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COMPARATIVE ANALYSIS OF EVIDENCE LAW WITHIN THE CIVIL PROCESS COMPARATIVE-LEGAL RESEARCH

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Abstract: The article discusses the types of evidence used in the civil law process. Comparative-legal research includes a list of types of evidence used in the civil law process in different countries of the world, their description, and legal significance based on local law. The Code of Civil Procedure is a legal means of protecting the civil rights and freedom of a person. Proceedings are conducted in compliance with the principles of disposition and competition, which allows disputing parties, under equal conditions, to determine the essence of the dispute on their initiative and to present relevant different types of evidence to determine the truth in the case. In general, asserting one's position, truth, or justice and obtaining, collecting and presenting relevant evidence for the purpose is related to the legal awareness, good faith and sound logic developed by the party (its representative or third parties). In the process of development of a democratic state, much attention is paid to the pursuit of perfection of individual disciplines of private law, which mainly includes the objective protection of human rights and legal interests. In this process, it is of the utmost importance that the relevant norms of the law allow the interested person to present appropriate evidence to confirm the violation of the right and request the restoration of the violated rights in the justice implementing Agency. The Code of Civil Procedure is a legal means of protecting the civil rights and freedom of a person. Proceedings are conducted in compliance with the principles of disposition and competition, which allows disputing parties, under equal conditions, to determine the essence of the dispute on their initiative and to present relevant different types of evidence to determine the truth in the case.
Keywords: Civil process; Material Evidence; Evidence Law.

1. Introduction

In Rome, over time, along with the development of society, it became necessary to refuse settlement and restore the already violated right by legal means. (Glannon, 1997) In Roman law, one type of evidence was "documents of proof", which could be both physical and written. (Mousourakis, 2015) In addition, in the civil process,

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the following were considered as evidence: the statement of the parties (the same explanation), the testimony of witnesses, and the oath, which enjoyed great trust among the Roman people. Written evidence is also known in old Georgian law. According to historical sources, this type of evidence was of great importance for the court to determine the truth. In the "written" document, the fixed will of the person was visible - the desire of the parties to the contract, the fact of tax payment, the date of the law published by the state, and others. (Surguladze, 2002) In addition, Georgian historical sources recognize the following types of evidence: ordeals („passing through fire“, „Putting a hot iron“, „Pouring boiling water“), under the influence of pagan religion, oaths, sinning (the use of this type of evidence required a small ritual and great courage in its content). The testimony of a witness is the account of a "trustworthy" person. (Surguladze, 2002) The Soviet Civil Procedure Code of 1964, in contrast to the current Civil Procedure Code, was based on the principle of inquisitorially, which called the types of evidence "various types of supporting documents" (Zoidze, 2005) and recognized the evidence provided for by the current Civil Procedure Code. In the procedural literature, it is noted that a lot of information can be obtained in a short time using written evidence. (Putman, 2009)

The fundamental value of a democratic and sovereign state is the protection of human rights and freedoms and the creation of a real basis for their realization. From an economic or social point of view, civil law is the legal basis of individual freedom, and the civil process is a means of its implementation. Based on these foundations, individuals establish economic, social or political relations, create a civil society and are actively involved in the development process of the market economy. Therefore, the parties establish various types of legal relations, sign contracts, and make deals, both verbally and in writing. Jurisprudence has accumulated a large number of civil cases with different subject matter, presented evidence and corresponding results. According to the current legislation, the only subject in the evidence evaluation process is the church. That is why it is of great interest to evaluate each piece of evidence by the court, which in itself includes its review, examination, generalization and establishment of a logical connection with other pieces of evidence. The current civil process, like the Soviet procedural code of 1964, recognizes five types of evidence: explanations of the parties, written evidence, witness testimony, material evidence, and expert opinion. Each of them is characterized by certain peculiarities, which I talk about in detail in the corresponding chapter on the topic. Before discussing specific types of evidence, the topic talks about assertion and the concept of evidence, classification of evidence according to different signs, subjects and subject of the assertion. Issues such as the admissibility of evidence, collection and subpoena, inadmissibility and assessment, as well as facts not required to be proved, security of evidence and review of civil procedure law of foreign countries with examples of five countries, are also discussed. The main tasks of the article are:

presenting the historical and legal foundations of the assertion, determining the validity of the principles, general review and evaluation of the procedural code, and review of the types of evidence. Also, developing legislative initiatives by drawing parallels with the foreign immigration process, leads to the improvement of the relevant norms.

The purpose of the topic is to cover the mentioned issues as fully as possible to strengthen the theoretical foundations and, if necessary, to implement them correctly in the court process. By processing the present topic, I tried to make a small contribution to the understanding of the civil process, so that it becomes more or less understandable for all interested parties. I also talked at length about the peculiarities of the types of evidence and the errors included in the procedure for obtaining or submitting them, for example: when talking about written evidence, in what form a certified copy has the force of written evidence and, apart from the Civil Procedure Code, by which another legislative act is this provision regulated.

2. Literature review

The development of socio-economic relations determines the diversity of the content of court disputes, therefore, the level of legal development of the society is always reflected in the system of judicial evidence. The doctrine of judicial evidence is an important part of procedural law. Evidence-based law, in its early stages of development, was influenced by both religious and customary law. The article uses the works of professors, doctors of legal sciences and practicing lawyers working in different countries.

M. Akhaladze's work: "Burden of Proof" discusses the practice of the Supreme Court of 2015-2017, which refers to the method of distribution of the burden of proof and undisputed facts, and also talks about presumptions and errors in the distribution of the burden of proof. Professors H. Boehling and L. Chanturia in the book "Methodology of making court decisions on civil cases" focuses on the principle of competition. The parties enjoy equal rights and opportunities to substantiate their claims and deny or refute the claims, opinions, or evidence put forward by the other party. A. Demetrashvili, in the textbook: "Constitutional Law", discusses the concept, system and sources of constitutional law, as well as constitutional guarantees of human rights and freedoms. B. Zoidze in the book: "Reception of European private law in Georgia" talks about the history of the reception of European private law, harmonization of law and codification of civil legislation. The language of the Civil Code and its place in the private law system. In the work, the author also discusses the main aspects of commercial and obligation law. Professors: T. Liluashvili and V. Khrustali explain the initiative of the court in the process of proof in the commentary of the Code of Civil Procedure of Georgia. The authors have

explained the initiative of the court, which is limited only to the right of the court to offer the parties to present additional evidence, to request evidence at the request of the parties, etc. I. Merebashvili, in the article: "The operation of the principle of competition between the parties and the activity of judges in the consideration of civil cases in the court", talks about the role of the court in the process of examining evidence, the article shows the difference between the Georgian and German procedural codes, in particular, according to the German civil procedure, the judge is entitled to intervene in the process of gathering evidence, expressing the will of the parties without, unlike the Georgian civil law process. S. Meskhishvili in his work: "Actual issues of private law" explains the issues of evaluation of evidence and the burden of proof by the court, and also talks about the admissibility and principles of the secret record as evidence.

