Erosion of Meritocracy: How Recent Legislative Amendments (2024–2025) in Georgia foster Uncertainty and Undermine Democratic Governance

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Abstract

This paper analyzes the legislative changes made to the Laws of Georgia on Public Service and on Fight against Corruption between late 2024 and early 2025. It shows that these amendments significantly deviate from the core principles of the 2015 public service reform, which aimed to establish a merit-based, career-oriented, and politically neutral system. The study highlights several critical issues: the expansion of administrative contracts for managerial positions, which increases the risk of political interference; the transformation of the evaluation system into a repressive tool; and the simplification of reorganization procedures that reduce legal protections for dismissed servants. Furthermore, the paper discusses the problematic nature of new restrictions on academic and creative activities for public employees. The authors conclude that these non-systemic changes weaken institutional memory, decrease employee motivation, and damage public trust, ultimately threatening the long-term stability and success of public administration reform in Georgia.

Keywords

Public Service Reform, Political Neutrality, Merit-based System, Reorganization, Legal Guarantees.

Introduction

The Law of Georgia on Public Service, adopted on October 27, 2015, laid the foundation for a unified, career-based, merit-based public service system. The public service reform, on the one hand, aimed to improve the efficiency and transparency of public administration, and, on the other hand, to form a professional public service by separating politics and administration. The new legal framework created the appropriate conditions to increase public servants' motivation and strengthen public trust[3].

The public service reform was an important part of the Association Agreement signed between the European Union and Georgia, which included Article 4, which declared the readiness to create an accountable, efficient, effective, transparent, and professional public service[4]. To fulfill this obligation, within the framework of the public service reform, a new system of ranking public servants was developed, and selection and career development processes were refined; new mechanisms were introduced, such as performance evaluation and professional development; the guarantees for the protection of public servants' rights were increased, especially in the context of disciplinary proceedings, dismissal based on a personal statement, and reorganization.

The purpose of the paper is to analyze the changes introduced by the Parliament of Georgia into the laws of Georgia on Public Service and on the fight against Corruption at the end of 2024 and the beginning of 2025, and to assess their possible impact on the process of public service reform.

The article studies and assesses the following issues:

- Changes made to the status of a public servant, specifically, expanding the circle of persons employed in public service under administrative contracts at the expense of reducing professional public servants;
- Changes made to the system of evaluating a public servant, specifically, increasing the frequency of evaluation, and changing the evaluation process and results;
- Changes in the rules for implementing reorganization in public service and reducing the guarantees for the protection of public servants' rights;
- Reducing the guarantees for the protection of the rights of a person illegally dismissed from public service, specifically, taking away the court's right to order the reinstatement of an illegally dismissed person to work;
- Assessment of the extension of the above-mentioned changes in the Law on Public Service to LEPLs (Legal Entities of Public Law);
- Restrictions related to the conflict of interest (incompatibility) of a public servant, specifically, when performing scientific, pedagogical, creative, and sports activities;

[3] Turava, Paata, 2018. Commentary on the Georgian Law on Civil Service. Edited by E. Kardava. GIZ, USAID. 14-22.
[4] Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, OJ L 261, 30.8.2014, pp. 4–743. Art. 4. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014A0830%2802%29-20231115.

Based on the analysis of the above-mentioned issues, the paper identifies the main challenges in public service reform and assesses their impact on the further activities of public institutions, including their relations with citizens, international organizations, and civil society organizations.

1. Erosion of the Meritocratic Principle: Legal Implications of Reclassifying Managerial Positions

An achievement of the reform was the clear definition of the statuses and roles of persons employed in public service, according to their public-law functions. In the new system of public service, the professional public servant became key, with a form of permanent employment and the implementation of public-law tasks[5]. For the performance of non-permanent or temporary functions, a form of employment by labor contract was introduced[6], while for the purpose of separating politics and administration, and to provide intellectual and technical support for political officials, a completely new form was chosen - the administrative contract[7]. This division ensured that the public service served not a specific political force, but the state and society.

However, with the change implemented in December 2024, this balance was disturbed by introducing the administrative contract form of employment for the head of a primary structural unit and their deputy, who were previously selected based on professional criteria. Vague and less predictable legal standards are entering the public service system. As a result, the risk of selection based on political pressure and loyalty increases, which essentially contradicts the fundamental goals of the reform and weakens the neutral and professional nature of the professional public service.

