code of Georgia, consolidated version of 09/12/2025, Article 3, paragraph 1. <https://matsne.gov.ge/document/view/29962?publication=174>

⁵⁸ Kurdadze, Sh.; Khunashvili, N., Civil Procedural Law of Georgia, Meridiani Publishing House, Tbilisi, 2015, 95.

⁵⁹ Ibid., 98.

⁶⁰ Audiatur et altera pars - Oxford Reference, Fellmeth, A., Horwitz, M., Guide to Latin in International Law (1 ed.), Oxford University Press, 2009, <https://www.oxfordreference.com/display/10.1093/acref/9780195369380.001.0001/acref-9780195369380-e-276>

⁶¹ Consultative Council of European Judges (CCJE), Opinion No. 6 (2004), “On Fair Trial within a Reasonable Time and Judge’s Role in Trials Taking into Account Alternative Means of Dispute Settlement.”, <https://rm.coe.int/-ccje-6-2004-/168074739f>

⁶² Civil Procedure Code of Georgia, consolidated version of 09/12/2025, Article 78, <https://matsne.gov.ge/document/view/29962?publication=174>

practically impossible.⁶³ The current Georgian procedural law establishes two cases as procedural preconditions for the use of public notice: 1. where the locations of a party are unknown; 2. where the service of a court summons on a party cannot be effected by other means.⁶⁴ Public notice may be used where the rules governing the service of a summons have been observed. Normative regulation shows that the legal basis for both physical service of a summons/notice and service by means of public notice is foreseeable. However, in 2008, the actions taken by the national court in one of the cases became the subject of consideration by the European Court of Human Rights.

In the case of *Gakharia v. Georgia*, the applicant indicated that, as the defendant, the summons had been sent to him only once at the address indicated by the plaintiff. Although he was abroad and this fact was known to the plaintiff, the court did not apply the specific international treaty on mutual cooperation. At the same time, the means of serving the summons/notice had not been exhausted, and the use of public notice by the court was unlawful. The European Court of Human Rights noted that, first of all, the requirement of Article 73 § 1 of the Civil Procedure Code of Georgia had been violated, when “the court did not send the court summons to the applicant twice at the initial stage of the proceedings before carrying out public notice.” The national courts could also have requested legal assistance from the relevant Contracting State to the Convention. At the same time, “no attempt was made to contact the local self-government authority or the local police department in order to establish the applicant’s whereabouts (see, for example, *mutatis mutandis*, *Dilipak and Karakaya*, §§ 83–85, cited above). That means was also available to the court under Article 73 of the Civil Procedure Code (see § 15).”⁶⁵

The European Court of Human Rights unequivocally noted that the dispatch of summonses and rulings on their publication in the media may serve a legitimate aim: to ensure the speed and effectiveness of proceedings. However, the present procedure could not be used to the detriment of other procedural guarantees, in particular, contrary to the principle of equality of parties.⁶⁶

By way of conclusion, the European Court of Human Rights indicated that, for the purposes of our legislation, public notice is a measure of last resort. “Such an excessively formalistic approach by the national judges to the interpretation of the rules on serving court documents was unreasonable.”⁶⁷

This judgment revealed that a fair trial is achieved both through a properly functioning normative framework and through the good faith of the law-

applying authority, as well as through the proper interpretation of individual procedural norms and guarantees. The European Court of Human Rights demonstrated that the existing legal regulation satisfied the requirements of fairness; however, the problem lay directly in the use of this norm. In this respect, the judgment had a decisive effect on the formation of judicial practice and doctrine. On the basis of the example discussed above, the problem of national courts in the use of the norms of the Civil Procedure Code became clear. The law unequivocally provides the judge with the possibility of using the resources of municipal bodies and/or the district services of the territorial bodies of the Ministry of Internal Affairs of Georgia for the service of a summons/notice.