V. Metreveli in the book: "The Foundations of Roman Law" describes the main institutions of Roman state and private law, the judicial process. I. Surguladze in the textbook: "Historical Sources of Georgian Law" reviews the historical monuments of the law of secular content and the state structure according to the "State's Door Agreement". Also reviews Greek and Armenian law. In this work, the Constitution of Georgia, the Civil Code and the Civil Procedure Code, as well as the current Soviet legal act of 1964, are used. Sh. Schmidt, in an article published in the Journal of Law: "The Importance of Judicial Communication in Civil Proceedings in Germany" reviews the peculiarities of the German civil procedure

Professors Sh. Kurdadze and N. Khunashvili in the book: "Civil Procedural Law of Georgia", talk about the main challenges of civil procedural law. The collective of authors, Professor U. With the participation of Hagenloch, the main aspects of the Georgian civil process are discussed in the textbook: "Commentary on the Code of Civil Procedure". R. Cipelius in his textbook: "The Doctrine of Legal Methods", talks about the concept and essence of law, explains law in action and discusses the issues of interpretation, extension and amendment of law. T. Herman's Handbook: "Law of Evidence" discusses basic issues of evidentiary law, such as the need to gather evidence, the allocation of the burden of proof, the reversal of the burden of proof, and the types of evidence. K. Adam, in the textbook: "Forensic Expertise as Evidence, Evaluation and Analysis", talks about the special importance of expert opinion as evidence and the impact of expert opinion on legal reasoning. Abolonin's textbook entitled: "Civil Procedure Law of the United States" discusses the civil procedure law of the United States of America, its main institutions and includes a theoretical assessment of the legal mechanisms used in the USA. Professor S. Bariat, in the textbook: "Cases and Evidence on the Example of International Private Law of the European Union" talks about the influence of the legislation of the European Union in the process of forming the discipline of private law. The book discusses practical examples from European private law, evaluates court decisions and court

proceedings. Professors D. Chavkin and J. Belipani in the book: "Comparative Analysis of American and Jordanian civil procedure and evidentiary Law" compared the civil procedure and evidentiary law of Jordan and the United States of America. Professors Ch. Kotub and L. In the Sabota textbook: "General Principles of Law and international due process", they talk about the origin and development of general principles of law. On the judicial system and procedural law, on the judicial system and evidentiary law. The civil procedure codes of Germany, France, Russia and Austria are used in this report. Professor M. Dixon in the textbook "Principles of Land Law" talks about the origin and development of land law in the United Kingdom of England, the possibility of disposing of land as an object of ownership in different ways. The judicial practice of the dispute is discussed. A textbook by professors (authors: Jack H. Friedenthal, Arthur R. Miller, John E. Sexton, and Helen Hershkoff) entitled: "Civil Procedure Cases and Materials" discusses procedural law in the common and federal courts. Professors J. Emery, L. Civil Procedure and Litigation by Jay Stanley Edwards discuss the general principles of civil law, procedural law, and stages of litigation using US law as an example.

Professor Ch. A helpful guide by Fox: "Working on Deals" discusses: the basics of contract law, the function of a lawyer, the principles of drafting an effective deal, contract review and interpretation, contract correction, refusal and consent, deal forms and its formal side. Professor Ch. A helpful guide by Fox: "Working on Deals" discusses: the basics of contract law, the function of a lawyer, the principles of drafting an effective deal, contract review and interpretation, contract correction, refusal and consent, deal forms and its formal side. Professor J. Glannon, in the textbook: "Civil Procedure", talks about judicial review, state law in federal courts, scope of judicial action, steps in the litigation process, the outcome of justice and procedural thinking - law in action. In a textbook co-authored by a judge (S. Gerls) and a lawyer (P. Loughlin): "Civil Procedure", the authors discuss: civil procedural law and the court system, hierarchies and their powers on the example of the English legal system. Philosopher S. Haack, in a textbook entitled Science, Evidence, and Truth in Law, Matters in the Evidence Process, discusses Evidentiary Law: Problems and Projects, Epistemology, Truth, Justice, and the American Way. Philosophically, the entire litigation process, the synthesis of evidence, is discussed, as well as the "Bradford Hill criteria" and the notion that "there is nothing more attractive than a little truth in the law of truth". Professor I. Haig and associate professor B. Co-authored by Ackermans, Introduction to the Law covers principles of common law, as well as basic principles of civil, administrative and criminal law, international law and human rights, contract, property and tort law. Professor T. Hartley, in the textbook: "International Commercial Disputes", discusses disputes and evidence on the example of private international law, in particular: a general overview of

international civil law, jurisdiction, special jurisdiction of the International Court of Justice, customary law of England, regulatory legislation of Canada and the United States of America, judicial agreement, On the inconsistency of private international law with EU law, foreign proceedings, process, choice of law, international jurisdiction, types of evidence and rules of obtaining. Professor R. Huxley-Bins and lawyer J. A textbook co-authored by Martin entitled: "Unwinding the English Legal System", talks about the sources of law, the English legal system and judicial doctrine, with an overview of the existing case law. Professor T. In the textbook: "Evidence in Civil Law - Slovenia", Ivanc talks about the fundamental principles of civil procedural law and evidentiary law. Professor H. In the general theory of law and the state, Kelsen describes the main essence and criteria of law, the operation of law and its effectiveness, the norm of law, the importance of its definition. Reviews the nature of constitutional law, inconsistencies in legal acts and hierarchy, statutory and social jurisprudence, and the law of states. Professors: A. Kinney P. McKeown in the Textbook: "Modern Evidence Law" discusses the burden and standard of proof, witness, "character evidence in civil cases", facts, without proof. Professor N. Katiforis' handbook: "Evidence in Civil Law-Greece", discusses fundamental principles of civil procedural law, collection of evidence, the basic essence of evidence and evidentiary law, types of evidence and admissibility, the language of proceedings, time limits, fees and preclusion. It also talks about the role of Greek procedural law in international private law, its interpretation and functional comparison. A discussion paper prepared by the Wellington Law Commission entitled: "The Law of Evidence: Documentary Evidence and Court Hearing" discusses the authenticity of evidence, the presumption of evidentiary law, the special authorization of signatures and seals of public documents and officials. On secondary evidence, documents produced without protection of the form and procedural-legal notes. Professor H. Lai in his book: "Philosophy of Evidential Law", talks about facts and peculiarities of fact-finding, truth, justice and justification, the truth of legal fact-finding, the standard of proof, understanding and identical evidence. In the textbook: "Realism of Jurisprudence in theory and practice" scientist K. Llewellyn, talks about legal traditions and methods of social science, the understanding and application of modern jurisprudence, the essence of jurisprudence and the need to study law as a liberal art. Lawyer: B. Moriarty in his handbook: "Evidence in Civil Proceedings - Ireland", describes: the law of evidence, the principles of competition and equity, types of evidence in Irish law. The author also discusses the analysis of evidence and the substance of the argument. on the general terms and fees of proceedings. Professor J. Musuraki, in the textbook: "Roman law and the history of the origin of civil law", discusses the historical-constitutional context of Roman law, sources of Roman law, branches of law, codification of Roman law, Roman law and Byzantine imperial legislation.

