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NATIONAL INSTITUTIONS' ROLE IN ENSURING CONSTITUTIONAL VALUES IN THE REPUBLIC OF MOLDOVA IN THE CONTEXT OF EUROPEAN INTEGRATION

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Abstract: *The paper studies the role and significance of such national institutions as the president, parliament, government and judiciary in strengthening constitutionalism and observing the values of the rule of law in the context of Moldova's European integration. The role of these legal institutions in ensuring constitutional values is considered, since they are the main mechanisms for the implementation and protection of the fundamental principles of the Constitution of the Republic of Moldova. The relationship between constitutional norms and provisions of acts of international and European law is in the focus of research in comparison with constitutional principles and constitutional values. Constitutional values are considered from the point of view of their universality, connection with universal values, as well as in connection with the manifestation and consolidation in the norms of legislation. Attention is drawn to the relationship between constitutional values and constitutional principles, their significance taking into account the changes in the current legislation of the Republic of Moldova in the process of European integration.*

Keywords: *constitutional values, European integration, rule of law, national institutions.*

• Introduction

The European integration process for the Republic of Moldova demands profound transformations across legal, political, and socio-economic domains. National institutions – the president, parliament, government, and judiciary – are pivotal in upholding constitutional values such as the rule of law, democracy, separation of powers, and human rights protection. The Constitution of Republic of Moldova, adopted on July 29, 1994, enshrines these foundational principles (Articles 1, 6, 8, 16–54), [1] aligning with the Copenhagen Criteria for European Union membership [2]. Expressing its legal position on the constitutionality of the signed Association Agreement between the Republic of Moldova and the European Union and the European Atomic Energy Community and their Member States, [3] the Constitutional Court of the Republic of Molodova noted that "...by adopting the Declaration of Independence – the foundational document of the Republic of Moldova – the country expressed its intention to develop political, economic, cultural, and other forms of cooperation with European states and the international community." [4]

Since then, over a period of more than ten years, significant changes have occurred in fundamental approaches both in the process of lawmaking and law enforcement, including the interpretation of legal acts taking into account the course of the Republic of Moldova towards European integration. In the constitutional and legal doctrine, national institutions are considered as fundamental entities that ensure the implementation and protection of constitutional values. Since their activities are aimed at the introduction and practical implementation of the principles and norms of the Constitution, which involves the protection of individual rights and freedoms, the formation of an effective mechanism of public administration, as well as ensuring the rule of law and legality in the state. National institutions of the Republic of Moldova, as in any legal and democratic state, are obliged to promote institutional balance between the branches of government, guarantee the protection of human rights and strict compliance with constitutional provisions. Since we are talking about various forms of participation of national institutions in the implementation of constitutional values in the process of performing their functions, today the issue of taking into account and following the main principles and provisions aimed at European integration is relevant. First of all, we are talking about legal norms – EU law, as well as principles and doctrinal provisions aimed at European integration.

The analysis of the legal framework for the activities of public authorities allows us to talk about ensuring constitutional values in the Republic of Moldova through a comprehensive system of legal and institutional mechanisms. They include both internal means of constitutional control and law enforcement, and instruments of international legal interaction. In particular, an important role is played by the procedures of parliamentary and judicial control over compliance with constitutional norms, mechanisms of legal responsibility of public authorities, as well as institutionalized forms of participation in international legal systems, such as the European Convention on Human Rights. Interaction with international organizations and fulfillment of international obligations contribute not only to the harmonization of national legislation with international standards, but also to strengthening the rule of law, legal certainty and protection of human rights. Since the 2014 Association Agreement and the granting of candidate status to Moldova in 2022 [5] entailed active actions in various areas of activity of national institutions, the impact of the European integration on these processes is of practical interest.

