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Challenges of Legal Regulation of Gifts in Public Service in Modern Georgian Legislation

Abstract.

The article aims to identify the complex challenges of the legal regulation of gifts within the of public service dimension and how these challenges, in turn, impact the efficacy of the governance process. Under the existing legal arrangement in Georgia, there has always been a problem of clear regulation/enforcement of the norms governing the issue of gifts, has consistently impeded the realization of an efficient and effective governance system. This article delves into the essential conditions that must be met for the proper regulation of gift-giving, evaluates the risks associated with this practice, and elucidates effective mechanisms for mitigating these risks. Furthermore, it underscores the crucial need for well-defined legal norms and the establishment of robust enforcement mechanisms as its propulsive factor. This study has encompassed an exhaustive examination and synthesis of legislation governing the exchange of gifts, alongside comprehensive analysis of scholarly works and manuals. In the pursuit of these objectives, both general and specialized research methods, including but not limited to analytical, synthetic, systematic and comparative legal methods were meticulously employed to process the retrieved information.

Key words: Public Administration, state servant, gift, regulation, practice.

Introduction

Clear and well-defined legal regulations regarding gifts in public service are critical for fostering effective and transparent governance. Such regulations are vital for the smooth operation of governance activities and the legal evolution of any nation. It is essential to establish precise legal norms concerning gifts in public service. This is to prevent undue restriction of civil servants' rights while simultaneously safeguarding public interests. The legal framework should ensure that public servants¹ remain uninfluenced, enabling them to perform their duties with loyalty and diligence.

However, in Georgia, the laws governing gifts in public service face issues with clarity, specificity, and practical enforcement and monitoring. These shortcomings negatively affect the functioning of public institutions, whose efficiency relies on the integrity of public servants and their adherence to actions within their official capacity that align with the public good.

The study of gift regulation within legislative frameworks is crucial for identifying and addressing the deficiencies in existing legislation concerning gifts in public service. This process involves a thorough review of the current legal norms to pinpoint their shortcomings, followed by the enhancement of these norms to establish effective methods for managing prohibited gifts in public service.

It's important to acknowledge that resolving the issues surrounding the regulation of prohibited gifts in public service represents a significant challenge within the framework of "good governance" and is essential for maintaining a high level of public trust in public institutions. The degree of trust the public places in these institutions and their staff is influenced by several factors, among which integrity stands out. A key indicator of integrity is the ability to avoid the risks associated with receiving gifts, underscoring the importance of stringent regulations in this area.

1. The Essence of the Gift and Its Regulation

The legal framework governing civil service in Georgia is defined by the Law of Georgia "On Civil Service." This legislation outlines both the operational aspects of civil service and the legal status of civil servants.² Within this context, the Law of Georgia "On the Fight Against

¹ For the purposes of this article, civil servants are defined as those employed under civil service, professional civil service contracts, and administrative contracts, as well as public officials as described in Article 2 of the Law of Georgia on Combating Corruption.

² Legal Foundations of Public Administration, vol. 3, Khubua, G. and Zimmerman, K.P., Tbilisi, 2016, p. 194.

Corruption" specifies the rights and obligations of officials, thereby delineating the individuals subject to its provisions, including matters concerning gifts and the limitations on their acceptance. Furthermore, Government Decree No. 200 "On Determining the General Rules of Ethics and Conduct in a Public Institution" serves as a supplementary regulation. This decree addresses various issues related to gifts, including the conditions and legal parameters for their acceptance, thus providing a comprehensive legal basis for the regulation of gifts within the civil service.