Professors: B. Krautgasser and F. Anzenberger in the guide: "Evidence in civil proceedings - Austria", discuss general norms of civil proceedings, the essence of evidence, the burden of proof, types of evidence, general terms of civil proceedings, language and fees. Professor M. Odin, in the handbook: "Evidence in civil proceedings - France", discusses the general norms of civil proceedings and evidentiary law. Professor V. Putman, in the Handbook of Legal Analysis and Writing, discusses the analysis of legal principles, features of legal analysis, and legal writing. Sources of law, the main aspects of common and case law are discussed. Professors: I. Rosenfelds, D. Ose, M. Ossi guide: "Evidence in civil proceedings - Latvia" discusses general norms of civil proceedings, the essence of evidence, burden of proof, types of evidence, general terms of civil proceedings, language and fees. Professors: E. Richardson and M. Reagan, in the manual: "The Legality of Civil Litigation", discuss the following issues: civil procedure, trial organization and jurisdiction, evidence, the procedure for presenting a claim and its subsequent appeal, the admissibility of documents and the preparatory hearing, preliminary negotiations and alternative litigation, the trial hearing. Professors - the author team (E. Cheng, J. Hoffman, M. Shadel and P. Smith) in the textbook entitled: "Law for All" talk about: litigation and judicial practice, civil process, procedural rights and their importance, the jurisdiction of the subject of the lawsuit and the defendant and on the resolution of the case, before the end of the court session. Professors M. and H. In the book: "Institutional competition between common law and civil law", the Schmigelows talk about interdisciplinary issues of common law and civil law, the influence of law in the process of economic development, overcoming the process of colonialism and the origin of law from developing countries in the socialist space, legal culture and reforms, from functional comparisons to strategic choices. on institutional convergence and competition. Professors: B. Simmons and R. Streisberg in the textbook: "International Law and International Relations", they talk about: the theory of international regimes, norms of international law and legal institutions. British professor M. Shaw, in the textbook: "International Law", describes: the development of international law. Reviews: international law today, sources, international and local law in harmony, subjects of international law, protection of human rights at the international and regional level. Professors D. Kelly and G. Sleeper's Handbook: "The English Legal System" describes the English justice system, the law of evidence. Professors H. Schmids and F. Liu, in their textbook: Empirical Legal Research, discuss a brief history of empirical and legal research, the research problem, and the analysis of quantitative and qualitative data. Professor K. Talaker in the book: "Guide for young lawyers" gives recommendations for new lawyers before starting work, focusing on the importance of the chosen profession. The Law Society of New Wales has

published a guide entitled: A Practitioner's Guide to Civil Litigation, which discusses: types of disputes, and how to start proceedings in New Wales. on interstate and international civil disputes and mediation. Professors K. Wolf and N. Zeibig in the textbook: "Evidence in Civil Law - Germany" describes: German civil procedural law. Professor R. Vokes in the textbook: "Applied jurisprudence, an introduction to the Theory of Law", talks about the nature of law, its realism and social character. Professors, S. Yeasel and Giovanna Schwartz's Handbook: "Federal Rules of Civil Law" discusses federal constitutional law, as well as relevant rules of civil procedure for United States district courts, cases, notes and materials, personal litigation, and new approaches. Professor R. Youngs, in a textbook entitled: "English, French and German Comparative Law", discusses the significant differences in English, French and German legal doctrine, comparing constitutional law, sources of law and the judicial system.

3. Basic Principles of Civil Procedure

The basic principles of civil law are discussed in the example of Georgia. The Georgian Constitution finally determined the fundamental values of law, according to which every person has the right to apply to the court for the protection of rights and freedoms. (Hage, Akkerman, 2014) In addition, legal proceedings are conducted based on equality and competition between the parties. (Demetrashvili, 2005). Civil procedural law is familiar with competition (parties enjoy equal rights and opportunities to substantiate their claims while rejecting or refuting the claims put forward by the other party) and equality of the parties (participants of the process enjoy equal procedural rights). (Boehling, Chanturia, 2004)

The principles of disposition (it is up to the interested person whether to apply to the court with a claim to restore the violated rights) and legality (the court is obliged to consider and decide the case based on the principle of legality). (Liluashvili, Khrustali, 2004)

The basic principles of political-economic, socio-cultural and legal development and healthy law-making of each country are usually gathered in the constitution. This is the main legal act of the country, which, together with the model of this state, determines the quality of human rights and freedom, which in turn is reflected in the main documents of various fields of law codes. The Constitution, as the main law of the country, regulates public relations that arise between the state, society and individual. The constitutional norms, in a general form, reflect various public relations, including relations related to civil proceedings. The Constitution establishes the main provisions of all branches of the state government, including the structure and activity of the judiciary, and establishes several principles of judicial activity, which are also the principles of civil procedural law. The constitutions of democratic countries ensure the proper protection of human rights, create the

relevant bodies for the implementation of justice and recognize the supremacy of such principles as the right to property and inheritance, the right to apply to the court for the protection of one's rights and freedoms. As I have already mentioned, the basic norms recognized by the Constitution become the basis for the creation of the basic law based on these norms in the relevant field of law.