Heads of primary structural units of public institutions and their deputies, who previously enjoyed the status of professional public servants, were transferred to persons employed by administrative contract. This is not formally just a change of status. It affects the merit-based career system and the provision of political neutrality. First of all, it should be noted that employment under an administrative contract changes the picture in several ways. First, it is a change in the selection procedure. To employ a person by administrative contract, it is not necessary to create a competitive and accessible environment and employ them through a competition rule[8]. Competition is not only a selection process but an expression of the accessibility, fairness, and transparency of the public service system. Appointing people to managerial positions without competition increases the risk that they will be selected not on the basis of their qualifications, experience, or professional integrity, but on the decision-maker's individual views.

An important aspect is also that the status of a professional public servant was aimed at creating mechanisms to protect the managerial level from political influence. An administrative contract, by its nature, represents a temporary and fragile status, which is directly related to the political cycle and whose term is tied to the authority

[5] Law of Georgia on Public Service, adopted 27.10.2015. Available at: https://www.matsne.gov.ge/en/document/view/3031098?publication=70. Art. 3 (e).
[6] Ibid, art. 3 (f).
[7] Ibid, art. 3 (g).
[8] Ibid, art 80 (3).

of the person appointed by a political sign[9]. A manager appointed in this way becomes less independent in professional decisions, and the risk of politically motivated decisions increases. Besides, the internal logic of career growth is broken: professional public servants working in public institutions, who collect experience over the years, develop professionally, and perhaps even satisfy the criteria established for the position of the head of a primary structural unit or their deputy, will lose faith that their work and competence will lead them to a managerial position. This system of classification and career growth was exactly the key aspect of a career-based public service.

Furthermore, switching to an administrative contract practically cancels the functional weight of the classification/ranking system. Classification aims to systematically arrange positions by factors such as responsibility, task difficulty, competence, qualifications, and work experience[10]. However, when appointments to the first rank and the first category of the second rank positions happen by administrative contract, at least these categories of the classification system remain in force only formally.

The full picture also points to the legally non-systemic and fragmentary implementation of the changes. It is noteworthy that these changes did not apply to the head of a primary structural unit and their deputy employed in the City Hall of a municipality, but they did apply to persons employed in the same positions in the staff (Apparatus) of the Sakrebulo (City Council). The managerial level of the City Hall maintained the status of a servant, not as a result of systemic analysis, but because of legal technique and hierarchical nuances of normative acts, since the Organic Law of Georgia, "Local Self-Government Code," mentions only the managerial level of the City Hall as public servants[11]. This non-systemic change creates a legal imbalance not only between the center and the local level, but also within local self-government between City Hall and the Sakrebulo, and violates the principle of unity of the public service.

2. Performance Evaluation: From Developmental Ambition to the Risks of Disciplinary Oversight

The performance evaluation system, launched in 2018 under the 2015 Law, was originally conceived with a clear legislative intent: to transform public service into a growth-oriented environment through constant dialogue and quality standards. However, the reality of the first six years revealed significant systemic challenges. Formalism and "result inflation" became widespread, as evidenced by the Civil Service Bureau's 2022-2023 reports, an overwhelming majority of staff received top ratings (Good/Excellent – sometimes more than 85%), often failing to reflect actual productivity. Yet the system served as a crucial diagnostic mirror, exposing deeper structural issues such as poor strategic planning and a lack of managerial readiness, rather than proving that the evaluation tool itself was flawed. Since the 2024–2025 amendments are in their early stages of implementation, an analysis of the legislative intent behind these changes reveals a shift toward a more centralized and potentially punitive

[9] Ibid, art 80 (2).
[10] Ordinance of the Government of Georgia #217, adopted 26.04.2017. Available at: https://matsne.gov.ge/en/document/view/6830557?publication=0. Art. 4.
[11] Organic Law of Georgia Local Self-Government Code, adopted 05.02.2014. Available at: https://www.matsne.gov.ge/en/document/view/2244429?publication=80. Art. 60 (1).

framework. The introduction of disproportionate sanctions – such as the 20% salary deduction – and the increased frequency of evaluations suggest an intent to prioritize administrative discipline over professional development.

While the actual impact remains to be seen in practice, the legal structure now creates a significant risk of instrumentalizing evaluation for centralized control. The new authority for institutional heads to override evaluation results poses a direct threat to managerial autonomy. This legal possibility creates a risky environment in which the manager's role as mentor and evaluator is undermined, potentially reducing the entire process to a formalistic exercise driven by top-down pressure rather than professional merit. Thus, the risk is not just in the sanctions themselves, but in the potential destruction of the professional trust and autonomy that the 2015 reform sought to build.