A crucial aspect of "good governance" is development-oriented governance, which encompasses efforts to combat corruption, promote gender equality, and ensure the efficiency and economy of public administration.³ The act of receiving gifts by public servants or their family members can potentially foster bribery and other corrupt practices.⁴ Consequently, the legal framework includes provisions to address the receipt of unlawful gifts. Specifically, Article 340 of the Criminal Code of Georgia penalizes public officials or their equivalents for accepting such gifts, imposing penalties that range from fines to community service.⁵

Public servants are mandated to exercise their duties adhering to the principles of public service and with the utmost regard for protecting public interests.⁶ To safeguard these interests, the law imposes various restrictions on the nature and acceptance of gifts, underscoring the commitment to maintaining integrity and transparency within public service.

Understanding the essence of a gift and categorizing it involves distinguishing between allowable and prohibited gifts. The regulations on accepting gifts set limits on the gift's value, identify permissible sources, and restrict certain categories of givers.⁷ Key to this process is a clear comprehension of what constitutes a gift. A gift is defined as property or a service provided to a public servant or their family member either without charge or under favorable conditions, representing a deviation from the norm. This includes any complete or partial waiver of property obligations specifically granted to the public servant or their family member.⁸

³ Izoria L. *Modern State, Modern Administration*, Tbilisi, 2009, p. 210.

⁴ Beselia G. *Gift to Public Service Guide*, p. 10.

⁵ The Law of Georgia on the Fight Against Corruption does not recognize the term "person equal to the official." Article 332 of the Criminal Code of Georgia provides a definition for the purposes of official crime.

⁶ Law of Georgia, "On Public Service," Article 8.

⁷ Tsukhishvili N. "Gift Policy in Public Service: Comparative Analysis of International Practice and Georgian Legislation," 2020, p. 6.

⁸ Law of Georgia, "On Fight Against Corruption," Article 5, paragraph 1.

The legal framework further extends the definition of a "gift" to encompass any property or service transferred to a civil servant's family member under the same preferential conditions, along with partial or complete obligation waivers. Legal analysis reveals that the definition of a gift covers both the public servant and their immediate family⁹, highlighting the need for clear understanding and regulation in this area to ensure transparency and integrity in public service.¹⁰

2. The Origin of the Gift and Its Influence on a Public Servant's Conduct

The core of gift-giving regulations aims to scrutinize the exercise of official powers by a public servant, strictly prohibiting the acceptance of any gift that could potentially sway their actions or decision-making processes. Beyond the direct impact of the gift on a civil servant's activities, it's crucial to consider additional aspects, particularly the integrity of the civil servant, which might be compromised by accepting a gift, as well as the risk of creating an implied obligation towards the giver.¹¹

To circumvent such scenarios under legislative guidelines, a maximum value for permissible gifts is established. This threshold is particularly intriguing when it comes to the methodology for valuing such gifts. Legally, the gift's worth is evaluated not based on the labor compensation but in relation to the official salary of the civil servant.¹² Legislation stipulates that the total value of gifts a public servant may receive during a reporting year should not surpass 15% of their annual official salary, and for single instances, no more than 5%, provided these gifts do not come from a single source.¹³ However, this stipulation does not guarantee immunity from undue influence. The exception regarding a single source opens a considerable loophole for the potential misuse of gifts, especially since there's no distinction among different ranks within the public service. It's also important to recognize that high-ranking civil servants command substantial salaries, and the legislative framework for calculating permissible gift values based on these salaries allows for the acceptance of gifts of considerable worth. Such

⁹ Agapishvili I., Beselia G., Tsukhishvili, N., Comments on the Resolution of the Government of Georgia on Determining Ethics and General Rules of Conduct in Public Institutions, Tbilisi, 2018, p. 17.

¹⁰ The Law of Georgia on the Fight Against Corruption defines "family member" as a spouse, minor child, stepson, or anyone permanently residing with the person.

¹¹ Agapishvili I., Beselia G., Tsukhishvili, N., Comments on the Decree of the Government of Georgia on Determination of Ethics and General Rules of Conduct in a Public Institution, Tbilisi, 2018, p. 65.