According to Article 4 of the Code of Civil Procedure, proceedings are conducted based on competition. The parties enjoy equal rights and opportunities to justify their claims, to deny or refute the claims, opinions, or evidence put forward by the other party. The parties themselves determine which facts should be the basis of their demands or with which evidence these facts should be confirmed. The court's offer to submit additional evidence by the parties again serves as an opportunity for the parties to demonstrate their free will and does not represent the court's intervention in the proceedings. Regarding the collection of evidence at the initiative of the court, the law sets a very imperative measure, which is expressed in the possibility of the court requesting evidence only based on the petition of the parties, and not on its independent initiative. The principle of equality before the law is a concrete manifestation of general equality in the spheres of socioeconomic, cultural and political life. Equality before the law means that this or that provision of the law must be applied and applied to the parties in the same way, regardless of who is the party - a natural person, public or private legal entity. The principle of equality of parties before the court in the process of civil law means the right to hear them, and the right to state their position and prove it. The dispositional nature of civil procedural norms is expressed in the fact that it is up to the interested person to file a lawsuit to protect his right. Therefore, the court is not authorized to open a case on its initiative in favor of any other person. It is also not allowed to force a person to apply to the court with a lawsuit, and if the violation of the judge's or the applicant's right is not established and the initiator himself does not consider this fact established, another person is deprived of the opportunity to be the defender of other's interests in the court.

The principle of legality in the civil process means that at all stages of the legal proceedings, the action of the participant in the process is carried out following the law and it is not allowed to violate the requirements established by the law. This principle, "law" means both the constitution and codes, as well as other normative or by-law acts, which in a particular case contain the regulating norms of the disputed relationship. Of course, in this case, the hierarchical order of norms should be respected. If there is no regulating norm of disputed relations, the court applies both the law and the analogy of the law. The provision of Article 6, Part 1 of the Code of Civil Procedure also speaks of the mandatory nature of the protection of the principle of legality: "The judge is independent in his work and obeys only the Constitution

and law of Georgia." (Boehling, Chanturia, 2004) It can be said that the above-mentioned basic principles of civil law create a legal framework, within the framework of which, in the process of proceeding, restoration of the violated right of the interested persons is carried out, or before the violation of the right, preventive measures are carried out in accordance with the law.

4. Legal construction of civil process in Georgia

Civil procedural law is a set of procedural norms that make the relations between the court and other persons in the legal framework in the process of the implementation of justice in civil cases. (Cipelius, 2006) The current Civil Procedure Code consists of three books and eleven Parts (Civil Procedure Code of Georgia (1106, 13.11.1997), based on which the judiciary administers justice. Evidence law is discussed in the third chapter of the Code. Proceedings in court are initiated by filing a claim or application by the parties. The lawsuit and counterclaim forms developed by the Supreme Council of Justice of Georgia provide the parties with the opportunity to formulate a demand, defend their position, determine the subject of the dispute, and effectively administer justice. (Kurdadze, Khunashvili, 2015)

According to the current Civil Procedure Code, evidence law includes such basic components as subjects of evidence, the subject matter of evidence, admissibility and inadmissibility of evidence, collection of evidence, court order, facts that do not require evidence, evaluation of evidence, provision of evidence, evidence and classification of evidence.

Subjects of proof - The subject of proof includes all those who participate in obtaining, presenting, ascertaining, or evaluating evidence: parties, their representatives, third parties, applicants, and the court. It should be noted here that according to paragraph 355 of the German Code of Civil Procedure: "The collection of evidence is carried out by the trial court", it can be said that the mentioned provision somehow limits the principle of disposition of the parties and is characterized by inquisitiveness. (Merebashvili, 2009)

The object of assertion - In procedural law, it is most important for the plaintiff or applicant to precisely define the object of assertion, after which the party begins to present all relevant evidence in the case, which will help the court to make an objective and legal decision on the case. (Hazrtly, 2009)

Admissibility and inadmissibility of evidence - According to the provisions of Article 102, Part 3 of the Civil Code: "The circumstances of the case, which according to the law must be proven by certain types of evidence, cannot be proven by other types of evidence." The evidence presented by the party to the court is admissible if It meets the requirements of the relevant article of the Civil Code. (Meskhisvili, 2020) The attribution of evidence ensures the collection of evidence that is necessary and relevant to the case, avoiding wasting time on collecting and

checking redundant and useless evidence. Such evidence is considered, which is aimed at confirming this or that circumstance that is important for the case. (Liluashvili, Khrustali, Zabambashvili, 2014)

Collection of Evidence - In a trial, the parties bear the burden of stating the facts and proving the facts. The court lacks the opportunity to request additional evidence on its initiative, without the parties' petition, unlike the Soviet Civil Procedure Code of 1964, Article 11 of which provided for the rule of requesting evidence on the initiative of the court. (Hagenlokhi, Alavidze, 2020)

Court order – This is one of the most important procedural actions, which the court carries out based on the petition of the parties, to find evidence in time and to determine the truth of the factual circumstances of the case under consideration (Articles 107-108 of the Civil Code). A court order is an additional means of gathering evidence, on which the judge makes a reasoned decision. (Liluashvili, Khrustali, 2007)

Facts that do not require proof - 1. Commonly known facts - it is enough for a narrow circle of people to know the information about the case in question, not only the court reviewing the case, the fact may be known throughout the country, city, or district; (Liluashvili, Khrustali, Zabambashvili, 2014) 2. Prejudicial facts - in Latin the word prejudice - means a preliminary decision. We are talking about such facts, which are established by a legally effective court decision, and the same parties participate in this case; 3. Undisputed facts - an agreement between the parties in a civil case on the existence of certain facts; (Charles, Kotuba, Sabota, 2017) 4. Presumptions - means "assumption" about the confirmation of the existence or non-existence of this or that fact, and such an assumption, in turn, is not an independent concept. and space, therefore, confirmation of such assumptions should be done by studying and comparing other circumstances. (Akhaladze, 2018)

Evaluation of Evidence - After identifying, gathering, presenting, fixing, and fixing the evidence in the process of proof, evaluation of the evidence is of the utmost importance. (Liluashvili, Khrustali, 2007) According to scientists, the evaluation of evidence is a cognitive activity of the court (judge), the purpose of which is to reveal unmistakable and important evidence based on the examination and examination of evidence, which is formed in a motivated form and is reflected in the decision. (Nunner-Krautgasser, Anzenberger, 2015)

The considerations underlying the inner conviction of the court must be reflected in the decision. (Rozenfelds, Ose, Osis, 2015) Evaluation of evidence includes both legal and logical aspects. (Lai, 2008) I think that the inner faith of a judge is a synthesis of good faith, free will, obedience to law, and logic, which is characterized by professionalism and high morality.