By this judgment, the European Court of Human Rights created a precedent showing that judicial discretion is not merely a matter of will; it is the exercise, where necessary, of an authority granted by law, while public notice is a measure of last resort, which must be used only when other mechanisms have been exhausted. According to the standard established by the European Court of Human Rights, under the existing legal regulation, public notice must be preceded by at least two attempts to serve the summons, by giving an assignment to municipal bodies and to the territorial district services of the Ministry of Internal Affairs, and, where necessary, by sending the summons abroad in accordance with the procedure established by law.

However, it is one thing when the European Court of Human Rights establishes a violation and indicates to the State the essence of the problem, and another when the country itself ensures the effective implementation of the judgment. Today, judicial practice shows that the violations established by the European Court of Human Rights no longer occur. The court does not adopt a formalistic approach toward the defendant party. If we examine individual rulings on public notice, we may conclude that notification is disseminated publicly only where attempts have been made to serve it at the address indicated by the plaintiff and the involvement of the police has proved unsuccessful.⁶⁸

Conclusion

The judgments of the European Court of Human Rights have essential and practical significance in the process of using national civil procedural norms. Although the Civil Procedure Code of Georgia, at the normative level, is consistent with international legal standards, the practice of the European Court of Human Rights clearly shows that decisive importance is attached not only to the content of a norm, but also to its

⁶³ Jennifer Lee Case, Extra - Read All about It: Why Notice by Newspaper Publication Fails to Meet Mullane’s Desire-to-Inform Standard and How Modern Technology Provides a Viable Alternative, 45 Ga. L. Rev. 1095, 1126 (2011) at 1096, Cited in: Soliman, M, Electronic Publication of Legal Notice: Towards More Reasonably Calculated Means of Service, 3.

⁶⁴ Ruling of the Supreme Court of Georgia in case No. BS-1307-1292(k-ks-11), 12 December 2011. <https://www.supremecourt.ge/ka/fullcase/17925/0>

⁶⁵ Case of *Gakharia v. Georgia*, (Strasbourg, 17 January 2017, § 41.

⁶⁶ *Ibid.*, § 44.

⁶⁷ *Ibid.*, § 49.

⁶⁸ Ruling of Kutaisi City Court of 30 January 2026, case No. 2/2136-25; Ruling of Kutaisi City Court of 9 February 2026, case No. 2/3605-25; Ruling of Tbilisi City Court of 4 February 2026, case No. 2/22481-25; Ruling of Tbilisi City Court of 13 February 2026, case No. 2/32237-25.

interpretation and practical use. It is precisely in this context that the role of the European Court of Human Rights becomes evident, as an institution having both interpretative and systemic influence. The standard established in *Gakharia v. Georgia* clearly demonstrated that the principle of procedural economy cannot be used to the detriment of the equality of the parties and the right to a fair trial. Public notice, as a procedural mechanism, must be regarded as a measure of last resort, the use of which must be preceded by the exhaustion of all possible mechanisms provided for by law. The assessment of the European Court of Human Rights established that a formalistic approach to the interpretation of the rules on serving a summons violates the rights guaranteed by Article 6 of the Convention and thereby damages the legality and fairness of the proceedings.

On the basis of this judgment, national judicial practice was significantly transformed. Courts intensified the use of powers granted by law, including the involvement of the police and municipal bodies, the use of mechanisms of international legal assistance, and the carrying out of repeated attempts at service. As a result, public notice in practice has actually become a measure of last resort and not a formal procedural instrument.

All of the foregoing confirms that the effect of the judgments of the European Court of Human Rights is not exhausted within the limits of a specific case. They have systemic, preventive, and normative influence, which is reflected in the practice of national courts and in the development of legal culture. The implementation of Convention standards, especially in civil proceedings, ensures the practical and effective protection of rights, strengthens the principle of the rule of law, and increases public trust in justice.

It may be said that the case-law of the European Court of Human Rights constitutes not only an international obligation, but also a factor determining the quality of fairness in national adjudication, which is essentially based on the standard of the correct and human-rights-oriented use of civil procedural norms.

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