¹² Dvalishvili M., Makalatia e., Sanikidze Z., Turava P., Phirtskhalaishvili A., Kardava E., Wulaia I., Comments on the Law of Georgia on Public Service, Tbilisi, 2018, p. 212.

¹³ Law of Georgia, "On Fight Against Corruption," Article 5, Paragraph 2.

gifts could unduly influence the decisions they make or endorse. Thus, the legislative caps, while intending to mitigate risks associated with gifts from a single source, inadvertently introduce additional vulnerabilities when gifts originate from multiple sources, affecting the integrity of decision-making in governance.

The origin of a gift can be categorized as either external or internal, originating from either a single source or multiple sources. Government Decree No. 200 (2017) of Georgia, which establishes the general rules of ethics and conduct within public institutions, delineates gifts from internal sources as those received from a public institution, an employee, or a public servant, whether in a leadership or subordinate position. Conversely, gifts from external sources are defined as those received from official state bodies of Georgia or from an international organization.¹⁴

This distinction between internal and external gifts further illuminates the considerations necessary when evaluating the implications of a gift. It emphasizes the need to assess the potential influence that a gift, depending on its source, may exert on a public servant's ability to fulfill their functions and duties. This differentiation aids in understanding how gifts from various origins can impact the integrity and objectivity required in public service.¹⁵

Restrictions pertaining to gifts extend to the family members of public servants as previously outlined. Specifically, the cumulative value of gifts received by a public servant's family member within a reporting year must not exceed 1,000 GEL, and for single gifts, the limit is 500 GEL, provided these gifts originate from various sources.¹⁶ This caveat is further elaborated in Government of Georgia's Decree No. 200 "on determining the general rules of ethics and conduct in a public institution," which stipulates that the total value of gifts from a single source to each family member of a public servant should not exceed 1,000 GEL. This regulation underlines the careful consideration given to the potential for undue influence through gifts, extending scrutiny to the financial interactions involving public servants' family members, thereby reinforcing the framework for ethical conduct within public institutions.¹⁷

¹⁴ Agapishvili I., Beselia G., Tsukhishvili, N., Comments on the Decree of the Government of Georgia on Determination of Ethics and General Rules of Conduct in a Public Institution, Tbilisi, 2018, p. 68.

¹⁵ Resolution N200 of the Government of Georgia, 2017, Article 3, subparagraphs "F" and "K," "On Determining the General Rules of Ethics and Conduct in a Public Institution."

¹⁶ Law of Georgia, "On Fight Against Corruption," Article 5, Paragraph 3.

¹⁷ Government of Georgia Resolution 2017 N200, "On Determining the General Rules of Ethics and Conduct in a Public Institution," Article 10.

At the legislative level, a specific threshold for acceptable gift values is established, thus categorizing any gift exceeding this limit as prohibited. Such gifts are considered potentially influential on the decisions made by a public servant. It is important to acknowledge situations where the value of a received gift remains within legal bounds, yet originates from a party anticipating a particular decision within the public servant's purview. In these cases, the gift could be seen as an attempt to sway the outcome. Consequently, public servants are advised to scrutinize the giver's motives and their professional relationship with them to safeguard their objectivity, impartiality, integrity, and adherence to ethical principles in public service. Nonetheless, the responsibility for maintaining ethical standards should not rest solely on the individual civil servant. Legislative measures must also be in place to minimize such risks, especially when a gift, besides influencing a civil servant's actions, could potentially undermine public trust or the confidence of their peers.¹⁸

In addition to setting a threshold for acceptable gift values, the Georgian "Law on the Fight Against Corruption" specifies circumstances where certain benefits are not deemed gifts within its framework. Notably, grants, scholarships, awards, and prizes bestowed by the state or international organizations are excluded from the definition of a "gift." Similarly, "diplomatic gifts" received during official or working visits by a public servant, provided their market value does not exceed 300 GEL, and symbolic signs or souvenirs given at official events with a market value below 300 GEL, are also exempt. Moreover, property given free of charge or under favorable conditions, complete or partial waivers of property obligations, and services offered on preferential terms that adhere to general rules and are not exceptions to these rules, along with property from close relatives provided free of charge or under favorable terms, are not considered gifts.¹⁹ This delineation is crucial for ensuring clarity and precision, thereby eliminating loopholes and preventing varied interpretations.