Provision of evidence - Procedural law recognizes cases when, due to various objective reasons, there is a threat of destruction or damage to the presented evidence, and the interested party can no longer use it to confirm the factual circumstances specified in the lawsuit during the trial. In the procedural literature, the provision of evidence is defined as a procedural action performed by a court or a single judge to secure evidence in a manner established by law for their use during the substantive consideration of a civil case. (Simmons, Steinberg, 2007) In professors, T. Liluashvili and V. Khrustal's opinion, According to the purpose of providing evidence is to ensure the establishment of a fact that is important for the correct decision of the case. (Dixons, 2002)

Proof and classification of evidence - Proof is a deliberate action of participants regulated by procedural norms, to prove important factual circumstances for the decision of the case under consideration, which is reflected in the evidence presented by them to the court. (Richardson, Regan,1998)

The subject of proof is the evidence that the court uses for justice and decides on a specific case based on their assessment. (Keane, Mckeown, 2012)

The 1964 Soviet Code of Civil Procedure considers as evidence "any factual data based on which the court will determine the circumstances of importance for the case." The classification of evidence in civil procedure law facilitates their better examination and joint evaluation to determine the truth in the case under consideration, through the classification of evidence, and their Connection with the facts specified in the lawsuit. (Shadel, Smith, Hoffmann, Cheng, 2017)

Classification involves assessing whether a particular piece of evidence is primary or derivative, based on the way it was obtained, whether it is indirect or direct. (Emery, Edwards, Edwards, 2000)

In the practice of international law, there is a case when civil disputes intersect in different doctrines of law, the English court explains that in this case, it is necessary to apply the norms of local law. (Herman, 2016) Procedural law was challenged by the issue of admissibility of evidence if it was obtained illegally. (Yazell, Schwartz, 2018) On this point, there was an interpretation by the House of Lords that if it contained information about circumstances relevant to the case, the way it was obtained was immaterial. Currently, only legally obtained evidence is admissible. (Thalacker, 2009)

According to the Civil Procedure Code, each party is obliged to prove the circumstances on which it bases its claims and objections. Here is a list of defined types of evidence that can be presented to determine these circumstances. These are explanations of the parties (third parties), testimony of witnesses, written or physical evidence, and expert opinion.

Article 577 of the Civil Code takes into account the written form of the leasing agreement, therefore, during the dispute arising from these leasing disputes, if it was

established that the agreement between the parties was not signed in writing and the parties cannot present it, according to the procedural norm discussed above (Article 102, No. 3 it is not allowed to prove the fact of the leasing relationship based only on the testimony of the witnesses and the explanation of the party.

The issue of admissibility of evidence is decided by the court, but before deciding on this point, the parties must strictly define the subject of assertion and the causal connection between the subject of assertion (claim) and the presented evidence, to make it easier to determine the circumstances on which they base their claims. When we talk about the admissibility of the evidence, it is necessary to touch on the issue of the attribution of the evidence. From a practical point of view, this most important principle is designed to avoid overloading cases with materials that have no significance for the resolution of the case.

The perfect implementation of the rights and duties of the parties participating in the civil law process, which includes the submission and collection of evidence, as well as the petition for a court order, helps to determine the truth in the case in the shortest possible time and, accordingly, to a fair resolution of the disputed issue.

5. Common Types of Evidence

Georgian procedural law is based on German law, which in turn is based on the basic principles of Roman law. (Shaw, 2008) The Georgian Civil Procedure Code recognizes six types of evidence: explanation of the parties, witness testimony, written evidence, material evidence, expert report, and Fact-finding materials. It should be noted that according to the procedural code, all types of evidence have equal legal force and they do not have any superior force over each other.

Explanation of the parties - the parties explain the circumstances known to them and relevant to the case, either orally or in writing. Only that part of the explanation that contains an indication of facts important to the case has evidentiary value. The Procedural Code provides for an exceptional rule regarding the inadmissibility of the explanations of the parties. (Friedenthal, Miller, Sexon, Hershkoff, 2013)

The law establishes the form of recognition of the parties; It can be both oral and written, during the preliminary preparation of the case or the consideration of this case at the court session. The written confession will be attached to the case, and the oral confession will be included in the minutes of the court session. In practice, it is often the case that the representative of the party explains the factual circumstances of the case, and not himself, which is incorrect in the case when we attribute it to evidence.

Written evidence - according to Article 134 of the Civil Procedure Code "Written evidence is acts, documents, business and personal letters that contain information about the circumstances important to the case." In procedural literature, written

evidence includes any signs and symbols, such as numbers, notes, letters, shorthand data, and others. (Wolf, Zeibig, 2015) In the legal literature, a distinction is made between signed and unsigned evidence because it is assumed that the signed document has superior legal force. (Fox, 2008) In some legal doctrines, it is explained that written evidence is subject to the general rules of admissibility about others and is not distinguished by superiority. (Herman, 2016) The Soviet Civil Procedure Code of 1964, unlike the current Civil Code, is based on the principle of inquisitive. The mentioned document calls the types of evidence - "various types of supporting documents" and considers written supporting documents as one of the types of proof. (Akhaladze, 2018) Articles 143-151 of the Soviet Civil Procedure Code refer to written evidence, according to which: any written act, document, business, or private correspondence was considered as written evidence. (Liluashvili, Khrustali, 2004) To provide written evidence, it was necessary to justify its need. Both the parties and the court could present evidence of their initiative. If one of the parties claimed that the document was forged, the court verified the authenticity of the document and, in case of confirmation of the fact of forgery, sent the document to the prosecutor's office for further action. It is interesting, the stages of checking the authenticity of the document by the court: comparing the suspicious document with other documents, questioning the persons mentioned in the document as a witness, comparing the person's "signature" with the signature of the same person on another indisputable document, conducting an examination. According to the Soviet Code of Civil Procedure, the court itself determined the authenticity of the written evidence, without appointing an expert on the matter. (Haack, 2014) Both Germany and Georgia belong to the family of German law. In the legal literature, we find an assessment related to the fact that Georgia is the country that has implemented the law of another country on the largest scale locally. German law is dominant in all fields of Georgian law. It should be noted here that despite the identity of the main essence of the written evidence, there are significant differences in the procedural law of these two countries. (Keane, Mckeown, 2012)