The goal of the evaluation system for public servants is to improve performance quality, support professional development, and encourage result-oriented work. The need to evaluate the quality of the work performed existed even under the conditions of the 1997 Law of Georgia on Public Service. According to the 1997 law, the purpose and essence of "attestation" fully corresponded to the goal and importance of evaluating the work performed, although there were differences in frequency and the range of subjects[12].

Under the 2015 Law of Georgia on Public Service, the evaluation of a servant's competencies and qualifications through attestation was replaced by the evaluation of the servant and the work they perform. The intention of the reform was to introduce a mechanism for measuring the effectiveness of tasks set at both the organizational and individual levels, which would help public institutions evaluate the quality of work and identify development opportunities for employees. Additionally, the evaluation of performed work was supposed to become a means of encouraging feedback and developmental dialogue between the supervisor and the employee, which would promote, on one hand, employee engagement and professional growth, and on the other hand, the improvement of the work environment and the achievement of organizational goals/results.

As part of the public service reform, the evaluation system was established as structurally decentralized, meaning that general frameworks and standards are set by legislation, while specific procedures and methods are refined at the institutional level. The changes introduced into the Law of Georgia on Public Service in 2024[13] essentially alter the mechanism for evaluating the work of professional public servants and might serve as a basis for the concentration of control and the increase of repressive practices.

According to the changes, the frequency of evaluation has increased, which has increased the bureaucratic and administrative burden and created a high probability that the process will become even more of a formal mechanism that takes more time than it delivers real results. This might be used as a repressive mechanism in response to receiving two unsatisfactory evaluations.

[12] Law of Georgia on Public Service, adopted 31.10.1997 (Invalid from 01.07.2017). Available at: https://www.matsne.gov.ge/en/document/view/28312?publication=108. Art. 81.
[13] (Footnote 3). Art. 53 (after amendments).

Additionally, the changes introduced a sanction for an unsatisfactory evaluation: a 20% deduction from the official salary. Two negative evaluations are already grounds for dismissing a servant from service[14]. Adding a repressive sanction indicates that the goal of the reform – for public institutions to discover the needs of employees through the evaluation mechanism and plan professional development opportunities in response to the revealed needs before dismissal – is being put into doubt.

The circle of evaluators has increased, while the number of subjects to be evaluated might decrease. Usually, evaluation is applied to servants at all hierarchical ranks[15], but under the new change, it will be mandatory only for "servants.[16]" Consequently, since the heads of primary structural units and their deputies no longer enjoy the status of a professional public servant, it is possible that their evaluation will no longer be mandatory. Regarding the increase in the circle of evaluators, this is related to the possibility for the head of the institution to change the evaluation result of any servant within one month. This step significantly affects the role of the immediate supervisor. The involvement of the institution's head poses serious threats in two main directions. First, bureaucratic complexity and formalism increase, which limits the flexibility of the evaluation process. On the other hand, it might significantly undermine the manager's professional authority as a decision-maker.

If we assume that the involvement of this subject serves to control "performance results inflation," then changing the evaluation results in such a way contradicts the principles of the evaluation system itself. To manage result inflation and ensure balanced distribution, there are corresponding mechanisms for result calibration and/or moderation[17] that help minimize the subjectivity of evaluation results and evaluators' decisions.

As a result, under the new regulations, the professionalism, transparency, and objectivity of the evaluation process might weaken, expanding the space for political interference, reducing the autonomy of the immediate supervisor, and increasing distrust toward the system. Moreover, terminological and procedural inconsistencies will promote a broad interpretation of the legal norm and the establishment of vague, non-uniform practices. The levels of organizational development, internal organizational culture and standards, and the maturity of human resource management units and managerial levels in public institutions differ significantly. Considering this, vague changes might establish different, often arbitrary practices. For example:

- Where middle management is weak, and the word of the head of the institution has decisive power, the evaluation system might lose its function and become part of a disciplinary mechanism.
- Where the human resource management unit is relatively independent, the interests of servants might be partially protected, but, at the same time, it may cause the formalization of the evaluation process and overloading it with bureaucratic aspects.

[14] (Footnote 3). Art. 107 (f and g).
[15] Ordinance of the Government of Georgia # 200 On approval of the rules and conditions for the evaluation of professional civil servants, adopted 28.04.2017. Available at: https://www.matsne.gov.ge/en/document/view/3652594?publication=0. Art. 2.
[16] Ibid, art. 1.
[17] Tsulaia, I; N. Okhanashvili, M. Kuchukhidze, T. Simongulashvili, N. Baratashvili, 2018. Georgian Professional Civil Servants Appraisal Guide: Why We Appraise, Why We Are Appraised and How? Available at: https://www.undp.org/sites/g/files/zskgke326/files/migration/. 80-88.