3. Exploring the Normative Regulation of Gift Reception by Public Servants in Various Countries

The quest for refining Georgia's existing legislation benefits greatly from examining the diverse practices adopted in different countries regarding the reception of gifts by public servants. Currently, the international landscape showcases a myriad of mechanisms aimed at regulating this aspect, which typically manifest as supplementary directives augmenting the core

¹⁸ Agapishvili I., Beselia G., Kardava, E. Integrity in Public Service: Corruption Offences, Conflicts of Interest, and Incompatibility of Positions, 2022, p. 96.

¹⁹ Law of Georgia, "On Fight Against Corruption," Article 51.

legislative framework and established standards, offering additional guidance to public servants. Notably, a common trend observed across states with well-developed public systems is the specification of gift reception regulations at both a general and a more detailed institutional level. This dual-layered approach underscores a global acknowledgment of the need for precise guidelines that cater to the unique circumstances and requirements of various public service sectors, thereby enhancing the clarity and effectiveness of norms governing the acceptance of gifts by officials. Given the diversity in the operations of public sector institutions, each characterized by its unique domain, style of activity, and the specific forms and risks associated with receiving inappropriate gifts during their functional execution, it's crucial for each service to have tailored instructions or mechanisms related to its duties. A notable example of advancing the regulations on gift reception in the public service can be seen in Irish legislation. Here, the "Gifts to Civil Servants"²⁰ guidance, developed by the Standards Commission, explicitly advises the leaders of all public service agencies or sub-institutions to disseminate additional information to their subordinate group of civil servants concerning the potential issues and guidelines surrounding the acceptance of gifts. This approach underscores the importance of customized guidance to address the nuanced risks and ethical considerations unique to each public service facet, enhancing transparency and integrity within public administration.

A prevalent approach in regulating gift acceptance by public officials involves a comprehensive and precise definition of what constitutes an acceptable "gift," the circumstances under which a gift is considered illegal, and the specific identification of potential givers. In this context, Israeli legislation offers an intriguing model. It not only establishes general criteria for a civil servant receiving a gift but also considers the geographical context of the transaction. The law accounts for the value received by an official, their spouse, child, or any other person permanently residing "in Israel or abroad"²¹ as part of the gift exchange process. Consequently, the acceptance of an illegal gift outside Israel's sovereignty is treated with the same legal obligations as those incurred within the country. This approach enhances the accountability and impartiality of public officials by equating the legal responsibilities of their actions, irrespective of the geographical location where the gift exchange occurs.

²⁰ "Civil Service Code of Standards and Behaviour," Standards in Public Office Commission, Dublin, Ireland, 2019. <https://www.sipo.ie/acts-and-codes/codes-of-conduct/civil-servants/Information-notice-gifts-to-civil-servants.pdf>.

²¹ Israeli Law on Public Service ('Public Service (Gifts) Law,' 5740-1979, p. 2).

The German approach towards the awareness and application of legitimate circumstances under which a public servant may accept a gift stands out for its distinct emphasis. Unlike most countries, where the regulatory frameworks for gift acceptance stress the organizational-corporate responsibility to ensure employees are fully informed about the gift-receiving requirements linked to their roles and responsibilities, Germany places a significant portion of this responsibility on the employees themselves. The German Bar Association (DAV) advocates that employees across all public institutions should proactively seek out information regarding the practice of gift-giving within their organization at the start of their employment, or at the very least, by the time they receive their first gift from a business client. This self-inquiry obligation underlines the importance of individual responsibility in maintaining transparency and ethical standards in public service.²²