The Georgian Code of Civil Procedure provides a general definition of written evidence, according to Article 134 of the Civil Procedure Code, "Written evidence is acts, documents, business and personal letters containing information about circumstances important to the case." The Code explains that it is necessary to present written evidence. The original is in the form of a document. Similar to the Soviet Civil Code, the current Procedural Code also provides for the obligation to submit evidence, the rules for on-site inspection, and their storage/return. (Katiforis, 2015) In the German civil process, the definition of the types of written evidence and their evaluation is different at the legislative level. According to § 415 of the Code of Procedure, written evidence is only a document and is understood as the "embodiment of opinion in written form". Accordingly, thoughts that are not

embodied in writing are not documents. Accordingly, they are considered objects of law with evidence, which may be inspected. The information obtained as a result of the inspection represents only the information obtained as a result of the visual inspection of the object of evidence, and not written evidence in the form of a document. While written evidence in the Georgian civil process is interpreted in general and includes any signs and symbols, such as numbers, notes, letters, shorthand data, and others. (Mousourakis, 2015) In the Georgian procedural literature, the classification of written evidence is carried out according to different criteria. First of all, attention is paid to the entity compiling the evidence, according to which two types are distinguished: official and private evidence, one of which is documents drawn up by state agency, and the other is documents of different content signed between individuals or letters of a personal nature. According to the content, evidence of a decisive and informative character is distinguished, and according to the form, it is simple or qualified. (Rozenfelds, Ose, Osis, 2015) The German civil process, like the Georgian one, distinguishes between public and private documents according to their form and content. A document drawn up by an authorized person by the relevant form is public, this means both state structures and entities with appropriate authorization from the private sector, according to §437 of the German Code of Procedure, records and documents made by a body or person exercising public authority are considered that is real. Only the court, not any disputing party, has the right to question such documents, unlike the Georgian civil process. The private document category includes personal records that are owned and issued by specific entities. According to §439 of the Code of Procedure, if the opposing party fails to prove the falsity of such evidence, the document is presumed to be authentic. (Shadel, Smith, Hoffmann, Cheng, 2017) Without a judicial review of the legality or illegality of the document, according to paragraphs §415-418 of the Code of Procedure, public documents drawn up in compliance with the form and private records drawn up and signed by private individuals are considered authentic until proven otherwise. The mentioned norm may limit the general principle of freedom of evaluation of evidence. According to the Georgian civil process, it is possible for the party at any time, both at the preparatory and the main session, to question the legality of the presented written evidence and to request verification of its authenticity. As in German law, there is no pre-emption of the authenticity of written evidence, including documents issued by the state. Georgian procedural law, based on the principles of disposition and competition, ensures the absolute freedom of the parties to use all procedural actions, to present any kind of evidence to establish the truth in the case. (Liluashvili, Khrustali, 2014) According to the Georgian Procedural Code, the court's motion to submit written evidence is mandatory for all individuals and legal entities. The mentioned persons are obliged to present the relevant written

evidence within the period determined by the court or to inform the court if there is a valid reason for their non-presentation. In this case, the court will set them an additional period for presenting the requested evidence. Disobeying the rule leads to a fine, which does not release the person from the obligation to present evidence. (Slapper, Kelly, 2003) The same rule is provided by the German Civil Procedure Code, in both cases, the subject with the burden of proof must present a reasoned statement regarding which circumstance is important for the decision of the case contained in the specified written evidence and what substantial value it may have, and the party must name who owns the disputed written evidence. If the parties are unable to provide evidence due to the existing dispute, they have the opportunity to apply to the court with an appropriate petition. In German procedural law, a party may be relieved of its obligation to provide evidence upon a court motion if the evidence to be provided contains professional or commercial secrets. Accordingly, the court will make a decision and will not evaluate the above, unlike the Civil Procedure Code, according to which a person is not exempted from the obligation to present evidence, in this case, the evidence must be presented in the form established by law, with appropriate coverage of secret information. (Putman, 2009)

When we talk about written evidence, it is impossible not to focus on the importance of presenting it in the form of a copy or original. By Law N27 of June 17, 2008, an amendment was made to the Georgian Procedural Code, according to which, as provided by the Georgian Law "On Electronic Signature and Electronic Document", "an electronic document confirmed or certified with a digital signature has the power of evidence." (Kelsen, 2005) The aforementioned legislative change was caused by both the progress of technology and the transition of state services to electronic format. In the state sector and local self-government, electronic proceedings have been introduced, as a result of which a copy of any document protected as public information on an electronic medium, which has the force of deed, is available to any interested person. The existing transparency and accessibility ensure and simplify obtaining the disputed document in the shortest possible time. (Simmons, Steinberg, 2007) The German Civil Procedure Code also considers an electronic document as written evidence, only if it is printed and certified by the entity that issued it, according to the law. Otherwise, the printed version of the electronic document will be considered as an object of evidence, which may be visually inspected, and not as written evidence. According to opinions spread in the legal literature, such a rigid approach to the evaluation of different types of evidence in the process of German law harms the principle of free evaluation of evidence. (Dixons, 2002) Thus, according to both German and Georgian civil procedure, written evidence among other types of evidence has equal legal force and is not distinguished by superiority. It should be noted that the process of Georgian civil law, despite the reception of German law, is much more flexible and free in the sense

that it does not uniquely define the scope of the burden of proof for either the plaintiff or the defendant, and it does not have a pre-established presumption of infallibility regarding the authenticity of certain written documents according to the entities composing it. (Hage, Akkermans, 2014)

The parties submit written evidence to the court. If the party is unable to obtain written evidence from the person with whom it is present, he may file a motion with the court and request them. In this case, the party is obliged to justify what circumstances important for the case can be established with this evidence and what is the basis of his assumption that the evidence is in the hands of the person he indicated. The petitioner can also request one type of document from the relevant party without specifying specific details, assuming that the important circumstances of the case can be established with the said documents. Refusal to request written evidence must be justified by the court in its ruling, which is not filed separately.

Judicial practice knows cases when it is difficult to present the original documents to the court due to their volume. In this case, the court may request the submission of duly verified extracts or inspect and examine the written evidence at the place of their storage.