• Materials and methods

Based on the complexity of the conducted legal analysis, the research used methods of both general scientific and specific legal methods suitable for constitutional and comparative legal analysis. The main methodological approach is the comparative legal method, which was used to study the functioning of national institutions in the Republic of Moldova in comparison with the experience of the Member States of the European Union. This allowed us to identify some similarities and features in the institutional framework, legal instruments and practices aimed at supporting constitutional values. At the same time, it is noted that when analyzing issues of European integration, first of all, the values directly enshrined in EU acts were analyzed, in particular, in the Copenhagen criteria we have indicated, as well as EU legal acts with which the legislation of the Republic of Moldova is brought into line. In addition, the study uses a systemic method to analyze the interaction of the various branches of power – legislative, executive and judicial – within the constitutional order of Moldova. The formal-legal method is used to interpret national constitutional provisions, legislative acts and international legal instruments binding on the Republic of Moldova, with particular attention to the jurisprudence of the Constitutional Court and the relevant case law of the European Court of Human Rights. The work also analyzes sources that

provide an empirical basis for assessing the effectiveness of national mechanisms for promoting and ensuring constitutional values in the context of Moldova's European integration.

In our opinion, it is also of practical interest and importance to compare the concepts of „constitutional values" and „constitutional principles", which is carried out to determine their mutual influence on each other. In this case, special attention is paid to the content of the concept under consideration, as a number of authors note, their source is:

1) constitutional norms (normative source),
2) decisions of constitutional review bodies (normative-doctrinal source)
3) constitutional-legal doctrine (doctrinal source) as a special legal form. [6, p. 23]

• Results and discussions

In the science of constitutional law and in the constitutional-legal doctrine there is no unified opinion regarding the concept of „constitutional values". A number of authors approach the understanding of these concepts from the point of view of their practical application, for example, emphasizing the importance for judicial bodies. It is noted that there is a discussion regarding concerns related to the potential abuse of judges in the process of interpretation and, accordingly, the application of principles and values enshrined in the norms of state constitutions, and the resulting impact on the legitimacy of the judicial function. [7, p. 23]

Worthy of attention, however, is not the indisputable position of understanding the PD constitutional values in the context of public law. Moreover, the author defines the "constitutional values" as "the basic ideas and interests which structure relations between the individual and the state, and the obligations to which they give rise, which underlie the common law and to which it gives recognition in more or less articulated forms." [8, p. 135]

The attitude to constitutional values as a supranational phenomenon can be traced in the reasoning of the Japanese constitutional scholar. Prof. Hiroshi Nishihara speaks of the need to establish constitutional values at the global level. At the same time, he notes the need for a comprehensive approach to their observance at the national level. At the same time, he emphasizes the possibility of realizing individual rights, such as freedom and equality, as well as the procedural principle of democracy only on the basis of these constitutional values [9].

It is probably this approach that allows us to establish the basis for the application of general provisions of legislation and law, including the norms of international acts, as well as, in relation to the process of European integration of the Republic of Moldova, the norms of the European law, in national legislation, including the constitution.

The orientation of the Republic of Moldova towards the European democratic value space is a defining element of the constitutional identity of the Republic of Moldova, based on fundamental constitutional values, unanimously recognized and protected, such as democracy, the rule of law, respect for fundamental human rights and freedoms [4; 10, p. 32].

The principal forms of expression and consolidation of constitutional values are manifested through constitutional norms, the jurisprudence of the Constitutional Court, and the body of constitutional-legal doctrine. As a normative foundation, constitutional provisions establish the fundamental principles of the legal order. The interpretative activity of the Constitutional Court, serving as a normative-doctrinal source, plays a pivotal role in clarifying the scope and content of these values within the constitutional framework. Complementing these are the positions developed in constitutional-legal doctrine, which, as a doctrinal source, contribute to the theoretical and methodological substantiation of constitutional principles and their application. These constitutional values are intrinsically connected to the protection and promotion of fundamental human rights, serving as safeguards against arbitrary actions by the state, ensuring equality before the law, and facilitating the effective participation of citizens in public governance.

The main mechanism that ensures constitutional values is the Constitution of the Republic of Moldova [1]. It serves as the supreme law of the country and determines the structure of the state, the rights and freedoms of citizens, as well as the basic principles of the functioning of state bodies. The role of the constitution is manifested, first of all, in the normative consolidation at the level of the basic law of the state of the most important values, such as human rights, democratic principles, the rule of law, the independence of the judiciary, social justice, and serves as the basis for all legislative, executive and judicial acts. In addition, an important manifestation of democratic principles and ensuring the possibility of realizing human rights is the direct effect of the norms of the Constitution. The right to refer to constitutional norms when seeking protection of violated rights in courts and other authorities to protect their rights, which strengthens the rule of law and law and order.