- Where the professionalism of the managerial level and human resource management units is low, they might not even represent real mediators in the process of evaluation and disputes, which will only "strengthen" the servant's legal guarantees in an illusory way.

However, to confirm these assumptions, it is important to analyze the practice established after these changes, at least considering the results of the first evaluation cycle.

3. The Reorganization Framework: Undermining Security of Tenure and Professional Protections

Historically, in the Georgian public administration context, reorganization has frequently been utilized not as a genuine instrument for institutional health, but as a convenient mechanism for the targeted dismissal of specific individuals. This trend was particularly evident when other legal avenues for termination – such as voluntary resignation or performance-based dismissal – were unavailable. Even under the 2015 reform, which introduced a formal performance evaluation system to address low productivity, the dismissal process remained legally rigorous. Despite the state's investment in staff professional development and competence, the two-year cycle required for termination due to poor performance was often bypassed. Instead of using these meritocratic filters, agencies frequently resorted to structural reorganizations, often marred by "grade inflation" in evaluations, to expedite staff removals.

Recognizing these historical complexities and the systemic misuse of structural changes, the 2015 Law was drafted with meticulous detail to serve as a counterweight to past malpractices. The introduction of mandatory mobility – requiring a servant to be either retained in an equivalent or lower position or integrated elsewhere within the system – along with the three-month compensation, was a deliberate legislative effort to neutralize the "reorganization-as-dismissal" strategy. These safeguards were designed to transform reorganization from a personal risk into a neutral administrative process.

3.1. The Erosion of Stability: Undermining the Principle of Permanent Employment

In light of this historical trajectory, the 2024–2025 amendments represent a concerning reversal. By dismantling the very protections that were established to rectify decades of administrative overreach, the new legislation heightens the fear and risk of a return to a repressive culture. The simplification of the reorganization process, coupled with the erosion of reinstatement rights, directly undermines the security of tenure. It creates a legal environment in which structural reform can once again be weaponized against individual servants, effectively stripping away the progress toward a stable, professional, and protected civil service.

One of the important innovations of the public service reform was the detailed regulation of the reorganization process of a public institution and the increase in guarantees for the protection of a public servant's rights, which ensure the effective functioning of the public institution and protect the public servant from groundless restrictions on rights. In the 1997 Law of Georgia on Public Service, there was only a general provision on reorganization, which established grounds for dismissing a servant but did not explain when reorganization was justified, what

goal it should achieve, or the procedures for reorganization. Furthermore, the 1997 Law of Georgia on Public Service did not offer public servants additional guarantees for the protection of their rights during reorganization, except for the right to appeal a decision to dismiss based on reorganization.

By the 2015 Law of Georgia on Public Service, the following were defined: a) the goal and essence of reorganization; b) the reorganization process; c) the institution of mobility; d) the amount of compensation in case of dismissal based on reorganization; e) the reserve of servants; f) additional guarantees for the reinstatement of a servant illegally dismissed from service and the amount of compensation in case reinstatement is impossible. The main aspects of the reorganization process of a public institution were defined by the Law of Georgia on Public Service, while its detailed procedures were regulated by the Decree of the Government of Georgia No. 199 of April 20, 2017, on the Mobility of a Professional Public Servant.

With changes to the Law of Georgia on Public Service entered into force on December 13, 2024, the reorganization process of a public institution was simplified, and existing guarantees for the protection of a public servant's rights were significantly reduced and, in certain cases, canceled. The changes entered into the Law of Georgia on Public Service affected the following issues: The mobility procedure was canceled, while reducing staff during the reorganization, and the public servant became subject to dismissal without prior notice[18].

The cancellation of the mobility procedure during the reorganization of a public institution significantly undermines the protection of public servants' rights, as the institution fails to provide an equivalent or lower position for them within its own system and across the entire public service. In the original version of the law, the introduction of the mobility institution was justified for several reasons: a) reducing staff due to the reorganization of a public institution is not the direct responsibility of the dismissed public servant. Accordingly, the public institution takes upon itself the obligation to correct the negative results of the implemented structural changes, including finding and offering a suitable job for the downsized public servant; b) the existence of the mobility institution in the reorganization process promotes the preservation of institutional memory in public service and reduces the outflow of professional staff. Given that a public institution invests intellectual and financial resources in the professional development of its public servants, it is important for the institution's head to retain them, even amid organizational structural changes.