Testimony of witnesses - Chapter XVIII of the Code of Civil Procedure in Georgia establishes the scope of witness summoning and questioning, his rights and duties, and in exceptional cases, the circle of persons who cannot be questioned as witnesses for various reasons. A witness can be any person who is not interested in the outcome of the case and knows any circumstances about the case. The Procedural Code also defines the circle of persons who have the right to refuse to be questioned as a witness, if there is a corresponding legal basis. When using the testimony of a witness as evidence, an oath is important, which establishes the authenticity of his testimony not only from a religious point of view but also from a rational point of view. (Ivanc, 2015)

An oath is important when using a witness's testimony as evidence. As I discussed during the historical overview of the atrocity, the oath has a long history and therefore, it has been a measure of the truth of the presented fact since time immemorial. However, today, taking an oath by a witness not only from a religious point of view but also from a rational point of view establishes the authenticity of his testimony. According to the Civil Procedure Code of Georgia, a witness is an important subject of procedural legal relations who realizes the importance of his opinions regarding specific facts and provides the court with information about the factual circumstances known to him in good faith, without having any legal interests.

Material evidence - According to part 1 of Article 154 of the Code of Civil Procedure, those items of material evidence, which by their quality, quality, or existence represent a means of determining the circumstances of importance for the

case. It is in this quality that it differs from other types of evidence. Material evidence can be different subjects in different categories of cases. In addition, the Code envisages the possibility of on-site inspection and the appointment of an expert if qualified knowledge is needed to assess the specific condition of any item. Perishable evidence is examined immediately. In addition, some physical evidence may be attached to the case or placed in a special storage cell, given its size. (Katiforis, 2015) Material evidence can be different subjects in different categories of cases. For example, when examining cases of compensation for damages, material evidence can be a damaged object, which in its appearance and degree of damage will enable the court to determine the damage caused. Material evidence can be any photograph that shows the previous state of this or that object, using which the court can imagine the original state of this object. As a rule, material evidence is returned only after the decision enters into legal force. Of course, it means things that can be owned by citizens. Items that cannot be owned by citizens will be handed over to the appropriate authorities. For example, if a hunting rifle was presented as material evidence, for which the party did not have a special permit, it will be handed over to the police authorities. As an exception, items can be returned to the person representing him before the decision enters into legal force if two conditions are met at the same time: if there is a willingness of the owner or representative of the material evidence, and second - if, in the opinion of the court, the return of items does not conflict with the interest of the case.

Expert's opinion - Expert's opinion means, if necessary, the submission of a conclusion by a person with special knowledge on issues of interest to the court. (Adam, 2016) The expert has the right to refuse to give a conclusion if the materials given to him are not sufficient or if he does not have the proper knowledge to perform the assigned duty, in which case he is obliged to justify the refusal in detail. The expert gives his opinion in written form. Before or after conducting the examination, the expert swears that he examines by his knowledge and conscience. In judicial practice, there are cases when a repeated or additional examination is prescribed. Like all evidence, the expert's opinion is also checked and evaluated by the court. The expert's opinion can be categorical, tentative, and a conclusion about the impossibility of solving the issue. (Huxley-Bennis, Jacqueline, 2014)

Materials for ascertaining the facts are a relatively new type of evidence, about which the current Civil Procedure Code contains little information. In this case, the party is allowed to request confirmation of the facts by the law, without any assessment. A protocol is drawn up regarding the ascertainment of the fact, which is presented to the court as evidence as necessary. The expert's report is characterized by its peculiarity among other evidence, which implies, if necessary, the submission of a report by a person with special knowledge on issues of interest to the court. In procedural literature, special knowledge, due to the absence or insufficiency of

which expertise is prescribed, is not defined, however, using the exclusion method, it can be said that from the point of view of civil procedural law, special knowledge is such knowledge that goes beyond legal knowledge, well-known generalizations developed as a result of empirical observation of people and The scope of the rules and norms that reflect the moral or other views and beliefs of society. The examination is appointed by the petition of the parties or at the initiative of the court. The parties can arrange for an expert examination to be conducted independently of the court, in which case the expert opinion must be submitted to the court together with the claim or counterclaim. Failure to submit an expert report is not a reason for postponing the case. The court may set a deadline for the party to present its opinion. The place of examination is determined by the court. Expertise in civil proceedings is the application of special knowledge to determine facts relevant to the case based on the examination of evidence.

6. Experience of Foreign Countries

The Baltic countries belong to the group of German law, therefore the main procedural principles and values are similar to Georgian procedural law. (Oudin, 2015) In the example of the Latvian civil process, a different type of evidence is the opinion of the author (organ). "Author" refers to the state structure that carries out activities with specific narrow specialization, for example: in the process of evaluating the patentability of an invention, the court may hear the opinion of the Patent Council. Although this type of evidence by its essence creates the effect of superior evidence, however, the Code of Procedure of Latvia strictly defines that it cannot have superior legal force over other evidence. (Schmiegelow, 2014)

The decision of the Agency is based on the law and objective circumstances derived from the documents submitted by the parties. This type of evidence does not have a superior force in Georgian legislation compared to other types of evidence.

The Slovenian Code of Civil Procedure provides extensive coverage of electronic evidence, including audio and video recordings, electronic documents with signatures, and digital evidence. (Keane, Mckeown, 2012) An electronic document includes system, deleted, and legacy (predecessor) data. Compared to paper form, electronic documents are stored longer and are easily changed. Both Slovenian and German procedural law recognize electronic documents issued by the state as authentic, where they do not consider the fact of doubt (Wacks, 2012). Although Georgian procedural law does not define an electronic document as a form of evidence, it shares the same idea of a public registry and the example of the Georgian law on electronic documents and electronic reliable services. Digital evidence includes files stored on hard drives, digital video, digital audio, network packets transmitted over a local area network, etc. (Moriarty, 2015)

According to Law #27 of June 17, 2008, an amendment was made to the Code of Procedure, according to which: "An electronic document confirmed or authenticated with a digital signature provided by the Law of Georgia on "Electronic Signature and Electronic Document" has the power of evidence." The reason for making the mentioned change is likely related to the progress of technology, as a result of which signing the document and issuing it in the same form significantly reduced the time of receiving them for the interested person. The proof of this is the specificity of the work of the National Public Registry Agency, which maintains the register of rights to real estate electronically. Moreover, according to Article 3, Part 4 of the Law of Georgia "On Public Register": "For the production of the public register and access to information, the Agency uses software and automatic means of management. Article 7 of the same law establishes the general principles of production and access to the public register, according to which the agency is authorized to store and issue any document created by it or kept with it in the form of an electronic copy. Electronic copies of the documents provided in the first paragraph of this article and their printouts have the same legal force as these documents. Data can be entered into the document issued or issued by the agency by mechanical (and electronic) means.