Creating a moral-ethical environment and mechanisms within the public sphere that deter and diminish the incentive for officials to accept illegal gifts is crucial. A significant deterrent in this context is the financial penalization of officials. This approach involves explicitly stipulating such penalties and their amounts within the relevant legal documents. A notable example of this practice is found in Israeli legislation, which imposes a fine on a public official who receives a gift. The fine is calculated as triple the market value of the gift at the time it was received or triple the amount of its value during the trial if it is determined that the value at that time exceeds the initial market value. This measure aims to significantly increase the financial risk associated with accepting illegal gifts, thereby reinforcing ethical conduct among public officials.

Contrary to international norms, the current Georgian legislation, specifically the "Law on Combating Corruption" (№982–I C., 1997), and the "Decree on Determining the General Rules of Ethics and Conduct in a Public Institution" (Government of Georgia Decree №200, 2017), lacks explicit provisions or guidelines that govern the procedures for accepting gifts, whether material or intangible. Lobbying, defined as the act of advocacy by individuals and groups aimed at influencing the decisions of public servants, is a legally regulated activity in many countries, distinguishing between lawful advocacy and various illegal methods of influencing officials' decisions, such as corruption, blackmail, and bargaining. Among these practices, the reception of illegal gifts by public servants or their family members is notably included, highlighting the need for clear regulatory frameworks to delineate acceptable conduct in the realm of gift-giving and lobbying activities.

²² Pascual, S. "What You Should Know About Gift-Giving in the German Workplace," 2018. <https://www.thelocal.de/20171212/what-you-should-know-about-gift-giving-in-the-german-workplace/>.

In Georgia, despite various historical and social methods of influencing public servants' decisions, classical lobbying—as understood by its specific terminology, characteristic methodology, and legal avenues of implementation—remains relatively novel and not fully actualized. To enhance the ethical standards of public service, it is imperative to establish a comprehensive legislative framework. This framework will serve as the foundation for fostering an open, transparent, and accountable public sector moving forward.

Moreover, Georgian legislation currently overlooks a critical aspect commonly addressed in international norms regarding gifts. Specifically, it does not consider the nuanced issue of receiving gifts by those officials whose decisions directly affect the lives of individuals or groups, categorizing it as particularly sensitive. Such officials are often subject to a total prohibition against accepting any gifts, regardless of their nature or value. A prime example of this approach is found in the Criminal Code of the Federal Republic of Germany, which explicitly bans certain categories of public officials, including judges, notaries, and those employed in public administrations, from receiving gifts, thereby upholding the integrity and impartiality essential to their roles.²³

The adoption of a "No Gift Policy" by public officials is a strategy employed by various countries around the world, including those with less developed or emerging democracies such as Malaysia, Uzbekistan (within the country), and the Philippines. This policy serves as an additional measure to combat corruption within the public sector by eliminating potential conflicts of interest that may arise from gift-receiving.

In the United States, the issue of accepting gifts in the public service and the potential for biased decisions resulting from such gifts receive significant attention in the law. This approach includes specifying in relevant normative acts the types of material and intangible values that may be considered gifts, along with stipulating a threshold for the market value of gifts received from a single source during the calendar year (e.g., \$50 in the states of Montana, Nebraska, Oregon, etc.). Notably, gift regulation is enforced not only at the federal level through agencies such as the United States Office of Government Ethics (OGE) but also at the individual state level. This dual-layered regulatory framework allows for the broadening of federal legislation as well as the customization of regulations to meet specific state needs, further reinforcing the integrity of public service by minimizing corruption risks associated with gift acceptance.

²³ Bribery and Corruption Laws and Regulations, Germany, GLI, 2023. German Criminal Code (Strafgesetzbuch – StGB), 1998, Chapter 30, sections 331-333. https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html.