It is important to note that, with the implemented changes, the mobility institution was maintained in the event of the liquidation or merger of a public institution, preventing public servants dismissed during staff reductions due to reorganization from being placed in a discriminatory position. The cancellation of the mobility procedure during staff reductions due to the reorganization of a public institution led to the cancellation of the 3-month compensation provided to dismissed public servants.

According to the primary version of the 2015 Law of Georgia on Public Service, the obligation to pay 3-month and 1-month compensations for servants dismissed during staff reductions due to the reorganization of a public institution was defined by the legal norms governing mobility (Articles 105 and 52). Consequently, as a result of the change entered into the law on December 13, 2024, the cancellation of the mobility institution in the

[18] (Footnote 3). Art. 104 (3, b and c) (after amendments).

reorganization process completely canceled the right of dismissed public servants to receive 3-month compensation and only maintained a minimal financial guarantee (1-month compensation), which will negatively reflect on the social condition of public servants dismissed due to staff reduction during reorganization in the future and their families. Receiving decent compensation for public servants dismissed during staff reduction due to reorganization is important so that they do not face financial problems before starting a new job and can maintain decent living conditions.

3.2. Reduction of Financial Guarantees and Judicial Redress

The shift in the legislative framework is most evident in the erosion of judicial remedies, where the law effectively decouples the finding of an illegality from its natural corrective consequence. This creates a significant gap in the protective mantle of the civil service, as the right to work is no longer fully reparable through judicial intervention.

Specifically, with the changes entered into the Law of Georgia on Public Service on December 13, 2024, a critical protective mechanism was dismantled: the obligation to reinstate a servant illegally dismissed from service during staff reduction due to reorganization was entirely canceled. Under the new regulations, even if a lawsuit is fully or partially satisfied –meaning the court confirms that the dismissal was indeed unlawful – it no longer leads to the restoration of the servant to their position. Instead, the legal remedy is limited to a financial settlement: the individual is granted only their lost official salary and reduced compensation, slashed from 6 months to just 3 months of that salary[19]. This procedural limitation fundamentally weakens the weight of judicial oversight, as it permits the permanent removal of professional staff through flawed procedures, provided a minimal financial penalty is paid.

Canceling the obligation to reinstate a servant illegally dismissed from service during staff reduction due to reorganization of a public institution significantly damages the guarantees for the protection of a public servant's rights, because recognizing the decision of their dismissal from service as illegal cannot ensure their return to service and the full restoration of the violated right. Given that a legal dispute in the court system can drag on for years, a public servant should be able to fully benefit from the court's decision and the restoration of the violated right.

In this case, it should be considered that such a restriction is not established for persons illegally dismissed from service on other grounds, which has a discriminatory character and puts servants illegally dismissed from service during staff reduction due to reorganization in an unequal position. Besides, canceling the obligation to reinstate a servant illegally dismissed from service due to the reorganization of a public institution violates the constitutional principle of the separation of powers, because it limits the scope of legal supervision for the judicial power and takes away the right to order the public institution to reinstate the illegally dismissed person to service.

The reduction of the amount of compensation defined for a servant illegally dismissed from service during staff reduction due to reorganization from 6 months to 3 months of the official salary can also be assessed as a repressive

[19] (Footnote 3). Art. 118 (6) (after amendments).

mechanism of a financial nature for persons dismissed on this ground, because in the case of persons illegally dismissed on other grounds, the 6-month compensation is maintained[20].

Based on all the above-mentioned, we can conclude that with the changes entered into the Law of Georgia on Public Service on December 13, 2024, the reorganization process in a public institution was significantly simplified, and the guarantees for the protection of a public servant's rights provided by law were reduced and, in some cases, canceled. These changes give the head of a public institution the opportunity to use the institution's reorganization process as a repressive mechanism against undesirable public servants.

4. Beyond Conflict Prevention: The Disproportionate Tightening of Compatibility Rules

4.1. From Targeted Prevention to Centralized Administrative Control

The regulation of conflict of interest for a public servant is one of the mechanisms for preventing corruption, aiming to avoid conflicts of interest in a public servant's professional activity and to direct the public servant's knowledge toward the implementation of public-law authority. The regulation of conflict of interest for a public servant stems from the principles of loyalty to the state and integrity, which imply that a public servant serves the people and the state and, during the performance of official duties, puts the public interest above personal interests.

The status of a public servant does not fully exclude acting based on personal interests, especially for the purpose of protecting the right to free development of the personality guaranteed by Article 12 of the Constitution of Georgia, academic freedom established by Article 27, and creative freedom defined by Article 20. It is precisely from these rights guaranteed by the Constitution of Georgia that the granting of the right to a public servant to carry out scientific, pedagogical, creative, and sports activities parallel to the performance of official functions originates. However, in this case, the public servant must maintain a reasonable balance between private and public interests.