The judiciary, and particularly the Constitutional Court, plays a fundamental role in ensuring the observance and protection of constitutional values in the Republic of Moldova. Among the primary mechanisms are: The Constitutional Court, as the supreme guarantor of constitutional supremacy, legality, and the separation of powers, performs a central function in the constitutional system of the state. Pursuant to Article 134 of the Constitution of the Republic of Moldova [1], the Court exercises constitutional review of legislative and normative acts, ensuring their compliance with the Constitution. It is vested with the authority to invalidate legal provisions that contravene constitutional norms, thereby upholding the rule of law and safeguarding fundamental rights and freedoms.

The independence of judges, enshrined in Article 116 (1) of the Constitution [1], is an essential guarantee of judicial impartiality and integrity. Judicial independence ensures that decisions are rendered free from any external influence or interference, particularly from other branches of power, thereby reinforcing the principle of separation of powers and legal certainty. As professor G. Costachi and academician I. Guceac note, speaking about the functions of the judicial system, "The requirements of the principles of the rule of law, enshrined in the text of the constitutions, are aimed at achieving basic social values, including by ensuring the supremacy of the Constitution, synchronizing the legal system with its normative content." [11, p. 78]

The Constitutional Court plays an important role in safeguarding constitutional values in the Republic of Moldova. It exercises constitutional review by assessing the conformity of normative acts with the Constitution and annulling those found to be in contradiction with it. Between 2020 and 2023, the Court made reference to European law in more than 24 orders, thereby establishing important legal precedents that reinforce the country's commitment to aligning with European standards. In the broader context of Moldova's European integration, the Court's jurisprudence reflects an increasing reliance on EU principles and human rights standards, signaling the state's dedication to embedding European constitutional values within its domestic legal framework.

The analysis of the positions of the European Court and their consideration when considering applications to the Constitutional Court of Moldova is an important mechanism for harmonization with the legislation of the EU countries. Moreover, it is not so much the harmonization of the legal norms themselves that should be taken into account, but the study of approaches to the adoption of relevant resolutions. It is in these cases that we are talking about general legal and constitutional values as the basis for decision-making.

As noted in Judgment on the approval of the Report on the exercise of constitutional jurisdiction in 2024 [12], the main function of the Constitutional Court is to uphold the values of the rule of law, including upholding the supremacy of the Constitution, promoting the separation of powers in the state, and ensuring mutual accountability between citizens and the state. These vital functions are carried out through the means provided by the Constitution.

Speaking about parliament as the highest representative body, academician I. Guceac notes the „nationwide representative character of this body", which means, firstly, that it is parliament, in contrast to the executive and judicial authorities, that is the direct representative and expression of the interests and will of the people, their sovereignty; and, secondly, that parliament, in contrast to other (regional, local) representative authorities, represents and expresses the interests and will of not a part, but the entire population of the country [13, p. 12].

Considering the parliament as the highest representative body of the state, it should be noted that its role in the direct provision of constitutional values is manifested, through the creation of a legal framework for the protection of the rights and freedoms of the individual, legal certainty and justice. Thus, universal human values, which are specified and manifested in constitutional and general legal values, are reflected in the compliance of the norms of the laws of the Constitution of the Republic of Moldova, as well as international acts, which the state has undertaken obligations to comply with. In this regard, it is necessary to note the statement of Professor G. Avornik, who emphasizes: "the organic unity between the guaranteed fundamental right and the ensured constitutional fundamental right represents the dialectical and effective unity of the realization of fundamental rights with supreme values and a total condition for the efficiency of the rule of law and democracy". [14, p. 10]

The executive power, consisting of the Government and the President of the Republic of Moldova, plays a fundamental role in the implementation of constitutional provisions and ensuring the execution of laws adopted by the Parliament. The President's appeals to the Constitutional Court are essentially aimed at the practical application of the mechanism of constitutional oversight and maintaining the protection of fundamental rights.