Greek procedural law also talks in detail about the importance of an electronic document and a qualified signature on it. (Kenneth, Wallace, 1994) In legal literature, it is mentioned that electronic and live signatures have equal legal force. (Bariatti, 2011)

Austrian procedural law also shares the fundamental, civil procedural principles of the German family of law and identically explains the rules and meaning of using electronic evidence, different from the Georgian civil process. The exceptional circumstance - "special secrets", which may become an obstacle in the process of obtaining evidence is different, the Code of Procedure refers here to state, professional and commercial secrets. If the Georgian procedural code includes this issue under the type of evidence in an exceptional manner, the Austrian process separates it as a separate issue. (Haack, 2014)

Today, the obligation to protect various types of secrets is determined by many legal acts, the violation of which leads to the responsibility of the law of wealth, and receiving an explanation from such a party, who could not perceive a specific fact correctly due to his health condition, is a fruitless waste of time. The German and Georgian Civil Procedure Codes are identical, except for one circumstance: the German Code of Procedure considers written evidence to be true and reliable if it is a document issued by a state or local government body.

French procedural law recognizes such different types of evidence as presumptions and oaths in presumptions, he considers only court rulings. (Bariatti, 2011) Three types of oath are distinguished: decisive oath, enforceable oath, and oath used by the

court in special cases when it is impossible to determine the truth in any other way. In addition to legality, French law is distinguished by high moral norms, in case of a false oath, the law provides for a fine. In evidentiary law, written evidence takes precedence. According to the French doctrine, the rights recognized by law are not complete unless they are confirmed by written documents. (Slapper, Kelly, 2003) Priority is given to authentic acts. The Code defines the verification of two types of written evidence, which refer to: evidence drawn up in a simple plain form and authentic documents presented in the form prescribed by law.

For a witness to be allowed to take an oath, two circumstances must be present at the same time: one - the testimony of the witness must be of decisive importance for the settlement of the dispute, and the other - the court must deem the oath to be appropriate. Taking an oath, religious or non-religious, or refusing to take an oath because of one's beliefs, does not exempt the court from evaluating the testimony of a witness based on his or her inner beliefs. According to the Civil Procedure Code of Georgia, a witness is an important subject of procedural legal relations who realizes the importance of his opinions regarding specific facts and provides the court with information about the factual circumstances known to him in good faith, without having any legal interests.

Although the family of Anglo-American law differs from the rest of the legal doctrines, the list of types of evidence in the evidentiary law in the example of the USA is identical. (Gerlis, Loughlin, 2001) The American Procedural Code recognizes all five types of evidence defined by the Georgian Procedural Code. (Chavkin, Bellipanni, 2008) In contrast, the process extensively considers the value, admissibility, and authenticity of evidence compiled in electronic form. (Gerlis, Loughlin, 2001) The most common types of evidence in civil lawsuits are testimony and documentary evidence. (Fox, 2008) The American doctrine states that: "There is nothing more attractive than a little truth in the law of truth." (Haack, 2014)

It is likely that the reason for making the mentioned change is related to the progress of technology, as a result of which signing the document and issuing it in the same form significantly reduced the time of receiving them for the interested person. The proof of this is the specificity of the work of the National Public Registry Agency, which maintains the register of rights to real estate electronically.

English civil procedure recognizes witness summaries as an alternative to their testimony, and a common written statement of 6 witnesses may be considered instead of the oral testimony of witnesses. Acknowledgment of information, facts, or documents by a party, plans, photographs, and video recordings. (Hazrtly, 2009) It should be noted that the parties share evidence before the court session. (The Law Society of New Wales, 2010) In the process, they often use the analogy of law, although they strictly control whether it applies to the exceptions to be considered

by analogy. (Youngs R, 2014) According to English doctrine, the purpose of civil law is to put the parties in the position they would have been in if there had been no breach of rights or non-performance of obligations. (Huxley-Bennis, Jacqueline, 2014)

The modern world lives in the wake of the greatest technological development. which gave rise to unprecedented global socio-political and economic changes. The development of electronic systems has a direct impact on the consciousness and standard of living of each country. Accordingly, the everyday life of the states is periodically reflected in the laws, and accordingly, the range of available evidence expands.

There is a different provision in Irish procedural law regarding the preponderance of evidence. In procedural law, it is noted that the oral explanation of the parties has a superior force compared to the written evidence. (Moriarty, 2015) Irish procedural law also recognizes video-audio recordings, electronic documents, and information as evidence.

Proceedings in the system of common courts are conducted orally, the principle of orality itself should not be understood as if it is not allowed to take notes or submit evidence in writing during the proceedings. For example, the parties' explanations are oral evidence as opposed to written evidence, although written evidence is also considered orally at trial and motions are heard orally. Also, the agreement of the parties takes place orally, regardless of whether the parties have established it in writing. According to the principle of orality, all procedural actions or document reviews in the civil law process (eg: explanation, examination of evidence, the announcement of decision) take an oral form during the court session. In the Georgian civil process, oral evidence has equal legal force compared to other evidence.

7. Conclusions

In this paper, the main aspects of law with Georgian evidence are discussed, as well as the history of the origin and development of evidence on the example of ancient Rome and Georgian historical sources. It talks about the types of evidence and their main characteristics, the different types of evidence and their superior legal force are discussed according to the procedural law of Germany, England, America, France, Latvia, Slovenia, Ireland, and Greece. The procedural law of each country reflects the level of development of society, which is characterized by different moral and legal norms in different legal doctrines.

It should be noted that in the example of different countries, the basic essence of the fundamental principles is identical, their value perception is different, which is reflected in the types of evidence of different countries.

For example, the French doctrine still attaches great importance to the oath as one of the most reliable types of evidence, while in the Irish process, the explanation of the party is preferred, that is why evidentiary law can be considered as a criterion for evaluating the country's fundamental legal values.

The Civil Procedure Code of Georgia improves with the development of the state and tries not to bypass the basic principles of democracy, which serves to protect human rights and freedoms and the rule of law.

Considering all of the above, it is appropriate for the Georgian Civil Procedure Code to describe in detail the fact-finding materials as one type of evidence, as well as to single out electronic evidence as a separate aspect, which includes both video and audio recordings, as well as electronic documents with qualified signatures and digital format evidence.

It is a fact that technological progress leads to the introduction of innovations, due to which law with evidence becomes wider and more diverse, that is why it is necessary to consistently respond to the modern challenges faced by procedural law. During the procedural competition, the parties enjoy equal rights to assert the correctness of the circumstances specified in the claim and the counterclaim to establish the truth in the case.

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