After the changes implemented in the Law of Georgia on Fight against Corruption on April 1, 2025, the exercise of the right to scientific, pedagogical, and creative activity by a public servant became subject to restrictions and requires receiving written consent from the public institution[21], specifically:

- A public servant has the right to carry out paid scientific, pedagogical, and creative activity only on the basis of written consent issued by the head of the respective institution or an authorized person/body defined by the legislation of Georgia for a period corresponding to the specific activity, but one-time, for no more than 1 year;
- Occupying an academic position provided by the Law of Georgia "On Higher Education" is possible for them only on the basis of written consent issued by the head of the respective institution or an authorized person/body defined by the legislation of Georgia for a period corresponding to the specific activity.

[20] (Footnote 3). Art. 118 (5) (after amendments).
[21] Law of Georgia on Fight against Corruption, adopted 17.10.1997. Available at: https://www.matsne.gov.ge/en/document/view/33550?publication=100. Art. 13 (2) (after amendments).

- The decision regarding the issuance of these consents is made within a 10-day period, and appealing this decision does not suspend its action.

Receiving written consent from the employing public institution and the annual renewal of this consent for a public servant to exercise the right to scientific, pedagogical, and creative activity and to occupy an academic position represents a substantial interference in the rights of personal development, academic, and creative freedom guaranteed by the Constitution of Georgia. It is important to note that the need to obtain written consent from public institutions is not limited to performing exceptional activities during working hours, which might have a legitimate goal – specifically, ensuring the effective functioning of the public institution and carrying it out by balancing private and public interests. These restrictions also apply to exceptional activities carried out by a public servant during non-working time, when the effective functioning of the public institution is not at risk, and state interference is not necessary.

Imposing restrictions on the academic, pedagogical, creative, and sports activities of public servants, besides violating the rights of public servants, will have a negative impact on the creation of public good, because the state will control which public servant participates in its creation and what kind of knowledge/experience they share with society. In this case, public servants will face a choice – to continue their activities under existing restrictions or to leave public service to exercise their constitutional rights without limitation, which, in turn, will damage the interests of the public servant, society, and the public service.

4.2. Expansion of Control and the Disproportionate Scale of Sanctions

With the change implemented in the Law of Georgia on Fight against Corruption on April 1, 2025, a person employed by labor contract in public service, including in a Legal Entity of Public Law (except for educational, scientific, research, sports, religious, and membership-based Legal Entities of Public Law), was subject to the same restrictions related to performing other paid work as a professional public servant employed in public service[22]. Meanwhile, with the changes implemented in the same law on June 26, 2025, the same restrictions were extended to employees working by labor contract in Legal Entities of Public Law that perform educational, scientific, research, and sports functions[23]. In addition, the changes entered into the Law of Georgia on Fight against Corruption on June 26, 2025, defined the form of responsibility for violating the above-mentioned articles, specifically: the violator will be dismissed from all positions held. This person will not have the right to start working in public service, as well as in the same institution and/or another institution provided by the same paragraph of the law, for 2 years from the day of dismissal. At the same time, they will be charged with paying compensation to the budgets of the respective institutions, in the amount of the labor remuneration received during the period from the date of the obligation to leave the occupied positions until the dismissal from these positions[24].

Imposing the above-mentioned restrictions on persons employed under labor contracts in public service and Legal Entities of Public Law significantly expands the scale of state control, placing persons with different legal statuses

[22] Ibid. Art. 13 (18) (after amendments).
[23] Ibid. Art. 13 (18) (after amendments).
[24] Ibid. Art. 20 (8) (after amendments).

and authorities under one and the same legal regime. Imposing these restrictions does not have a legitimate public goal and does not represent a justified and proportional restriction on the rights of personal development, academic, and creative freedom guaranteed by the Constitution. Within the framework of the public service reform, imposing such restrictions on persons employed under a labor contract in public service was not intended, as, given their functions and authority, there is no need to impose them. Besides, the measures of responsibility established for violating these norms are disproportionate to the nature of the violation and are repressive in character. Moreover, in the absence of systemic reform and a vision for LEPLs from the state, imposing fragmentary restrictions on persons employed under labor contracts in LEPLs does not align with the reform's core principles and approaches. Based on all the above, the changes introduced into the Law on Fight against Corruption on April 1 and June 26, 2025, can be assessed as a mechanism for a public institution to exercise unlawful and disproportionate control over a public servant's compatible activity. Furthermore, the one-time nature of the consent issued by the public institution and the need for its annual renewal make the restriction more severe, rendering the public servant more vulnerable and their permitted activity unpredictable and unsustainable.