The National Action Plan for the Accession of the Republic of Moldova to the European Union for 2024-2027, [15] which was adopted in October 2023, serves as a framework document and defines the main areas of activity of government bodies and the state as a whole in this area. Nevertheless, the potential of the executive power to promote constitutional values has prospects for further implementation.

In the context of the implementation of European standards, the adoption of national programs, there is every reason for the executive authorities to be guided by their powers taking into account and on the basis of constitutional values. For the Government, these are issues in the practical implementation of judicial reform, including the verification of judges and prosecutors, ensuring judicial independence and promoting sustainable anti-corruption mechanisms.

For example, a number of persistent issues where human rights are violated and not respected, accompanied by a document on the 2024 Report of the Republic of Moldova submitted to the Directorate-General for Neighborhood and Enlargement Negotiations. [16] Normative gaps persist in some sectoral areas, including on ill treatment, procedural rights and the fight against discrimination. In 2023, 261 discrimination complaints were lodged with the Equality Council of discrimination on the grounds of language, sexual orientation, gender, ethnic origin and disability (mostly related to disability pensions). The Report pays attention to the issues of human rights in general and their provision. Therefore, the issues of constitutional values in this case are of interest from the point of view of the content of policies applied in the social, political and economic spheres.

• Conclusions

In the Preamble to the Constitution of the Republic of Moldova, integration into the European Union is named as a strategic goal of the state. At the same time, the above-mentioned highest values - the rule of law, civil peace, democracy, human dignity, human rights and freedoms, free development of the human personality, justice and political pluralism fully correspond to those named in the Copenhagen criteria for membership in the EU. The Preamble also confirms commitment to universal human values, the desire to live in peace and harmony with all peoples of the world in accordance with the generally recognized principles and norms of international law. This formulation shows the interdependence of values, as stated in the norm - universal, and the generally recognized principles and norms of international law. In this case, on the one hand, there is confirmation of the universalization of constitutional values. On the other hand, the possibility, guided by the direct action of the Constitution, to apply the relevant provisions as directions for action and development of legislation, and at the same time to develop the specified provisions in the implementation of their functions by national institutions. We, when considering constitutional values in connection with the regulation of labor relations,

noted the importance of this category in relevance to branch legal regulation, it was noted: "... the legal category "value" should be considered taking into account the applied methods of legal regulation of public relations within the framework of industry regulation, mainly distinguishing between imperative and dispositive methods, i.e. without absolutizing constitutional values." [17, p.112] The need for effective mechanisms „... for the establishment of civilized relations in the context of building a legal state, the formation and development of civil society, based on optimal legal regulation, highly secured law, due law-abiding people with an appropriate legal culture"[18, p. 85] can be realized, in our opinion, including through understanding and introducing constitutional values into the process of law-making precisely in the process of public authorities releasing their powers.

Safeguarding and strengthening constitutional values in the context of European integration requires a comprehensive approach that includes the creation of an effective mechanism for monitoring the implementation of European standards, the enhancement of professional dialogue among all branches of government, and the active involvement of civil society in the integration process. Comparative experience demonstrates that only such an integrated strategy – combining institutional reforms, a shift in legal culture, and the strengthening of mechanisms for public oversight – can lead to a genuine, rather than merely formal, harmonization of Moldova's legal system with European standards.

In conclusion, it should be noted that the conducted legal analysis emphasizes the key role of national institutions, such as the President, the Parliament, the Government and the judiciary, in maintaining constitutionalism and ensuring respect for the rule of law within the framework of Moldova's European integration. These institutions serve as key mechanisms for the implementation and protection of the fundamental principles enshrined in the Constitution of the Republic of Moldova.

The alignment of constitutional norms with international and European legal provisions, as well as the need for coordinated interaction between national legal institutions and European standards, are the basis of integration processes. This interaction is essential for strengthening constitutional values and ensuring their practical application.

Constitutional values are affirmed as universal and deeply interrelated with broader human values, and their enshrinement in national legislation is of crucial importance. Particular attention should be paid to the evolving relationship between constitutional principles and values in the light of the ongoing legislative reforms prompted by the European integration agenda. Ultimately,

the conducted research and analysis show that strengthening constitutional values in Moldova requires a balanced and systemic approach that combines legal compliance with institutional development and respect for democratic principles.

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