The legislation across various states exhibits diverse and nuanced approaches to the acceptance of gifts in public service. An example of particular interest is the legislation in the U.S. state of New Mexico. To mitigate the risk of potentially biased decisions by public officials, this legislation mandates the disclosure of gifts or the declaration of intent to receive gifts not only for currently serving officials but also for "nominee" candidates for public or political positions.²⁴

With few exceptions for personal celebrations or anniversaries (gifts valued at \$10 or less), U.S. law enforces stringent regulations on the exchange of gifts among officials. A broad prohibition exists against all gifts from a subordinate to an official who holds a higher position in the official hierarchy. Furthermore, it is expressly prohibited for an official to solicit contributions or organize fundraising for the purpose of purchasing a gift for a superior. Receiving a gift from an official who earns a lower salary than the gift's recipient is also prohibited.²⁵

International practices offer another compelling perspective where the Georgian regulatory framework shows a notable gap concerning the receipt of gifts - specifically, the scenario where a superior official offers a gift to a subordinate. In the legislation of countries with developed democracies (such as the USA, Germany, and Sweden), a variety of approaches exist regarding this matter. Unlike gifts received from external sources, where emphasis is often placed on the financial value of the gift, the primary concern in this context shifts to the nature of the gift and its appropriate evaluation. This distinction underlines a significant consideration: the intent and implications behind a gift from a superior to a subordinate, focusing on ensuring such exchanges do not compromise ethical standards or the integrity of the workplace.

For instance, while it may be deemed acceptable for a superior officer to present a gift to a subordinate during significant personal milestones such as holidays, family anniversaries (weddings, birthdays, the birth of a child, etc.), the dynamics shift significantly in other contexts. When a superior gives a gift to a subordinate employee, especially if it occurs repeatedly, it might be perceived as undue attention. This could be interpreted as favoritism, distinguishing the subordinate from their peers, potentially leading to concerns of gender discrimination, or even being seen as an act of inappropriate behavior of a sexual nature.

Thus, whereas gifts from subordinate officials to a superior might primarily be viewed through the lens of corruption or as a means to secure professional advancement, the practice of a

²⁴ "Gifts / Financial Disclosure for Elected Officials & Public Servants," Sec. 2-129 Bernalillo County Code of Conduct, 1998.

²⁵ "Gifts Between Employees," U.S. Department of the Interior (DOI), 5 C.F.R. § 2635.

superior gifting to a subordinate encompasses a broader spectrum of considerations. It presents a multifaceted scenario that demands a more in-depth analysis and vigilant oversight by the relevant administrative bodies to ensure such gestures do not undermine the integrity and fairness of the workplace environment.

4. Prospects for Preventing and Monitoring the Receipt of Illegal Gifts by Public Servants in Georgia

Currently, addressing the issue of public servants accepting illegal gifts, which can lead to biased decision-making, stands as a significant priority within the democratic world and states boasting developed public systems. To tackle this challenge, numerous countries have implemented a variety of mechanisms within their civil service regulatory frameworks aimed at mitigating this issue. However, it's also crucial to acknowledge the practical challenges in completely eliminating the acceptance of inappropriate gifts by officials. These challenges stem from difficulties in accurately assessing the true value of a gift or understanding its multifaceted nature. Consequently, in nations where civil service and governance systems are still evolving, such as Georgia, it is essential to establish a comprehensive normative framework to regulate the acceptance of gifts by officials. This approach ensures a stronger foundation for maintaining integrity and transparency within public service.

At the modern stage, the legislation regulating the gift to the public service needs significant revision. "Comparative analysis of Georgian legislation shows that the current legislative regulation of the gift policy is outdated and does not respond to modern challenges, both in the definition of the essence of the gift, as well as in the part of the established restrictions and monitoring.²⁶ The lack of analysis and unified statistics on gift - related restrictions in public service is also highlighted in Transparency International Georgia's research report-evaluation of enforcement of the law on conflict of interest and corruption in public institutions (2016-2020).²⁷

To bolster democracy, transparency, and public trust in the civil service, it is crucial to continue the reform of Georgian legislation regulating this issue, drawing from effective

²⁶ Tsukhishvili N., "Gift Policy in Public Service: Comparative Analysis of International Practice and Georgian Legislation," 2020, p. 41.