5. Systemic Fragmentation: The Challenge of Extending Civil Service Norms to Legal Entities of Public Law (LEPLs)

The fragmentation of the legal framework governing LEPLs remains a significant challenge to public service reform in Georgia. The Law of Georgia on Public Service, adopted in October 2015, aimed to establish the public service as a unified system. This is confirmed by the law's definition of terms, which includes activities in LEPLs[25].This means that, according to the original intention of the law, LEPLs, by their nature, should be considered within the public service system as implementers of public-law authority.

However, upon the adoption of the law, a transitional provision was defined, according to which the full extension of the law to LEPLs was subject to a special prerequisite – the completion of their categorization process[26]. The purpose of categorization was to determine which types of LEPLs the Law of Georgia on Public Service should apply to, since in some cases – for example, service-provider LEPLs that perform operational functions (so-called "front/hotline operators") – this status might not have been appropriate.

The legal status of Legal Entities of Public Law (LEPLs) within the unified civil service remains one of the most significant structural inconsistencies of the reform. During the ongoing transitional period, LEPLs are governed by a fragmented legal regime, where only a select cluster of norms from the Law on Public Service is applicable[27]. These specific provisions – the mandate for open competition, horizontal mobility, and career advancement for merit-based appointees – function as the primary pillars for maintaining institutional professionalism.

From an analytical perspective, these requirements represent more than just administrative procedures; they are designed to institutionalize the meritocratic principle within entities that otherwise operate under greater administrative autonomy. By enforcing open competition, the law seeks to ensure external transparency and equal

[25] (Footnote 3). Art. 3 (c).
[26] (Footnote 3). Art. 126 (2).
[27] (Footnote 3). Art. 1261 (1).

access, while horizontal mobility and career development pathways are intended to foster an internal labor market based on competence rather than patronage. However, the selective application of these norms, without the broader protective framework of the civil service law, creates a "hybrid" status for LEPL employees, leaving them in a regulatory limbo in which the principles of merit are required but the corresponding guarantees of stability remain absent.

The December 2024 amendments have further complicated this environment. Rather than implementing a systemic vision, the state has selectively applied new regulations to LEPL managers in an incoherent fashion. This approach creates significant uncertainty regarding the scope of the law. Managers now face a dual reality: they are subject to the heavy restrictions and responsibilities of public servants, but they do not enjoy the same legal guarantees or job security. This fragmentation violates the principle of legal certainty and leaves both employees and administrations in confusion about their rights and obligations.

The changes implemented in December 2024 made the existing non-systemic legal environment even vaguer. Without systemic analysis and conceptual assessment, the norms of the Law of Georgia on Public Service that regulate issues related to the reorganization of a public institution were extended to LEPLs; while the norms of the law regulating issues related to heads and deputies of primary structural units of public institutions were extended to the head and deputy of a primary structural unit of an LEPL[28].

Considering this reference norm, regulations of the Law of Georgia on Public Service such as those regarding professional development, overtime work, servant's leave (including professional development leave and maternity leave), and norms of disciplinary proceedings, as well as regulations related to the political and social rights of a servant, will apply to the head and deputy of a primary structural unit of an LEPL[29]. This puts them in different legal conditions compared to other employees. The inequality is clearly visible, for example, in the case of using professional leave, maternity leave compensation, or even using unused paid leave in the following year, which provides much greater guarantees under the Law on Public Service.

Furthermore, the legal status of the head and deputy of a primary structural unit of an LEPL remains vague. The expansion of the law's scope also includes regulations governing the status of a public servant. Consequently, from a legal standpoint, this does not provide clarity and increases the possibilities for interpretation. The resulting ambiguity creates a wide space for simultaneously using privileges defined by the Law of Georgia on Public Service or the restrictions[30] of the Law of Georgia on Fight against Corruption.

In summary, it should also be noted that different legal regimes acting for different positions within the same institution and legal asymmetry – when one part of the employees falls under the scope of the Law of Georgia on Public Service while the other part falls under the scope of the Labor Code – creates so-called internal systemic fragmentation. Moreover, different legal regimes violate the unified human resources policy, reduce flexibility, and lower employee motivation, which might reflect on employee productivity.

[28] (Footnote 3). Art. 1261 (21).
[29] (Footnote 3). Art. 80 (3).
[30] For the amendments to the Law of Georgia on Fight against Corruption, see Chapter 5 of this article.