²⁷ Transparency International Georgia, "Assessment of Enforcement of the Law on Conflict of Interest and Corruption in Public Institutions (2016-2020)," p. 27.

international mechanisms and successful examples. The following recommendations are proposed for further improvement.

4.1. Implement the Uniform Gift Policy in practice and enhance public awareness regarding the procedures for accepting or prohibiting gifts.

With the recent legislative updates (2023 Amendments to the law on the fight against corruption, #982) and the establishment of the new institution - LEPL "Anti-Corruption Bureau" - it becomes imperative to educate civil servants about the mandate of this new institution. Furthermore, it is important to inform them about the regulations concerning the acceptance of gifts, highlighting the role and functions of this policy in ensuring a transparent and accountable civil service.

The successful implementation of the Uniform Gift Policy within the public service is intrinsically linked to enhancing public awareness. To achieve this, it is imperative for relevant institutions (such as the Civil Service Bureau, Anti-Corruption Bureau, and various governmental and civil entities) to actively employ scientific methodologies and modern communication tools. These efforts aim to educate civil society about the responsibilities and legal obligations incumbent upon both the giver and the receiver of the gift. Key focuses should include:

1. Establishing a clear connection between the receipt of an illegal gift and the potential for sanctions and other administrative actions;
2. Actively promoting ethical behavior among officials, especially when a gift is declared transparently and in good faith.

The efficacy of the regulatory framework governing the acceptance of gifts by public servants is intricately linked to the necessity of awareness-raising efforts. Under current legislation,²⁸ the requirement for officials to disclose received benefits to their "direct" supervisor and notify the Anti-Corruption Bureau serves as a key mechanism for monitoring gift acceptance by public officials. The practical success of this monitoring approach is deeply dependent on the integrity of civil servants, the competence and awareness of the officials' "direct" supervisors regarding both existing and new regulations concerning gift acceptance in the civil service.

Given these considerations, it becomes clear that for the successful implementation of a unified gift policy, raising the awareness of officials at all levels is of paramount importance. This

²⁸ Law of Georgia, "On the Fight Against Corruption," Article 13³, paragraph 3, subparagraph "a".

underscores the need for a comprehensive strategy to educate all involved parties about their roles, responsibilities, and the ethical standards required to ensure transparency and accountability within the public service sector.

4.2. Development of a Normative Framework and Additional Monitoring Mechanisms for Receiving Gifts in Public Service

Mandatory Notification for Civil Servants Upon Entry into Civil Service

Under current legislation, every individual admitted into the civil service is required to acquaint themselves with the principles and values embedded in the laws "On Civil Service" and "On Combating Corruption," as well as the rights and duties bestowed upon them. This obligation is ultimately encapsulated in the civil servant's oath,²⁹ through which the official pledges their commitment to serve the populace, uphold the country's Constitution, protect public interests, among other responsibilities.

At the same time, it is important to acknowledge that the current legislation overlooks the obligations of the state itself, and the information procedures in place regarding an official's entry into public service are significantly limited. The "oath of a civil servant," in its essence, is a standardized, formal mechanism. Its mere existence, however, cannot ensure an official's understanding of the ethical standards necessary for the execution of their duties, nor can it guarantee the official's commitment to upholding these standards. Globally, numerous mechanisms have been developed to address this issue with greater effectiveness. Among these is the "ethical contract"³⁰ formulated by the United States Office of Government Ethics. This contract requires candidates, prior to their appointment, to assume written responsibility, acknowledging their full awareness of the ethical requirements associated with public service and their forthcoming duties, and to commit to adhering to these standards.

Additionally, it is worth mentioning that prior to signing the "ethical contract," a designated representative from the Government Ethics Office furnishes the appointee with detailed and thorough information regarding the norms of official ethics pertinent to their future responsibilities, as well as regulations concerning the acceptance of gifts. Implementing a mandatory mechanism for informing civil servant candidates by the state, before their appointment, will undoubtedly enhance the quality and integrity of the Georgian civil service.

²⁹ Law of Georgia, "On Public Service," Article 44.

³⁰ Lazariashvili Sh., "The Role of the Office of Government Ethics in the Federal System of Ethics Protection of the US Public Service," *Stu, Business Engineering*, Nos. 1-2, 2017, pp. 288.

Further Details on the Procedures for Gift-Giving/Receiving Among Service Colleagues

The current Georgian legislation governing the practice of gift-giving in public service primarily addresses the flow of gifts in an ascending direction—that is, from officials at lower levels of the hierarchy to their superiors—as a means to identify and avert potential corruption. However, the legal framework lacks clarity and regulations regarding gift exchanges on a horizontal level (among colleagues) and, crucially, in a descending direction (from superior to subordinate). Addressing this legal shortfall would significantly aid in establishing a unified regulatory norm for gift exchanges within the service.

Introduction of a General Prohibition on Gifts for Certain Categories of Officials

The reception of a gift, regardless of its nature (personal or official), invariably exerts a significant psychological influence on any individual, particularly those employed in the public sector. This influence is especially pronounced among officials whose roles have a direct impact on the lives and welfare of specific individuals or groups (e.g., those in high political positions) or those whose duties in public service are not time-bound (e.g., sitting judges). Therefore, instituting a general ban on accepting non-diplomatic/protocol gifts for such categories of public servants would markedly aid in diminishing the risks of corruption.

4.3. Innovative Approaches to Gift Management in Public Service: Introducing Mechanisms for Utilizing Gifts for Public Interest

In numerous countries, there exists a registry, depository, or other archival system for cataloging gifts received by public officials from both domestic and international sources. These mechanisms serve as repositories for a wide array of exhibits, including those of historical, diplomatic, and jubilee significance, ensuring their preservation. However, it is common to find a more substantial number of gifts listed in such registries that, despite being diligently reported by officials or identified through monitoring efforts, lack any particular significance.

Irrespective of a country's level of development, economic strength, or the effectiveness of its social policies, it is advisable to leverage the material potential of these gifts by channeling them towards relevant objectives. The introduction of innovative and alternative methods for the material utilization of gifts amassed within the public service presents an opportunity for public resources to be effectively employed. In the context of Georgia, for instance, the procedure of a public auction or the gratuitous transfer of an item, through granting the right to sell it for a designated purpose, can be explored (E-auction.ge). This approach facilitates the

conversion of gifts into valuable assets that can support public interests, offering a practical solution to managing the plethora of gifts within public service.

Conclusion

In contemporary public systems, particularly within developed democracies, the receipt of gifts in public service and the strategies to mitigate potential associated risks receive significant attention. There exists a variety of legal frameworks that, despite their differences in approach, regulatory methods, and punitive measures, share the common objective of safeguarding the impartiality of civil servants' actions, as well as ensuring the transparency, objectivity, and ethical integrity of the civil service. These regulations aim to uphold a set of unified ethical and moral standards within the Civil Service and guarantee accountability to the public. Currently, the regulatory framework in Georgia demands updates and further refinement. This necessity arises from considering the country's rich cultural and historical heritage and traditions, which influence the public's perception of civil servants' accountability and the overall understanding of the civil service's essence and core values. This understanding remains underdeveloped within civil society. Therefore, alongside practical efforts to enhance the democracy of the civil service, it is crucial to continuously refine and improve the legislative governance of the civil service. This should be done by drawing on the best and most successful international practices, ensuring that Georgia's civil service not only meets but exceeds modern standards of transparency, accountability, and ethical conduct.