Conclusion

The analysis of the changes entered into the laws on Public Service and on Fight against Corruption at the end of 2024 and the beginning of 2025 reveals that the implemented changes contradict the main goal and principles of the public service reform, significantly damage the formation of a politically neutral and merit-based public service system, restrict the rights of public servants, and reduce the legal guarantees for the protection of these rights.

The implemented changes create vague, non-systemic legal regulations, especially in the direction of depoliticizing public service and the evaluation system. The depoliticization of public service was one of the central ideas of the reform. According to this vision, a public servant must serve the interests of the state and not a specific political force. The stable status of a professional servant protected them from political influences and guaranteed independence. The use of the administrative contract threatens this independence. Managers appointed not through competition but on the basis of the specific political reality of the institution's head become vulnerable and might be forced to carry out politically motivated instructions. Such an approach creates the threat that the public service will become an instrument of political influence. Furthermore, the new regulations weaken the evaluation mechanism, expand the scope for interference, reduce the immediate supervisor's autonomy, and increase distrust toward the system. The changes are non-systemic and are not based on an analysis of the evaluation system, which will promote a broad interpretation of the legal norm and lead to vague, non-uniform practices.

The change in the legal regulation of the reorganization of a public institution in the Law of Georgia on Public Service essentially simplified the process of reorganization of a public institution and increased the risk of its use as a repressive mechanism by the head of the institution. These changes, when reducing staff due to reorganization, practically left the dismissed professional public servants without the state's institutional, financial, and legal protection, thereby increasing the scale of violations of public servants' rights and fully absolving the government of responsibility for them. Besides, the implemented changes promoted the establishment and encouragement of the practice of repressive dismissal of professional public servants on the grounds of reorganization, which was followed by reorganizations implemented in several public institutions in 2025 and the dismissal of an unprecedentedly large number of public servants. It is important to note that such a large-scale dismissal of professional public servants will negatively affect the quality of public institution activities in the future, as the departure of professional staff with institutional memory will leave a void. The implemented changes pose a significant threat to long-term planning and institutional stability in public service. The proper functioning of the public administration system needs strategic plans, institutional memory, and continuity. When the managerial level depends on a temporary legal status and lacks professional independence, the foundation of stability is removed from the agencies. This hinders the development of a long-term vision, undermines policy consistency, and creates an organizational environment dependent on chaotic change.

The additional restrictions related to the conflict of interest (incompatibility) of a public servant and persons employed by labor contract in LEPLs in the Law of Georgia on Fight against Corruption can be assessed as a mechanism of unlawful and disproportionate control from the state, because they apply even to the performance

of permitted activities by a public servant during non-working time. These restrictions contradict the rights to free development of personality, academic freedom, and creative freedom guaranteed by the Constitution of Georgia.

The 2024–2025 legislative amendments represent a fundamental shift in the trajectory of Georgia's public service reform, moving away from the merit-based ambitions of 2015 toward a model of heightened centralization. An analytical synthesis of these changes reveals that the reclassification of managerial statuses, coupled with centralized control over performance evaluations and reorganization processes, is unlikely to enhance administrative efficiency or flexibility. Instead, these modifications risk deepening the formalistic and bureaucratic nature of the public sector. By imposing heavy administrative burdens – such as mandatory annual approvals for creative activities and the potential for political overrides of performance scores – the system shifts its focus from real results and functional service delivery to procedural compliance. This excessive bureaucracy leaves little room for managerial discretion or the creative autonomy necessary for a modern, effective administration.

Furthermore, the fragmented inclusion of LEPL managers into this new legal regime, without a preliminary systemic impact analysis, creates severe risks for the autonomy of public management. Autonomous management has long been a challenge in the Georgian context, but the current legal trajectory exacerbates this by making managerial roles increasingly dependent on political decision-makers. This dependence is not only a concern for LEPLs but also for the broader civil service, as it weakens the professional "shield" that was intended to separate administrative functions from political cycles. When managers are appointed via administrative contracts and lack job security, their ability to make objective, merit-based decisions is inevitably compromised, threatening the institutional integrity of the entire system.

Ultimately, while any career system can and should be adapted to modern trends –including reevaluating managerial statuses or staffing levels – such changes must result from a comprehensive, systemic rethinking of public administration. Reform should not be a series of fragmented, ad hoc adjustments; it should be guided by a clear vision of what the state requires from its public service. Without this conceptual clarity, the recent amendments appear less like a drive for modernization and more like a deliberate step toward increased control and centralization. Until a holistic approach is adopted, these changes risk dismantling the progress made toward a stable, professional, and neutral civil service, replacing it with an unpredictable and politically vulnerable administrative environment.